

11194. By Mr. O'CONNOR of New York: Resolution adopted by the New York State Bar Association, urging the passage of House bill 10639; to the Committee on the Judiciary.

11195. By Mr. QUAYLE: Petition of Henry W. C. Block, St. Louis, Mo., and other citizens, with reference in the settlement of claims of former enemies to any property turned over to the Alien Property Custodian; to the Committee on Ways and Means.

11196. Also, petition of the National Association of Retail Meat Dealers (Inc.), of Chicago, Ill., opposing an increase in tariff on meats; to the Committee on Ways and Means.

11197. Also, petition of Ford & Co. (Inc.), of Brooklyn, N. Y., favoring the passage of House bill 12693, referring to the question of standards covering the making of fruit preserves; to the Committee on Agriculture.

11198. Also, petition of George Borgfeldt & Co., of New York, favoring the passage of Senate bill 1462, which authorizes preparations to be made for completing surveys and studies for the Columbia Basin project; to the Committee on Irrigation and Reclamation.

11199. Also, petition of New York State Bar Association, urging the passage of House bill 10639, granting to an accused in the United States district court the right voluntarily to waive a jury trial and to elect to be tried by the court without a jury; to the Committee on the Judiciary.

11200. By Mr. SANDERS of Texas: Petition from the First Baptist Church of Oklahoma City, asking to remedy discriminations that are being practiced upon the Christian churches of the Nation, etc.; to the Committee on the Merchant Marine and Fisheries.

11201. By Mr. VINCENT of Iowa: Petition of Joseph Dotzler, Defiance, Iowa, protesting against any change in present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

SENATE

THURSDAY, February 14, 1929

(Legislative day of Monday, February 11, 1929)

The Senate met at 12 o'clock meridian, 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. Farrell, its enrolling clerk, announced that the House had passed the bill (S. 4257) to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska.

The message also announced that the House had passed the joint resolution (S. J. Res. 110) to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

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

H. R. 16877. An act providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands; and

H. R. 16881. An act to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, Act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928.

ENROLLED BILLS SIGNED

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

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. 4258. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 7166. An act to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies;

H. R. 15386. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16500. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 16522. 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.

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	Edwards	King	Shortridge
Bayard	Fess	McMaster	Simmons
Bingham	Fletcher	McNary	Smith
Black	Frazier	Mayfield	Smoot
Blaine	George	Moses	Steck
Blease	Gillett	Neely	Steiwer
Borah	Glass	Norbeck	Stephens
Bratton	Glenn	Norris	Swanson
Brookhart	Goff	Nye	Thomas, Idaho
Broussard	Gould	Oddie	Thomas, Okla.
Bruce	Greene	Overman	Trammell
Burton	Hale	Phipps	Tydings
Capper	Harris	Pine	Tyson
Caraway	Harrison	Pittman	Vandenberg
Copeland	Hastings	Ransdell	Wagner
Couzens	Hawes	Reed, Pa.	Walsh, Mass.
Curtis	Hayden	Robinson, Ark.	Walsh, Mont.
Dale	Hellin	Sackett	Warren
Deneen	Johnson	Schall	Waterman
Dill	Jones	Sheppard	Watson
Edge	Keyes	Shipstead	Wheeler

Mr. NORRIS. I wish to announce that my colleague [Mr. HOWELL] is still detained from the Senate by illness. I ask that this announcement may stand for the day.

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent, and I ask that the announcement may stand for the day.

Mr. JONES. I desire to announce that the Senator from Rhode Island [Mr. METCALF] and the Senator from New Mexico [Mr. LARRAZOLO] are absent because of illness.

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

SUPPLEMENTAL ESTIMATES—INCREASE OF THE NAVY (S. DOC. NO. 222)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, three supplemental estimates of appropriation for the Navy Department for the fiscal year ending June 30, 1930: For increase of the Navy—construction and machinery, \$5,800,000; armor, armament, and ammunition, \$6,000,000; and improving and equipping the navy yards for construction of ships, \$570,000—amounting in all to \$12,370,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Public Printer, reporting, pursuant to law, relative to an accumulation of certain papers on the files of the Government Printing Office which have no permanent value or historical interest and asking for action looking toward their disposition as waste paper, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. SHIPSTEAD and Mr. FLETCHER members of the committee on the part of the Senate.

The VICE PRESIDENT also laid before the Senate a communication from the Secretary of the Interior, reporting, pursuant to law, relative to an accumulation of documents and files of papers which are not needed or useful in the transaction of the current business of the department and have no permanent value or historical interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. NYE and Mr. PITTMAN members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Finance:

LEGISLATURE OF THE STATE OF IDAHO, TWENTIETH SESSION,
IN THE SENATE.

Senate Joint Memorial 2 (by agricultural committee)

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

Your memorialists, the Legislature of the State of Idaho, respectfully represent: That—

Whereas Idaho is principally an agricultural State and many of her products come in direct competition with those imported from foreign countries; and

Whereas on account of the low tariff, some of our products are being sold at pre-war prices; and

Whereas the present tariff rates do not give sufficient protection to allow our products to successfully compete with the cheap labor of foreign countries: Now therefore be it

Resolved by the Senate of the State of Idaho (the House of Representatives concurring), That we most respectfully urge the Congress of the United States of America to give careful consideration to the report submitted by the Idaho State tariff committee, and now on file with the House Committee on Ways and Means, in the Congress of the United States, to the end that the proposed schedules therein shall be adopted, all of which we fully indorse and heartily recommend; and be it further

Resolved, That the secretary of state of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States of America, and that copies hereof be sent to the Senators and Representatives in Congress from this State.

Mr. WALSH of Massachusetts. Mr. President, I present a petition numerously signed by citizens of Massachusetts residing in Salem, Peabody, and Danver, and employed as leather workers in industries located in their respective communities, praying for a fair tariff on imports of finished leather. I ask that the body of the petition may be printed in the RECORD and that the petition itself be referred to the Committee on Finance.

There being no objection, the petition was referred to the Committee on Finance and ordered to be printed in the RECORD without the signatures of the petitioners, as follows:

FEBRUARY 5, 1929.

Hon. DAVID I. WALSH:

The leather industry in our community and from what figures we have throughout the country is in a very precarious condition at the present time. We can not help but blame this on the leather imports coming into the United States. We realize that the tanners can not compete with the foreign manufacturers in the cost of making leather, where the wages are much lower than in the United States.

The figures from the United States Bureau of Labor Statistics show that there were about 7,700 less people employed in the American tanneries in the first six months of 1928 than there were four years ago when the imports began to increase.

The lines which seem to be the hardest hit are the calf and kip, and these are the two in which we are vitally interested. In fact, the figures show that more than one-third of the calf leather used in the United States was imported.

During the three months ending September 30, 1928, the imports of leather were actually greater than the exports for the first time in history.

We believe that a fair tariff on imports of finished leather would greatly benefit the American leather worker and leather manufacturer. We believe that this is the only solution to an adjustment of the conditions that prevail at the present time.

We respectfully request that this petition be laid before the Ways and Means Committee or other appropriate committee of the Congress.

LEATHER WORKERS OF ESSEX COUNTY,

STATE OF MASSACHUSETTS.

(Employed by A. C. Lawrence Leather Co. and National Calfskin Co.)

REPORTS OF COMMITTEES

Mr. PINE, from the Committee on Indian Affairs, to which was referred the bill (S. 5346) to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes, reported it with amendments and submitted a report (No. 1728) thereon.

Mr. BRATTON, from the Committee on Indian Affairs, to which was referred the bill (S. 5245) to purchase land for the Indian colony near the city of Ely, Nev., and for other purposes, reported it with amendments and submitted a report (No. 1739) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 5752) authorizing the Uintah, Uncompahgre, and the White River Bands of the Ute Indians in Utah and Colorado, and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico, to sue in the Court of Claims, reported it without amendment and submitted a report (No. 1743) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 5601) providing for an appropriation for the benefit of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma, reported it without amendment and submitted a report (No. 1745) thereon.

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 4520) 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 (Rept. No. 1729);

A bill (H. R. 5952) for the relief of Robert Michael White (Rept. No. 1730);

A bill (H. R. 10957) 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 (Rept. No. 1731);

A bill (H. R. 12409) to grant to the city of Fort Wayne, Ind., an easement over certain Government property (Rept. No. 1732);

A bill (H. R. 13957) to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa (Rept. No. 1733);

A bill (H. R. 14466) to provide for the sale of the old post-office property at Birmingham, Ala. (Rept. No. 1734); and

A bill (H. R. 15468) to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States Subtreasury and other governmental offices at New Orleans, La. (Rept. No. 1735).

Mr. FESS, from the Committee on Public Buildings and Grounds, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

A bill (S. 4975) to create a commission on establishing a country summer White House (Rept. No. 1756); and

Joint resolution (S. J. Res. 185) to grant authority for the erection of a permanent building at the headquarters of the American National Red Cross, Washington, D. C. (Rept. No. 1757).

Mr. BAYARD, from the Committee on Territories and Insular Possessions, to which was referred the bill (S. 5738) to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, Act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928, reported it without amendment and submitted a report (No. 1736) thereon.

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

A bill (H. R. 13752) to provide for the construction of a children's tuberculosis sanatorium (Rept. No. 1737); and

A bill (H. R. 16274) to provide for the establishment of a municipal center in the District of Columbia (Rept. No. 1738).

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

A bill (S. 5676) to amend an 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 (Rept. No. 1740); and

A bill (H. R. 12697) to amend the Code of Laws of the District of Columbia relating to interest and usury (Rept. No. 1741).

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (H. R. 12793) for the relief of Alonzo Durward Allen, reported it with an amendment and submitted a report (No. 1742) thereon.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 5664) to extend the times for commencing and completing the construction of a bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr. (Rept. No. 1746); and

A bill (S. 5685) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn. (Rept. No. 1755).

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

A bill (S. 5630) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky. (Rept. No. 1747);

A bill (H. R. 14472) to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Vicksburg, Miss. (Rept. No. 1748);

A bill (H. R. 15201) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio (Rept. No. 1749);

A bill (H. R. 15714) to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga. (Rept. No. 1750);

A bill (H. R. 15851) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania (Rept. No. 1751);

A bill (H. R. 16026) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo. (Rept. No. 1752);

A bill (H. R. 16270) to revive and reenact the act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924 (Rept. No. 1753); and

A bill (H. R. 16279) to extend the times for commencing and completing the construction of a bridge across the Ohio River at Augusta, Ky. (Rept. No. 1754).

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. WALSH of Massachusetts:

A bill (S. 5794) granting an increase of pension to Jennie Beal; to the Committee on Pensions.

A bill (S. 5795) for the relief of Charles F. Dalton; to the Committee on Military Affairs.

By Mr. GEORGE:

A bill (S. 5796) granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes; to the Committee on Public Buildings and Grounds.

By Mr. HARRISON:

A bill (S. 5797) to amend the act entitled "An act to regulate the employment of minors within the District of Columbia," approved May 29, 1928; to the Committee on the District of Columbia.

By Mr. HEFLIN:

A bill (S. 5798) providing for the enforcement of the civil service law for apportionment of positions in the Federal service at Washington, and for other purposes; to the Committee on Civil Service.

By Mr. FRAZIER (by request):

A bill (S. 5799) to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools; to the Committee on Indian Affairs.

By Mr. SHORTRIDGE:

A bill (S. 5800) for the relief of Eddie Gordon; to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 5801) to amend the act approved March 3, 1927, entitled "An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes"; to the Committee on Pensions.

By Mr. DALE:

A bill (S. 5802) to extend the time for completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.; to the Committee on Commerce.

By Mr. NORRIS (for Mr. HOWELL):

A bill (S. 5803) to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes," approved March 3, 1887; to the Committee on Commerce.

By Mr. VANDENBERG:

A joint resolution (S. J. Res. 216) to establish a joint commission on airports; to the Committee on the District of Columbia.

HOUSE BILLS PLACED ON THE CALENDAR

The following bills were each read twice by their titles:

H. R. 16877. An act providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands; and

H. R. 16881. An act to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, Act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928.

The VICE PRESIDENT. The Senate committee having reported similar bills, these bills will be placed on the calendar. The Senate resumes the consideration of the unfinished business.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1093) to prevent the sale of cotton and grain in future markets.

Mr. CARAWAY. Mr. President, I ask unanimous consent that after 3 o'clock to-day no Senator may speak more than once or longer than 10 minutes upon the bill now before the Senate or upon any amendment pending thereto.

The VICE PRESIDENT. Is there objection?

Mr. BRUCE. Mr. President, I shall be compelled for the moment to withhold my consent. There are certain matters which I desire to present to the Senate to-day, and if there is placed upon debate such an early limitation I am afraid I shall not be able to do so.

Mr. CARAWAY. If I make it 4 o'clock, will that meet the Senator's objection?

Mr. BRUCE. That depends on whether I would have an opportunity to submit what I wish to say.

Mr. CARAWAY. I want to say, if the Senator will pardon me, that there are but a few days left of this session and there are many things yet to be done. I do not feel that there is much more to be said upon the bill. If so, it will mean merely general discussion upon matters which are entirely academic. I had hoped we might reach an agreement so we would get a vote sometime to-day. We ought to vote on the bill. If it is to be passed, it ought to pass, and if it is to be defeated, it ought to be defeated, so the program may go forward.

I think the Senate has been very patient, and I am very much obliged to Senators for their courtesy and kindness in the consideration of the measure. I do want to get some disposition of the bill. If the Senator from Maryland will pardon me, if he will consent that we may fix 4 o'clock as the time for beginning the limitation of 10 minutes for debate on the bill and any amendments that might be presented, I think we could get a vote sometime this evening.

Mr. WALSH of Massachusetts. Mr. President, I suggest to the Senator from Arkansas that he renew his request after the Senator from Maryland has taken the floor and concluded his speech.

Mr. CARAWAY. I shall be glad to yield to the Senator from Maryland now, and then he will have the floor.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas?

Mr. SIMMONS. Mr. President, I understand the order with reference to the limitation of debate to provide 20 minutes for each Senator after 4 o'clock. Is that the Senator's proposition?

Mr. CARAWAY. No; it is proposed to place a limit of 10 minutes upon debate after 4 o'clock so that we shall get through sometime this evening—10 minutes for each Senator on the bill and pending amendments.

Mr. HARRISON. Or any amendment that might be offered. It does not apply merely to pending amendments.

Mr. CARAWAY. Yes; the Senator is correct.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was reduced to writing, as follows:

It is agreed by unanimous consent that beginning at 4 o'clock p. m. on the calendar day of February 14, 1929, no Senator may speak more than once or longer than 10 minutes upon the bill (S. 1093) to prevent the sale of cotton and grain in future markets, or any amendment that may be pending thereto.

THE ROMAN CONCORDAT

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the Birmingham News of February 7, 1929, entitled "A Reactionary Step: the 'Concordat' at Rome."

The VICE PRESIDENT. Without objection, it is so ordered. The editorial is as follows:

[From the Birmingham News, February 7, 1929]

A REACTIONARY STEP: THE "CONCORDAT" AT ROME

It is difficult if not impossible for Americans, mindful of their treasured political and religious ideals, to felicitate either the Italian

Government or the papacy upon the adoption of the "concordat," signed at Rome on Monday by representatives of the Quirinal and the Vatican.

What has come to pass after months of negotiations between the high contracting parties definitely realigns, if it does not actually unite, church with state in the Kingdom of Italy.

This concordat revives the reputedly outworn formula that that government is best wherein the state props, and is propped by, the church. By reason of this fact, the work conceived by Mazzini and achieved by Cavour in Italy is in part undone. Victor Emmanuel and Garibaldi are retired from the Italian scene. Pius IX reemerges, none too cleverly disguised as Pius XI. Temptation is strong to add that the wraith of the holy alliance, the sworn foe of democracy throughout Europe and the world, apparently comes out of its tomb.

Where Metternich, the Austrian fox, failed, Mussolini, the Italian lion, succeeds. Where Pius IX was beaten, his latest successor to the papal throne wins. And, paradoxical though it may seem to be, the latest successor of Gustavus Adolphus, the stay of Protestantism, to the Swedish throne is the first of earth's rulers to felicitate the Pope upon the Vatican's triumph!

It is true that in their sovereign capacities the Quirinal and the papacy have the naked right to conclude any agreement that may please them. It is true that other states, including the United States of America, may not properly interpose any objection of their own. But free and full expression of public opinion respecting the wisdom of this concordat can not be, and should not be, repressed—particularly in a country like the United States, where government is based upon the theory that state and church should function not only separately but even independently.

"A free church in a free state"—this is the ideal that has been set up and maintained in these United States by Protestant, Catholic, and Jew alike. Irrespective of religious faith, this is the polity to which all Americans, capable of appreciating their country's laws and resolved to defend institutions built up under those laws, unreservedly subscribe.

Of all elements of this country's population, there is perhaps none that regrets more keenly the negotiation of this concordat between the Vatican and the Quirinal than do thinking Catholic laymen, if not Catholic ecclesiastics, here.

A momentous step—a distinctly reactionary one—has been taken by the papacy as well as by the Italian Government. It is incredible that this intelligence from Rome can find sympathy or support even in enlightened Catholic circles of this country, or of this hemisphere. Undeniably, non-Catholics will not fail to reflect upon what has come to pass with a very lively sense of apprehensiveness.

THE DECENNIAL CENSUS

Mr. BRUCE. Mr. President, I wish to bring to the attention of the Senate, in connection with the larger phase of the subject, two newspaper dispatches which communicate to the world the attitude which the Senator from Pennsylvania [Mr. REED] has taken with reference to the next decennial census. I read, first of all, an Associated Press dispatch, as follows:

Sharp protest against the reappointment for the 1930 census taking of the "Democratic political appointees employed" on the 1920 census was voiced to-day by Senator REED, Republican, Pennsylvania, in a letter to Director Steuart of the Census Bureau.

Senator REED declared that, despite protestations from Mr. Steuart that he was not pursuing such a course, he had found recent evidence in Pennsylvania of the bureau offering employment again to those who participated in the 1920 census.

"I will not consent under any circumstances," REED wrote to Steuart in a letter made public to-day, "to the arbitrary reappointment by the Census Bureau of Democratic political appointees employed in connection with the 1920 census, nor do I think this will be countenanced by the President elect or by my colleagues in Congress."

Sending to Mr. Steuart a copy of a letter received by a Pennsylvanian signed by the director and offering reappointment for the 1930 census taking, the Senator called upon Steuart to—

"First. Explain why such a letter was sent out (assuming it to be authentic) when it was well known that the census enumerators employed 10 years ago were chosen on a political basis, and in most instances were Democrats.

Mr. President, I really must ask for order in the Chamber. I can understand why it may not be very palatable to my Republican friends to listen to what I am reading, but I think that I am entitled to have a certain degree of quiet in the Chamber.

The VICE PRESIDENT. Senators will be in order.

Mr. BRUCE. I continue reading:

Second. Explain the discrepancy between your statement to me and the implications of your letter to this former enumerator.

Third. State now what you have in mind as to the method of assembling the organization for taking the 1930 census.

REED said if the appointments were to be made on a political basis, he expected that he and his colleagues would be consulted. If the ap-

pointments are not made on that basis, he said he would insist that all civic organizations interested in an efficient census taking be consulted.

And I read this other dispatch as it appeared in the Baltimore Sun this morning:

WASHINGTON, February 13.—Republicans at the Capitol alarmed over prospects for the reappointment of the 1920 census takers for the compilation of the 1930 census, Senator REED (Republican), Pennsylvania, one of those most active against the reemployment of the 1920 census organization, which, he says, was filled with Democrats, announced tonight he had received assurances from Secretary of Commerce Whiting that no appointments will be made which are not satisfactory to the "responsible political leaders."

"I shall oppose any plan," REED announced, "for the reemployment of the Democratic politicians who assisted in the notoriously inefficient census of 1920, or the employment of individuals whom they may recommend."

Mr. President, I must say that assuming the verity of those dispatches they fill me with nothing less than painful astonishment. I have been cherishing the impression that the Senator from Pennsylvania was a statesman, and now, unless he denies the truthfulness of those dispatches, I am compelled to harbor the idea that he may, after all, be nothing but an ordinary political spillover, with conceptions of the public service totally at war with the more enlightened ideas that prevail among the American people with reference to its just demands.

I can speak upon this subject without the least reserve or without the slightest opportunity being afforded to anyone to impute to me any partisan motives, because practically since my boyhood I have been a consistent and uncompromising advocate of the merit system of appointment. I have done everything in my power to see that it was applied not only to the Federal civil service but to the civil service of the States and their municipalities. As far back as the eighties of the last century my attention was called in a newspaper to the fact that a partisan Congressman of that time, Jay Hubbell, into whose class I would, indeed, regret to see the Senator from Pennsylvania drift, had issued an order imposing political assessments even upon the charwomen about the National Capitol. So filled was my soul with indignation—though I never had before given any deliberate thought to the proper principles upon which the civil service of the Federal Government should be based—that from that time on I have never failed to do what I could to promote such principles.

Mr. President, every Senator knows that I am a Democrat, and I can not conceive of myself as being anything else. If there is any man in the United States who believes more firmly than do I in the principles of the old Jeffersonian creed, I know not who he is; nor if there is any man in the United States who believes more firmly than do I in the principles of international policy which were added to that creed by the political ideas of Woodrow Wilson, do I know who he is; but I have always felt that a rigid line of separation should be preserved between the officers of the Federal Government who are concerned with the execution of party policies and the principles that should govern appointments to subordinate offices under the Federal, State, and municipal governments, which have nothing to do with the execution of party policies.

In my own State of Maryland I, and others with far more capacity for furthering the success of any cause than I could claim, both Democrats and Republicans, were engaged for more than a generation in the effort to apply to the State government of Maryland and to the municipal government of Baltimore city the merit system of appointment.

I venture to say that there never was more fervid and disinterested zeal, that there never were more brilliant intellectual powers enlisted in any cause than in that cause in Maryland.

Among its leaders was the late John K. Cowen, the general counsel and afterwards the president of the Baltimore & Ohio Railroad, one of the few men whom I have known in my life who was a truly great man. His powerful mind when fully exerted could handle the hammer of Thor as if it were but a willow wand. Side by side with him stood the late Severn Teackle Wallis, the most brilliant individual with whom I have ever come into contact in the Old World or the New. If anyone should undertake to contrast almost any man that I have ever known in public life in my own or any other party with him I should be ready to say, in the language of Shakespeare:

So
With the dove of Paphos might the crow
Vie feathers white.

Associated with these two great Democrats were also Republican leaders who honored themselves and the community in which they lived by devoting their faculties to the purification of election abuses and to placing the civil administration of the

State of Maryland and the city of Baltimore upon the plane upon which it can be placed only by the proper application of the merit system of appointment.

For a long time the contest seemed to be a hopeless one, as all noble contests of lasting significance in their earlier stages appear to be. At times our hearts almost died down in despair with the sense of our impotence ever to attain the exalted goal upon which through so many years we had had our eyes fixed. Finally, when the Democratic Party was in complete control in the State of Maryland under its able and enlightened leader, Albert C. Ritchie, the merit system of appointment was applied to both the State civil service and the municipal service of Baltimore. So now the people of Maryland at least are in the happy position of seeing that system of appointment control not only the subordinate Federal positions in their midst, but all the thousands of subordinate positions within the gift of the State of Maryland and the city of Baltimore as well.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. BRUCE. I yield.

Mr. REED of Pennsylvania. I was not in the Chamber when the Senator commenced his remarks, but I understand that he began them by some compliments to myself, calling me among other things a "political despoiler."

Mr. BRUCE. I did not call the Senator a spoilsman. I said that I hoped that I should never have any occasion to call him one. If there is any satisfaction in that distinction the Senator from Pennsylvania is welcome to it.

Mr. REED of Pennsylvania. I sincerely hope that there will be no occasion for the Senator to call me that. However, I wanted to ask the Senator if he was referring to some correspondence that has passed between the Director of the Census and myself.

Mr. BRUCE. I was; and I read two dispatches, which I take it for granted were correct. They go to show that the Senator was intolerant even of the idea that some individual Democrats who were connected with the last census, the one taken in 1920, should have anything to do with the taking of the 1930 census. Indeed, if the dispatches are true, the Senator seems to have pounced on certain Democrats of that description up in Pennsylvania, almost with the ferocity with which a ferret might pounce upon a rat.

Mr. REED of Pennsylvania. Does the Senator understand that in the census of 1920 the enumerators were appointed under the civil service?

Mr. BRUCE. They were in 1910, and that is enough for me; and that census has been pronounced by the Census Bureau the most honest and accurate census that has been taken within the last 40 years.

Mr. REED of Pennsylvania. Very good; but the Senator surely can not understand that they were so appointed in 1920; and if he does so understand I wonder why he objects to my protesting against the continuance of those men in the office without giving a chance to efficient men to apply for the places now.

Mr. BRUCE. What right has the Senator to say that the Democrats to whose appointment he objected were not efficient? It is fair to assume that the Director of the Census wished to appoint them largely because they had proven by the character of their service in connection with the census of 1920 to be faithful and valuable servants of the Government.

Mr. REED of Pennsylvania. It depends upon how much we indulge in presumptions. If we presume that every Democrat is appointed because he is efficient and presume that every Republican is appointed for political reasons, of course we will reach that conclusion.

Mr. BRUCE. I assume nothing of the sort. The Senator has yet to learn the A B C of correct civil administration. My point is that these census employees should be selected in a nonpartisan way, without reference to whether they are Democrats or Republicans.

Mr. REED of Pennsylvania. The Senator applies that point so as to compel the continuance of the Democrats in office and not give any Republicans a chance.

Mr. BRUCE. I do nothing of the sort. I have offered an amendment to the census bill relating to the decennial census of 1930, now on our calendar, providing that all census supervisors, supervisor-clerks, special agents, interpreters, and enumerators shall, without reference to whether they are Democrats or Republicans, be selected under the civil-service rules and regulations.

Mr. REED of Pennsylvania. Then the Senator surely will join with me in protesting against the continuance of these Democrats without giving the civil service a chance.

Mr. BRUCE. I will do so when the Senator from Pennsylvania pledges himself to support my amendment, and not before.

Mr. REED of Pennsylvania. I will make my pledges in my own time.

Mr. BRUCE. The Senator will never make them.

Mr. REED of Pennsylvania. Now, will the Senator also tell me whether he approves of the action of the Director of the Census in telling me in a letter that he had written to these 1920 enumerators only to get information about local conditions, when I later was able to confront him with his own letter offering them the positions? Does the Senator approve of that?

Mr. BRUCE. I have never seen the letter. All I know about it is what is mentioned, and mentioned in a meager way, in the dispatches to which I have referred. I am not interested in the Senator's correspondence. The Senator's idea was to place under the ban any and every man in the State of Pennsylvania, so far as the taking of the next decennial census was concerned, who happened to be a Democrat, and I have no doubt that he was faithfully voicing the feelings of the Vore machine and of every other political machine that exists in the State of Pennsylvania when he took that position. But I did say that I have been in the habit of classifying the Senator from Pennsylvania as a statesman; and I should be sorry, indeed, to find that he had to be classified along with the rest as a mere political spoilsman, incapable of lifting himself up to the proper plane of intelligence as respects the subordinate civil administration of the Federal Government.

Mr. REED of Pennsylvania. If the Senator's regard is as high as that, it occurs to me that he might at least have asked to see the letter itself before he began to denounce me on the strength of a newspaper clipping about it.

Mr. BRUCE. Here are the two dispatches. One is from the Associated Press, a pretty trustworthy agency, my observation has led me to believe. The other is from the Baltimore Sun, a very cautious and conservative journal, as the Senator well knows.

Mr. REED of Pennsylvania. Absolutely; always fair to Republicans. I have noted that about the Baltimore Sun.

Mr. BRUCE. The Baltimore Sun is one of the most independent newspapers in the United States. Indeed, it shrinks from the idea of being called a Democratic paper. My observation is that it is always anxious to make a point of its character as an independent journal.

Mr. REED of Pennsylvania. I have no doubt that the Baltimore Sun is better evidence of what was in my letter than the letter itself; but it occurs to me that the Senator, who is usually so fair and so scrupulous of the feelings of others, might have asked to see the letter before he began to denounce it.

Mr. BRUCE. It is not so much what the letter of Mr. Steuart says but what the Senator said to Mr. Steuart. There can not be any mistake about that, I imagine.

Mr. REED of Pennsylvania. I told Mr. Steuart, in effect, that he had written an untruth to me; that he had offered the jobs to these Democrats, whereas he told me, in effect, that he had not, and I protested against that. Does the Senator disapprove that?

Mr. BRUCE. What the Senator is reported as saying is—it is all in quotation marks:

I will not consent under any circumstances to the arbitrary reappointment by the Census Bureau of Democratic political appointees employed in connection with the 1920 census, nor do I think this will be countenanced by the President elect or my colleagues in Congress.

Mr. REED of Pennsylvania. Precisely; and I believe that.

Mr. BRUCE. Then if the Senator is ready to commit himself to that, it does not seem to me that the colloquy that is now pending between him and me can possibly have any fruitful results.

Mr. REED of Pennsylvania. I am anxious to find out what the Senator's position is. Does the Senator mean that he does approve of the arbitrary reappointment by the Census Bureau of Democratic political appointees employed in connection with the 1920 census?

Mr. BRUCE. As far as I can see, the "arbitrary reappointment" consists entirely in the fact that the individuals happened to be Democrats; that is all.

Mr. REED of Pennsylvania. Will not the Senator give a direct answer to my question? Does the Senator approve of the arbitrary reappointment of those people?

Mr. BRUCE. The Senator will have to produce some evidence to me going to show that there is anything arbitrary

about their reappointment. The men were connected with the taking of the last census; and I have every reason to believe that they were going to be reappointed by Mr. Steuart, the Director of the Census, because when they were connected with the taking of the 1920 census they had proved themselves to be efficient and faithful public servants.

Mr. REED of Pennsylvania. The Senator's answer is not as responsive as his answers usually are. He denounces me for disapproving of this arbitrary reappointment. Now he is unwilling to say that he approves it.

Mr. BRUCE. What was there arbitrary about it, pray, except that the men were Democrats?

Mr. REED of Pennsylvania. Does the Senator approve of the arbitrary appointment of these Democrats who were in the census of 1920 without giving anybody, either Republican or Democrat, a chance to compete for the positions under civil service?

Mr. BRUCE. The Senator knows, as I say, that my wish is to take all the appointees under the coming census out of the field of spoils politics and to place them under the civil-service rules and regulations.

Mr. REED of Pennsylvania. Then the Senator admits that they were in the field of spoils politics in 1920, does he not?

Mr. BRUCE. I believe that the census of 1920 was taken under Democratic auspices, perhaps.

Mr. REED of Pennsylvania. It is so rumored; yes.

Mr. BRUCE. I think it was. I will say that I think it was taken under Democratic auspices.

Mr. REED of Pennsylvania. Yes; there is a rumor to that effect.

Mr. BRUCE. If it was taken under Democratic auspices exclusively, I am perfectly free to say that I have not the slightest doubt that its workings were attended by a certain amount of political abuses, because not one single census that has ever been taken in the history of this country under partisan conditions has been otherwise than attended by such abuses.

Mr. REED of Pennsylvania. Now the Senator is more candid. He admits that in the taking of the 1910 census, which was taken under a Republican administration, the spirit of the civil service was observed and the work was well done; that the taking of the 1920 census was attended by political abuses, and the civil-service system was not observed.

Mr. BRUCE. The appointees connected with that census not having been selected under the Federal merit system of appointment, I have no doubt—though I do not know—that the operations which resulted in that census were attended by a certain amount of maladministration; but I am told—I know not how correctly—that that census, partisan as may have been its origin, will compare, so far as the honesty and the accuracy of its results are concerned, more than favorably with the two censuses taken under Republican auspices in 1890 and 1900.

Mr. REED of Pennsylvania. The Senator says the taking of the census of 1920 was attended with political abuse, and then he denounces me for protesting against a continuance of it.

Mr. BRUCE. Why, because there were a few or even a considerable number of political abuses attendant upon the taking of a census, is that any reason why every individual who had a hand in taking it should be set down as unfit for future census taking?

Mr. REED of Pennsylvania. It is a perfectly good reason against the perpetuation of the system that was attended with the abuses.

Mr. BRUCE. I am trying to break up that system; but I must say I have very little hope of receiving any assistance from the Senator from Pennsylvania in my efforts to break it up.

Mr. REED of Pennsylvania. The Senator's hopes will rise if he will ever take the trouble to read my letter.

Mr. BRUCE. I shall be glad to be disabused.

Mr. REED of Pennsylvania. Mr. President, if the Senator will yield to me for the request—

Mr. BRUCE. Certainly I will.

Mr. REED of Pennsylvania. I ask that the correspondence referred to may be put in the RECORD at this point, so that the Senator will not have to resort to the Baltimore Sun.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRISON. Why can we not have the correspondence read?

Mr. REED of Pennsylvania. I shall be glad to have it read.

Mr. HARRISON. We want to be let in on this controversy.

Mr. REED of Pennsylvania. I do not want to encroach too much on the Senator's time.

Mr. BRUCE. I have not the slightest objection to the Senator's encroaching on my time, certainly if he does not make

any more substantial points against my case than he has made so far.

The PRESIDING OFFICER. Does the Senator from Maryland yield for the purpose of having the letters read?

Mr. BRUCE. Yes; certainly.

The PRESIDING OFFICER. The Secretary will read the letters.

The legislative clerk read the letters, which appear at the end of Mr. BRUCE's speech.

Mr. BRUCE. Of course it is perfectly obvious—

Mr. GLASS. Mr. President, why may we not have Mr. Steuart's reply to this letter?

Mr. REED of Pennsylvania. Mr. President, there are several reasons why I can not put the director's letter in reply into the RECORD, but reason number 1 is that he has not sent me any.

Mr. GLASS. That is sufficient.

Mr. BRUCE. It is perfectly obvious, of course, that the letter addressed by the Senator from Pennsylvania to the Director of the Census was simply a partisan letter, written with a partisan motive, for the purpose of accomplishing a partisan purpose; that is all. I may say, looking at its blustering tone, that it is very much such a letter as Bishop Cannon, or some other high priest of the Anti-Saloon League, might have written to a Member of the Senate or of the House of Representatives.

Mr. REED of Pennsylvania. Does the Senator mean that he does not approve Bishop Cannon's stand on prohibition?

Mr. BRUCE. Now the Senator is attempting the rôle which of all others I think he is least likely to shine in, the rôle of a wit.

Mr. REED of Pennsylvania. It seems to have hit its mark for once, anyway.

Mr. BRUCE. The only thing that the Senator was objecting to was what he chose in an euphemistic phrase to call "the arbitrary reappointment" of Democrats. There is not a line in the letter to indicate that he was in the slightest degree concerned about the reappointment of any Republican. It was simply the reappointment of wicked, worthless Democrats that he desired to proscribe.

The Senator did not content himself with this letter to Mr. Steuart—I will not call it this bulldozing, bully-ragging letter, for those might be deemed unparliamentary expressions, but only this menacing letter to Mr. Steuart. The next step he took was to go up to see the present Secretary of the Interior, whose administrative life I am happy to say is now hanging in the balance. I call the attention of the Senator from Pennsylvania, and I do so all the more boldly now that the verity of those dispatches in other particulars has been so completely confirmed, to what one of those dispatches said about his interview with the Secretary of the Interior. The Sun dispatch says that the Senator announced that "he had received assurances from Secretary of Commerce Whiting that no appointments will be made which are not satisfactory to the 'responsible political leaders.'"

Translated into my vernacular, that means that no appointments will be made which are not satisfactory to the sordid, squalid political spoilsmen of the Senator's party—

Mr. REED of Pennsylvania. Something like what was done in 1920.

Mr. BRUCE. Who usually concern themselves about all appointments that are within the reach of their clutches.

I continue the reading of the Sun dispatch:

"I shall oppose any plan," REED announced, "for the reemployment of the Democratic politicians who assisted in the notoriously inefficient census of 1920, or the employment of individuals whom they may recommend."

I am sorry to hear that any Secretary of the Interior, especially the immediate successor of Mr. Hoover, who has always been supposed to have correct ideas about administration, should have given any such assurance. Mr. Secretary Whiting—he ought to be called Mr. Secretary Whitewash—

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

Mr. BRUCE. I yield.

Mr. GLENN. I think he should at least be called the Secretary of Commerce.

Mr. BRUCE. What is that, Secretary of Commerce?

Mr. GLENN. The Senator has been referring to him as the Secretary of the Interior.

Mr. BRUCE. He has emerged from obscurity so recently that the mistake was a perfectly natural one.

Mr. GLENN. The Senator has been referring to him as Secretary of the Interior.

Mr. BRUCE. Then I was mistaken; he is the Secretary of Commerce, but he has made such a slight impress upon the

Federal Government that I really forgot for the moment whether he was Secretary of the Interior or Secretary of Commerce.

It makes very little difference. I recollect that John Randolph once, when referring to a member of my family in the public life of Virginia, said that he was not referring to a certain William Cabell, but to another Cabell, "A far better man," he added. "But," he continued, with a contemptuous wave of the hand, "posterity will know no better." And that observation might be applied to my slip in relation to the correct official designation of Mr. Whiting.

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

Mr. BRUCE. I yield.

Mr. FLETCHER. Will the Senator allow me to suggest that I gather from this letter which has been read to us, not that a Democrat was tendered an appointment, but that a former enumerator who happened to be a Democrat was tendered the opportunity to apply. There is no tender of an appointment here that I can see, but he is allowed the privilege of applying.

Mr. BRUCE. But even that was sufficient to excite the jealousy of such an intense partisan as the Senator from Pennsylvania.

Mr. BLEASE. Mr. President, if the Senator will permit, I would like to ask him whether the 1920 census that is spoken of in such terms in the letter of the Senator from Pennsylvania is the one on which it is expected the reapportionment of Congress is to be made?

Mr. BRUCE. As I understand it, the reapportionment of Congress has been due ever since 1910. The reapportionment is expected to be based on the coming census.

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

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

Mr. NEELY. By a variety of means 4,000,000 Democrats were induced to marry into the Republican Party during the last campaign. These Democrats rendered heroic service. They defeated their own ticket and helped to commission the Republican Party to govern the country for four more years.

But we now learn with amazement from the remarks and the correspondence of the able Senator from Pennsylvania that he seeks to divorce these Democrats from Republican bed and board and that he purposes to prevent them from consuming a single crumb that falls from the Republican table in the State of Pennsylvania.

In the absence of a statutory penalty for ingratitude, should not these disappointed Democrats sue the Republican Party for nonsupport?

Mr. BRUCE. I am afraid the apprehensions of the Senator from West Virginia are entirely well founded.

As I was saying a few minutes ago, I am not in the least concerned, in the purpose which brought me to my feet to-day, whether the individuals who will take the next decennial census shall be Republicans or Democrats. I wish to see all such distinctions completely obliterated as respects that census. In other words, I feel about it as that great man, Theodore Roosevelt, and that other great man, William Howard Taft, one of the ablest and most admirable and lovable men in the world to-day, felt about the census of 1910. They both knew that the censuses of 1890 and 1900 were deeply tainted with corruption, dishonesty, and inaccuracy. They were determined therefore that the census of 1910 should be taken under the auspices of the United States Civil Service Commission.

The subordinates who were selected to take the census of 1890 in the city of New York were selected by Republican Congressmen, if I am not incorrectly informed. The latter, of course, simply accepted, to a great extent, at any rate, the names that were passed up to them by the smaller politicians on the lower levels of political activity. What was the result? More than one man who was selected to take that census in New York turned out to have a criminal record. In other words, more than one individual who aided in taking that census in the city of New York enjoyed the privilege of entering private houses, notwithstanding the fact that he had a criminal history.

The census lists in 1890 relating to the city of New York, were deliberately padded to a material extent for the purpose of keeping down Democratic representation in Congress. Thousands of individuals in New York City who should have been placed upon the census lists were not placed upon them because of the dishonesty and incapacity of many of the census takers. Indeed, in some cases it was afterwards ascertained that entire houses in the city of New York had been omitted from the census together with all their inmates. So unsatisfactory, so far as public approval was concerned, was the taking of the census of 1890 in New York City, that the police authorities of the city, acting at the suggestion of its mayor, had another census taken in that city, and that census disclosed the fact that no

less than 200,000 residents of the city of New York had been omitted from the Federal census of 1890. It was afterwards computed by the Director of the Census himself—that is to say, after the city census had been taken—that the Federal census of 1890 might have been taken at a cost of some \$200,000 less and within a year's less time than it was actually taken.

Now I am not saying that the Federal census of 1890 would not have been just as defective and objectionable if it had been taken under Democratic auspices, because it is my belief that it would have been. A census should not be taken under any partisan auspices whatsoever, Republican or Democratic. Such abuses as characterized the Federal census of 1890 will inevitably creep in just as soon as we give free play to partisan rapacity.

Now the census of 1900—

Mr. EDGE. Mr. President—

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

Mr. BRUCE. I yield.

Mr. EDGE. Does the Senator feel that better results would have been obtained by having recommendations for the appointment of supervisors and enumerators come from civic organizations rather than having them presented by members of Congress?

Mr. BRUCE. We could not rely upon that plan. Of course, just as soon as the civic organizations were chosen as the selective agencies, the ordinary run of politicians would hurry to the Congressmen and the Congressmen would hurry to the civic organizations and bring to bear all the pressure they possibly could which would be great to secure appointments at their hands, and so we should find that no improvement had been really worked at all.

The advantage about the civil-service system as the agency for the selection of subordinate employees is that it is a wholly impersonal system to begin with. Then it is a wholly non-partisan system. I am going to use another illustration peculiarly familiar to the Senator from New Jersey and myself. I refer to the selection of prohibition agents. I hope that such illustrations will always be familiar to the Senator. They have been since I have been here, and I hope they will be after I shall have gone. General Andrews testified in 1926 that prohibition field agents had been largely appointed at the instance of the evangelical churches, the Anti-Saloon League, and Wayne B. Wheeler. I have always said that whatever else may be said about the prohibition movement in this country, it is one of the most disinterested movements, certainly in its beginning, that our political history has ever known.

I am not suggesting, therefore, that the churches and the Anti-Saloon League and Wayne B. Wheeler, in passing up names to the Prohibition Commissioner, consciously suggested unconscionable or incompetent men, and yet what was the result? Out of a small force of a few thousand prohibition agents some 875 of them were dismissed either for violations of the Volstead Act or for downright rascality in some form or other.

Mr. EDGE. But, Mr. President, if the Senator will permit me—

Mr. BRUCE. Just a moment, if the Senator please.

Mr. EDGE. I merely desired to repeat my question.

Mr. BRUCE. It was because of those results that the prohibition leaders, most wisely from their point of view, insisted that in the future prohibition agents should be selected in accordance with the civil-service statutes and regulations.

I yield now to the Senator from New Jersey.

Mr. EDGE. The Senator expressed doubt as to the advisability of permitting civic associations to recommend the supervisors and enumerators rather than to have them recommended by Members of Congress. I agree with him absolutely, but I want to invite his attention to a passage in a letter from the Department of Commerce in answer to a letter from me on the subject that has been discussed by the Senator from Pennsylvania [Mr. REED]. Without reading the entire letter, the administrative assistant of the Department of Commerce makes this statement, referring to the Director of the Census:

He believes that probably satisfactory results could be obtained by having some responsible local organization of business men of the city selected as the headquarters suggest the name of a leading qualified citizen who would be willing to do the work required of a supervisor or enumerator.

I merely invite attention to this because it demonstrates that the Director of the Census disagrees with the Senator from Maryland and the Senator from New Jersey in apparently starting an innovation in having chambers of commerce recommend enumerators and supervisors rather than having them recommended by Members of Congress, who are expected to recommend

judges and prosecutors and district attorneys and practically every other officer in the Federal service.

Mr. BRUCE. That is from the Director of the Census?

Mr. EDGE. It is a letter from the administrative assistant of the Secretary of Commerce.

Mr. BRUCE. Speaking for the Director of the Census?

Mr. EDGE. I assume so.

Mr. BRUCE. What could the poor bedeviled man do when he was pressed by powerful Senators like the Senator from Pennsylvania [Mr. REED] and others except suggest that some other agency than the Civil Service Commission should be selected to make the appointments?

Now we pass on to the Federal census of 1900, another census that was taken under purely partisan auspices. Of course, that census too was a Republican census, but if it had been taken under Democratic auspices it would not, in my judgment, have been any better. I need not go further than the boundaries of my own State to show what sort of census that proved to be. Down in St. Marys County, Md., in order to pad the census lists in such a manner as to secure a larger representation for one of the two parties in the Maryland House of Delegates, even the graveyards and the summer hotels were canvassed. Individuals who had long been sleeping in the repose of death and individuals who had cooled their brows only for a few days, or weeks at the most, during the heated spell of the summer in that fair and historical county, were placed on the census lists. So brazen was the dishonesty that marked the taking of the 1900 census in Maryland alone that when the Federal grand jury in that State came to review some of the criminal offenses which arose out of its taking they said:

So long as such appointments are treated as part of the spoils of politics, the recurrence of such frauds and scandals as have been revealed by our investigation may be expected.

And so they may.

I forget what Federal census it was, but I recall the time when an enumeration of the negro population at the South was generally accepted as being utterly inaccurate and inconclusive. Perhaps the Senator from South Carolina [Mr. SMITH] can refresh my memory as to just which of the Federal censuses this was. It was not until a later census was taken of the negro population at the South that anyone in the United States really knew how rapidly or how slowly the negro population in the South had grown since negro emancipation.

Now, having said what I have with respect to the 1890 and 1900 censuses, both of which were lamentably defective censuses, I repeat that the census of 1920, taken under Democratic auspices, will, to say the least, favorably compare, if not more than favorably compare, in every respect with those Republican censuses.

Let us pass on, however, to a real census, a census which bears the impress of the two great men to whom I have already referred, Theodore Roosevelt and William Howard Taft, a census which has been pronounced by the Census Bureau to have been the most accurate and honest census that has been taken in this country within 40 years. I am referring to the Federal census of 1910.

Congress passed a bill providing that this census should be taken by political spoilsmen in the old way and President Theodore Roosevelt vetoed the measure. There never was in the history of this country a more fearless and more puissant champion of the Federal merit system of appointment than was he. His belief in the beneficent workings of that system was not skin deep. It was a part of the very marrow of his bones. So he vetoed that bill and it was returned to Congress just before President Taft came in. President Taft in turn let Congress know that it would be useless for it to send such a bill to him, because in his judgment, too, the subordinate employees who would take the 1910 census should be selected under the civil service laws and regulations.

So a large body of office census takers, some 7,000 or 8,000, as I recollect, were selected under the auspices of the United States Civil Service Commission, and Mr. Durand, a friend of the Federal merit system of appointment, who was the Director of the Census at that time, with the aid of some 4,000 or 5,000 examining boards of the United States Civil Service Commission throughout the country, selected the field agents for the taking of the 1910 census, that is to say, the supervisors, the supervisors' clerks, the special agents, the interpreters, and the enumerators, in accordance with plans of selection formed by the United States Civil Service Commission. So far as I know not the slightest stigma, not one solitary reproach from that day to this has ever attached to the 1910 census.

Then came along the 1920 census, which afforded the Senator from Pennsylvania [Mr. REED] the opportunity for writing the

letter that he did to Mr. Steuart. House bill 393 provides that the census force that is to be employed in the District of Columbia for the taking of the 1930 census shall be selected subject to the Federal civil service laws. Then it proceeds to exempt from the operation of the civil-service statutes and regulations all the supervisors, supervisors' clerks, special agents, interpreters, and enumerators that are to be employed in connection with the taking of that census. In other words, the object of the bill is not so much to secure an honest, accurate, and trustworthy census of our American population and of many of our economic interests as to create a vast mass of party spoils for the Senator from Pennsylvania and those who share his views about what the civil-service administration of our country should be.

It is computed that under the workings of the bill there will be 375 supervisors, some 9,000 or 10,000 supervisor-clerks, special agents, and interpreters, and from 90,000 to 95,000 enumerators. A wonderful morsel, indeed, will that be for the voracious maw of the old spoils system of patronage. It cost us years and years of effort to snatch—to use the language of the Scriptures—the spoils of some 300,000 or 400,000 subordinate offices under the Federal Government from between the teeth of the political machine. Now we are asked to commit to those hungry teeth more than 100,000 Federal officers. I, for one, will never consent to do it; and I feel that I have a rather better standing than some other Members of this body to withhold my consent because of the fact that throughout my entire manhood my convictions have wedded me to the just, the efficient, and the enlightened system of civil appointment known as the Federal merit system.

How perfectly hollow is the pretense that the proper employees for the 1930 census could not be selected under the auspices of the United States Civil Service Commission! The chief argument against that method of selection is that most of the appointments are temporary. That is no argument at all. When the United States Civil Service Commission comes to make up eligible lists of appointees it is not bound to hold competitive examinations. It can hold competitive examinations or non-competitive examinations as it believes that the special conditions of each case require. Under the provisions of the civil service laws the President of the United States can exempt from examination any subordinate office that falls within the scope of the Federal classified service; and I am bound to say that I think that the Senator from Pennsylvania, unless he is absolutely certain of his ground, was rash indeed when he suggested that the President elect, Mr. Hoover, would be favorable to the wild scramble for office that would ensue if the plan of selecting census employees that the Senator from Pennsylvania has in mind were adopted. If Mr. Hoover has been distinguished for anything it has been for successfully conducting any office of which he may have been the incumbent along lines of administrative efficiency. Until I know the contrary, to my mind, at least, it is inconceivable that he would not be glad, as Theodore Roosevelt was, as William Howard Taft was, as any man worthy of his presidential salt would be, to see all of these census subordinates selected under the auspices of the United States Civil Service Commission.

There is another thing that must be remembered. Not only is there a vast number of subordinate offices—upward of a hundred thousand, as I have said—to be filled in connection with the taking of the next census, but upon that census is to be based the next apportionment of congressional representation. Whether that apportionment shall be fair or unfair, whether it shall create public satisfaction or public dissatisfaction will depend largely on the conditions under which the census of 1930 shall be taken as respects the appointment of census employees.

As everybody knows, the next apportionment of representation in Congress is being watched with the most jealous circumspection. I do not wish to say any untimely thing when the chair happens to be occupied, as it is at present, by a Member of the Senate for whom I entertain the profoundest respect, but who as we all know is a prohibitionist, but our prohibitionist friends, all of us are aware, are peculiarly interested in seeing that the next apportionment of congressional representation shall be based, so far as possible, upon an accurate and reliable census, because the next apportionment of representation is likely to result in any event in a considerable addition to urban representation at the expense of rural representation, and after all it is in the rural communities that the influence of prohibition mainly resides.

That, I believe, Mr. President, concludes all that I have to say at this time with reference to my amendment to House bill 393. Whether I have spoken feebly or cogently matters little in the long reckoning; but I can honestly say that I have spoken from the depths of an intensity of intellectual and moral conviction touching the matter to which I have been addressing myself such

as I almost believe that it would be impossible for me to bring to any other subject whatsoever.

Mr. BRUCE subsequently said: Mr. President, if there is no objection, I would like to have the correspondence which the Senator from Pennsylvania [Mr. REED] injected in the speech which I delivered at an earlier stage of the session to-day inserted at the end of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. REED of Pennsylvania. Which end does the Senator mean? [Laughter.]

Mr. BRUCE. I take it the Senator is in doubt because he is so much in the habit of playing both ends against the middle. [Laughter.]

The letters referred to are as follows:

FEBRUARY 12, 1929.

Hon. S. G. PORTER,

House of Representatives, Washington, D. C.

My DEAR MR. PORTER: I am sending you herewith copies of a letter addressed to Dr. W. M. Stewart, Director of the Bureau of the Census, under date of February 9.

This letter directs attention to a serious condition in connection with the plans for taking the 1930 census. Whether considered from the viewpoint of an efficient enumeration, without regard for political factors, or in its political factors, or in its political aspects, the apparent plan to reemploy supervisors and enumerators who served 10 years ago is, in my judgment, indefensible.

Under the circumstances, there is no other course open to us but to protest as vigorously as we may, keep the facts before the public, bring them to the attention of our colleagues, and by such representations and actions as may seem appropriate compel those in charge of the census to recognize the public's interest in the enumeration and right to be heard in connection with the plans for taking it.

I may say further that unless Doctor Stewart can satisfactorily explain the letters which have gone to former enumerators, particularly in the light of his own letter to me, I shall bring all the facts to the attention of President-elect Hoover following his inauguration.

I shall greatly appreciate it if, in consultation with the other members of the advisory group of the Pennsylvania delegation, you can arrange to have the copies I am sending you placed in the hands of each Member of the House from Pennsylvania for their reference and such action as they may desire to take either individually or collectively.

Faithfully yours,

D. A. REED.

Mr. BRUCE. For the life of me I can not see any inconsistency whatever between that letter and the dispatches which I have cited, except that the dispatches—

Mr. REED of Pennsylvania. Will the Senator permit the other letter to be read? All that the clerk has read was the covering letter that went with it.

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator yield for the reading of the other letter?

Mr. BRUCE. Oh, certainly, if there is anything left to be read.

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

The legislative clerk read the letter, as follows:

FEBRUARY 9, 1929.

Hon. W. M. STEWART,

*Director Bureau of the Census, Department of Commerce,
Washington, D. C.*

DEAR MR. STEWART: On January 24 I wrote you saying that reports had reached me to the effect that some one speaking for the Census Bureau had sent out calls for applicants with a view to making up the personnel of supervisors and enumerators for the 1930 census. I stated that these calls, as I understood it, had gone to former supervisors and workers employed in connection with the 1920 census, all or most of whom were political appointees and presumably Democrats. I asked whether or not this report were true, and asked, further, on what basis it was proposed to appoint these enumerators this year.

Under date of January 28 you wrote me, saying you "imagined my constituents had received a letter from the United States Chamber of Commerce, representatives of which had been making inquiries concerning census work and methods." You stated further that in connection with the preliminary work for the coming census "the bureau has been corresponding with persons who acted as enumerators at prior censuses for the purpose of securing information concerning local conditions that would enable us to fix the rates of pay of the enumerators." You stated further that such correspondence had also been carried on with other persons who were familiar with local conditions. The clear import of these statements by you was that it was not the plan to reemploy enumerators who assisted in taking the 1920 census.

After hearing repeatedly from various sources that letters purporting to offer employment to former enumerators were going out from your office, I have now received a copy of a communication addressed under

date of January 23 to Peter M. Lowry, 631 Hillside Avenue, Franklin, Pa., and signed by you, which contains the following language:

"Preparations for the field work in connection with the Fifteenth Census are now under way. This work will probably be done during the coming fall or the spring of 1930.

"The records of the bureau show that you were employed as an enumerator at the 1920 census, and it would be of considerable assistance to know whether you would be interested in a similar position in connection with the Fifteenth Census work.

"The census of 1930 will cover population as well as agriculture and other subjects. If you are interested, please make an indorsement to this effect at the bottom of this letter and return it in the inclosed official envelope, which requires no postage. At a later date, a form will be sent you to be used in filing your formal application.

"If you are not personally interested you may be able to furnish the name and address of some other person, and I shall be glad to have you do so on this sheet and return as indicated above."

In view of these circumstances, I should like to have you—

1. Explain why such a letter was sent out (assuming it to be authentic) when it is well known that the census enumerators employed 10 years ago were chosen on a political basis, and in most instances were Democrats.

2. Explain the discrepancy between your statement to me and the implications of your letter to this former enumerator.

3. State now what you have in mind as to the method of assembling the organization for taking the 1930 census.

4. State whether it is your plan—

(a) To have these appointments made on a political basis; or

(b) Draw all appointees through the civil service; or

(c) Conduct an examination of your own for the purpose of obtaining desirable appointees.

As to my own position, I desire to say:

First, that I think the census ought to be taken efficiently.

Second, that I am concerned only incidentally in the method of choosing those who are to take it.

If the appointments are to be made on a political basis, with adequate guaranties that the work shall be done efficiently, I shall expect to be consulted before any appointments are made or any eligible list is prepared in Pennsylvania, and I shall insist that the Republican Members of Congress and the Republican organization in Pennsylvania be consulted in connection with the preparation of eligible list and the selection of those who are to conduct the enumeration.

If the appointments are not to be made on a purely political basis, then I shall insist that all elements interested in having the census taken efficiently, including Members of Congress, responsible business and political leaders, civic groups such as chambers of commerce, civic clubs, Rotary, Kiwanis, and Lion Clubs, and similar organizations be permitted to prepare lists of candidates and, through appropriate agencies respecting their common purpose, critically scrutinize the applicants before appointments are made.

In either case I think there should be some examination of candidates to insure intelligence and integrity in the enumeration.

Finally, I will not consent under any circumstances to the arbitrary reappointment by the Census Bureau of Democratic political appointees employed in connection with the 1920 census, nor do I think this will be countenanced by the President elect or my colleagues in Congress.

An early reply giving me your frank views on these points and explaining the apparent conflict between your statements to me and your letter to former enumerators will be appreciated.

Yours very truly,

D. A. REED.

CALLING OF THE ROLL

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

The PRESIDING OFFICER (Mr. JONES in the chair). The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Edwards	King	Shortridge
Bayard	Fess	McMaster	Simmons
Bingham	Fletcher	McNary	Smith
Black	Frazier	Mayfield	Smoot
Blaine	George	Moses	Steck
Blease	Gillett	Neely	Steiner
Borah	Glass	Norbeck	Stephens
Bratton	Glenn	Norris	Swanson
Brookhart	Goff	Nye	Thomas, Idaho
Broussard	Gould	Oddie	Thomas, Okla.
Bruce	Greene	Overman	Trammell
Burton	Hale	Phipps	Tydings
Capper	Harris	Pine	Tyson
Caraway	Harrison	Pittman	Vandenberg
Copeland	Hastings	Ransdell	Wagner
Couzens	Hawes	Reed, Pa.	Walsh, Mass.
Curtis	Hayden	Robinson, Ark.	Walsh, Mont.
Dale	Hellin	Sackett	Warren
Deneen	Johnson	Schall	Waterman
Dill	Jones	Sheppard	Watson
Edge	Keyes	Shipstead	Wheeler

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

JAMES W. BASS

Mr. MAYFIELD. Mr. President, a few days ago, when the Senate was considering the calendar, I was absent on account of illness. I ask unanimous consent for the present consideration of H. R. 8748, Order of Business 1565. This is a measure for the relief of the internal revenue collector at Austin, Tex., in the sum of \$2,400, to cover that amount of revenue stamps which were lost in his office. The bill has passed the House. A very searching investigation was made of the matter, and no blame was attached to any of the employees of the office. The stamps were simply lost, and the Secretary of the Treasury has recommended that the measure be passed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8748) for the relief of James W. Bass, collector of internal revenue, Austin, Tex.

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

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE SULLIVAN EXPEDITION

Mr. COPELAND. Mr. President, this year occurs the one hundred and fiftieth anniversary of the Sullivan expedition, which was projected by Gov. George Clinton and General Washington and authorized by Congress. The legislature of my State has passed resolutions asking the Postmaster General to issue some postage stamps commemorative of this campaign. I call attention to the fact that the legislature requests that the States of Pennsylvania, New Hampshire, New Jersey, and Massachusetts, whose officers and troops participated in the expedition, be invited by New York to indorse this request. I am very happy to present the resolutions to the Senate, and ask that they be included in the RECORD.

The PRESIDING OFFICER. Without objection, the resolutions will be printed in the RECORD. The Chair hears no objection.

The resolutions are as follows:

IN SENATE, STATE OF NEW YORK,
Albany, February 11, 1929.

By Mr. Wales

Whereas there occurs this year the one hundred and fiftieth anniversary of the Sullivan expedition, which was projected by Gov. George Clinton and Commander in Chief George Washington and authorized by Congress;

Whereas this successful military enterprise was participated in by officers and troops of New York, Pennsylvania, New Hampshire, New Jersey, and Massachusetts;

Whereas the Sullivan expedition weakened the Indian alliance with the English, cut off supplies of food, gave protection to frontier settlements, opened the western part of the State for settlement, and helped to win for the American Republic the rich interior of the continent; and

Whereas the legislature and governor have made an appropriation for suitable exercises and historic monuments to observe the Sullivan sesquicentennial:

Resolved (if the assembly concur)—

1. That the Hon. Harry S. New, Postmaster General of the United States, be, and he is hereby, requested to cause to be issued 100,000,000 postage stamps of the denomination of 2 cents each commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania.

2. That a copy of this resolution be transmitted to the Postmaster General of the United States and to the Senators and Members of Congress from the State of New York, properly authenticated by the clerks, respectively, of the senate and assembly.

3. That the States of Pennsylvania, New Hampshire, New Jersey, and Massachusetts, whose officers and troops participated in the Sullivan expedition, be invited by New York to indorse this request.

By order of the senate,

A. MINER WELLMAN, Clerk.

In assembly, February 11, 1929.

Concurred in without amendment.

By order of the assembly.

FRED W. HAMMOND, Clerk.

PRESIDENTIAL APPROVALS

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

On February 11, 1929:

S. 3581. An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia;

S. 5146. An act to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo; and

S. 5147. An act to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah.

On February 12, 1929:

S. 5180. An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes.

On February 13, 1929:

S. 1347. An act to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 12, 1919, as amended; and

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

REPORT OF THE ALIEN PROPERTY CUSTODIAN (H. DOC. NO. 369)

The PRESIDING OFFICER (Mr. JONES in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on the Judiciary:

To the Congress of the United States:

In accordance with the requirements of section 6 of the trading with the enemy act, I transmit herewith, for the information of the Congress, the annual report of the Alien Property Custodian on proceedings had under the trading with the enemy act for the year ended December 31, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, February 14, 1929.

SUIT INVOLVING LAND IN ANDERSON COUNTY, S. C.

Mr. STEPHENS. Mr. President, I ask unanimous consent to report back favorably from the Committee on the Judiciary House bill 12809, to permit the United States to be made a party defendant in a certain case; and I submit a report (No. 1744) thereon. This matter is of interest to the Senator from South Carolina [Mr. BLEASE].

Mr. BLEASE. Mr. President, this is a private claim. The bill does not carry any appropriation. It simply gives the United States Government the right to make itself a party to a foreclosure suit, and we are anxious to get it through. I ask unanimous consent for the present consideration of the bill.

Mr. CARAWAY. Mr. President, I am not going to object unless the matter is going to lead to controversy. In that case I must object.

Mr. SMOOT. Mr. President, I simply wish to ask the Senator whether this bill has been reported from the committee.

Mr. BLEASE. Yes, sir; there is a unanimous report. The bill does not carry any appropriation. It simply confers upon the Government the right to make itself a party to this foreclosure suit.

Mr. CARAWAY. May I ask the Senator from South Carolina whether there will be any debate on the bill?

Mr. BLEASE. None at all.

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 consider the bill.

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

TELEGRAM FROM REPARATIONS COMMITTEE TO VICE PRESIDENT DAWES

Mr. BORAH. Mr. President, when the second reparations committee met on February 11 the first work of the committee was to select a chairman; and they selected Mr. Owen D. Young. The second action of the committee was that of sending a telegram to General Dawes, chairman of the first committee. This was not only a gracious but a just thing to do. It was a fine tribute and well deserved.

I ask unanimous consent that the telegram itself, without copying the entire news item, be incorporated in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The matter referred to is as follows:

[From the New York Times of February 12, 1929]

The second committee of experts at the inception of its first meeting in Paris addresses to General Dawes the homage of its respect and the expression of its hope of accomplishing work as useful as that which was realized under the chairmanship of General Dawes in 1924.

OPERATORS' PERMITS FOR ENLISTED MEN IN THE DISTRICT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1281) to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to

enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia, which was, on page 2, line 3, after the word "vehicles," to insert "while engaged in official business."

Mr. CAPPER. I move that the Senate concur in the House amendment.

The motion was agreed to.

ASSESSMENT AND COLLECTION OF TAXES IN THE DISTRICT

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4441) to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes, which were, on page 5, line 3, after the word "That," to insert "beginning July 1, 1930"; on page 5, line 3, after the word "all," to insert "personal"; and on page 5, line 9, strike out "on July 1" and insert "during March."

Mr. CAPPER. I move that the Senate concur in the House amendment.

The motion was agreed to.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1093) to prevent the sale of cotton and grain in future markets.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. HEFLIN. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to add, on page 7, after line 15, the following:

The provisions of this act shall not prevent any spinner from selling future contracts against actual purchases or contracts to purchase spot cotton.

Mr. HEFLIN. Mr. President, on yesterday I discussed that proposition briefly. The amendment simply provides that a spinner who goes into the market and buys actual cotton for spinning purposes may, if he chooses, sell a contract and hedge his purchase of real cotton. I think that is legitimate speculation; there is a bale of cotton behind every bale that is sold on the contract.

The provision I seek to reach by that amendment is one placed in the bill by the Senator from Arkansas, that all persons selling cotton shall declare their purpose to deliver the cotton. The spinner does not expect to deliver the cotton. He is seeking to protect his purchase of spot cotton. He has already bought cotton from the farmer. When he made his purchase the farmer was called on for cotton with which to fill that contract. If the spinner desires to sell a contract for insurance purposes, or hedging purposes, as they call it, I think he ought to be allowed to do that, and I am willing to have that provision go into the bill. In that case the spinner who buys a thousand bales of cotton could sell a future contract for a thousand bales.

If the sale of cotton futures was limited to transactions where every man who originally sold a future contract had to be a cotton farmer, a merchant who buys spot cotton, a banker who advances money to produce cotton, and the spinner who spins cotton, it would go a long way toward stabilizing cotton prices and correcting the evils of present-day speculation.

Mr. SMOOT. Mr. President—

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

Mr. SMOOT. I did not catch the full meaning of the Senator's amendment. Does it cover a case like this: A cotton manufacturer prepares his samples six months ahead, before delivery of the goods. In the meantime those samples are taken to every business concern producing cotton goods in the United States, or to a wholesaler who will distribute them to the retailers. The manufacturer then knows exactly how much cotton he requires, but the finished goods will not be delivered for six months; in fact, they will not be made for some time. The manufacturer, in order to secure himself, must make some arrangement to see that his cotton will cost no more than he figured in the cost of producing those goods. The same thing applies to wool that applies to cotton.

If the manufacturer did not have the chance of buying cotton futures, we will say, or wool futures, and the cotton should rise in price \$5 a bale, or whatever the amount may be, more or less, the manufacturer will lose an amount of money equal to that rise, and in many cases it would absolutely ruin him. In fact, I know that to have been the case. Does the Senator's amendment cover cases like that?

Mr. HEFLIN. It does. It takes care of a situation like that. For instance, suppose a spinner buys his cotton at 20 cents a pound to-day, and 30 days from now the price of cotton should

decline 1 cent a pound or \$5 a bale, the spinners hedge or sale of a futures contract would protect him against such a loss. If the price goes up \$5 a bale the spinner would base the selling price of his cotton goods on the higher price of cotton. The purpose of this amendment is to give the spinner the right to protect a purchase of spot cotton. The cotton farmer, the merchant who handles spot cotton and the banker interested in the cotton financially, can sell a hedge under the Caraway bill.

But there are millions of transactions on the exchanges where no spinner and no one else who owns or handles real cotton is back of the transaction, and that is what we are trying to eliminate. If I had my way about it, and I think the Senator's bill goes a long way toward doing it, I would confine speculation to the number of bales produced each year. If there are 14,000,000 bales made, they can speculate, if they testify that they have cotton that they have produced or cotton purchased in the 14,000,000 bales actually produced. So then the 14,000,000 bales speculated in would be based on the 14,000,000 bales of cotton produced by the farmers of the United States. I hope the Senator from Arkansas can accept my amendment.

Mr. CARAWAY. I have no objection to it, because I think the bill provides exactly what the Senator's amendment provides.

Mr. COPELAND. Why should not the same privilege be extended to the miller in respect of grain?

Mr. HEFLIN. I will say to the Senator that I talked with some of the western Senators yesterday, and they may want to have that done later, but they want time to look into it. As this bill will not go into effect for a year, there will be plenty of time to look into that matter and to amend it in that particular.

Mr. COPELAND. I have in mind the small mill where they produce 200 barrels of flour a day. It is very important to order ahead for October delivery, or for some later delivery, and their practice is to hedge in exactly the same manner that the cotton spinners do.

Mr. HEFLIN. I think they ought to have that right, because they are buyers and users of actual grain.

Mr. COPELAND. They are using actual grain. They are simply buying 1,000 or 10,000 bushels of wheat, whatever the amount may be, for delivery in October, and in order to protect themselves against variation in price they sell the same amount of wheat at the same time.

Mr. CARAWAY. I want to call attention to the facts of the matter, because I do not want anybody to be mistaken about the effect of the Senator's amendment. He understands it, but I am afraid some others may not grasp it.

No man can sell a contract unless he has on hand or has the prospect of owning the actual cotton or grain. That would be the effect of the Senator's amendment. It does not open the exchanges to a man who neither has nor expects to have. The Senator's amendment permits the man who has bought cotton to sell a future contract against it.

Mr. HEFLIN. The proposition of the Senator from New York regarding grain is along the same lines.

Mr. CARAWAY. But, if I may be permitted to say so, I judged from what he said that he did not quite grasp the limitation in the amendment of the Senator from Alabama.

Mr. COPELAND. I think the Senator is mistaken about that. I think the Senator from Arkansas has another matter in mind in reference to the bill in general.

Mr. HEFLIN. Let us see if the Senator did not have this in mind: If a miller buys a thousand bushels of wheat, we will say, he is going to make that into flour, and wants a chance to hedge his purchase and he can, therefore, contract for a thousand bushels of wheat or sell as he likes. That is what the Senator meant, I think.

Mr. COPELAND. Absolutely. As a general matter, I would not consider it; but I thought that if an amendment was to be added to protect the cotton spinner, the same provision should be added to protect the miller.

Mr. CARAWAY. Mr. President, let us have the amendment pending. I have no objection to it.

If no one else wants to speak, I desire to say just a few words. I presume everybody has made up his mind as to how he is going to vote, largely as the result of propaganda and lobbying outside of the Chamber. Not since I have been in Congress have as many people importuned Members of the Senate to vote against a measure as have solicited votes against this measure.

Mr. HEFLIN. Let us have order, Mr. President, so that we can hear.

Mr. CARAWAY. More Senators are going to vote against this bill without knowing what the measure is than possibly against any other that has been pending, and that is rather a wild assertion, because we know how they vote. They will all get up and denounce gambling. As the exchanges are now run that is all they do. They are not aids to business, and they have not been.

There was read into the RECORD yesterday by the Senator from South Carolina the announced policy of legislation, and the Senator assured the Senate that the exchanges—I am talking about cotton, particularly—were manipulated, were controlled, were exploited, by people who were gambling in them. That is the announcement of policy.

Every fact necessary to substantiate those things has been offered over and over again. Now it is contended, without anybody saying who or how—Mr. President, I think I will just yield the floor; there is so much conversation in the Chamber. I can not discuss the matter when everybody else is talking.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. HEFLIN].

The amendment was agreed to.

The PRESIDING OFFICER. If there is no further amendment to be offered to the bill as in Committee of the Whole, it will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. BRATTON. Mr. President, I understood the Senator from Georgia [Mr. GEORGE] to say a few days ago that he expected to offer a substitute. He is not in the Chamber, and in view of the importance of the legislation, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Mexico suggests the absence of a quorum. The clerk will call the roll.

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

Ashurst	Edwards	King	Shortridge
Bayard	Fess	McMaster	Simmons
Bingham	Fletcher	McNary	Smith
Black	Frazier	Mayfield	Smoot
Blaine	George	Moses	Steck
Blease	Gillett	Neely	Stelwer
Borah	Glass	Norbeck	Stephens
Bratton	Glenn	Norris	Swanson
Brookhart	Goff	Nye	Thomas, Idaho
Broussard	Gould	Oddie	Thomas, Okla.
Bruce	Greene	Overman	Trammell
Burton	Hale	Phipps	Tydings
Capper	Harris	Pine	Tyson
Caraway	Harrison	Pittman	Vandenberg
Copeland	Hastings	Ransdell	Wagner
Couzens	Hawes	Reed, Pa.	Walsh, Mass.
Curtis	Hayden	Robinson, Ark.	Walsh, Mont.
Dale	Hefflin	Sackett	Warren
Deneen	Johnson	Schall	Waterman
Dill	Jones	Sheppard	Watson
Edge	Keyes	Shipstead	Wheeler

The PRESIDING OFFICER (Mr. SACKETT in the chair). Eighty-four Senators having answered to their names, a quorum is present. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. FRAZIER. Mr. President, in my remarks on yesterday I made the statement that most of the manipulations on the market in the fall of the year when wheat was going on the market had the effect of keeping the price down and that the bulk of the wheat was marketed at that time owing to the financial condition of the farmer. To-day before the Committee on Agriculture and Forestry, in a hearing on another measure, it was brought out from investigations and figures taken from 90 farmers' elevators in the States of Montana, North Dakota, South Dakota, and Minnesota that in the season of 1924-25 68.54 per cent of the grain sold for that season was sold in the month of September. In the next year, in 1925-26, 75.54 per cent of all the grain sold was sold in September. In 1926-27 69.21 per cent of all the grain sold was sold in September. I think that is about the average throughout those wheat States. The bulk of the wheat from the hard spring wheat States is sold in September. In some of the States, like Kansas and Oklahoma, it is sold somewhat earlier than that.

It also develops that the price of wheat on the exchanges in September of the fall of 1924 was \$1.36 per bushel, when 68.54 per cent of the wheat for the whole season was sold. During the following winter wheat went to \$2.09 per bushel. It would have made a very great deal of difference, of course, in the income of the farmers if they had gotten that higher price instead of a low price for the bulk of their wheat that year.

If the exchange market system of handling our wheat and cotton is a proper system, if it is perfectly legitimate and honorable to speculate in grain and cotton futures, and if it is necessary for the farmer to hedge or for the local buyer to hedge under the system in order to protect himself either in the way of sales or purchases, what is the use of the farmer going to the trouble of raising the wheat or the cotton? Why should he not

just speculate in the market and save all his labor and trouble and work in raising and producing the crops during the summer?

A representative of one of the Southern States told me very recently that he owned a large cotton plantation in his State. He said that in the spring after the cotton was planted and started to grow and the weather seemed to be good and the cotton getting a good start, he went to a broker and sold as many bales of cotton as he expected under normal conditions to have that fall. He said that in doing that he generally made a little profit. He said by that method of doing business, by selling his crop early in the spring or along in the middle of the summer at least, he generally got a better price than he would have gotten for it by waiting until the crop was actually made and selling his actual cotton in the fall. I asked what was the use under those conditions of going to the trouble of raising the cotton? I said that all he had to do was to buy and sell futures and make his profits, and thus save himself the trouble of going through the farming operations.

It seems to me that is the whole question. If the gambling principle is right, let the farmers do the gambling and, perhaps, they can make more money in those transactions than they can by raising their products on the farm.

RELIEF OF FARMERS IN SOUTHEASTERN UNITED STATES

Mr. TRAMMELL. Mr. President, yesterday afternoon at a time when I was absent from the Senate on account of illness—and I have been detained from the Senate due to illness a considerable part of this week—the Presiding Officer laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 182) for the relief of farmers in the storm and flood-stricken areas of southeastern United States. By these amendments it was provided that a limitation should be placed upon the provisions for loans and for advances for the purchase of seed and fertilizer by the farmers within the area referred to, the provisions in the Senate bill being altered most materially in the House.

The House amendments provide that loans for the purchase of fertilizer and seed for cotton farmers shall be limited to not exceeding \$8 per acre. It is also provided as to other character of crops that only \$3 per acre shall be loaned for fertilizer and for seed.

I am very sorry that on account of sickness I was unable to be present in the Senate during the afternoon of yesterday. In fact, I am scarcely able to be here to-day, and am here against the advice of my physician. Had I been present yesterday when the matter came up I certainly would have asked for a conference on the amendments proposed by the House. Those amendments restrict the loans for fertilizer and for seed to not exceeding \$8 per acre for the planting of cotton. Such limitation is entirely too small for that particular character of farming.

Then to say that farmers engaged in vegetable farming or tobacco farming and carrying on operations of that character shall not be allowed a loan of more than \$3 per acre for the purchase of seed and fertilizer is absolutely ridiculous and absurd, and carries with it no relief whatever. Three dollars per acre is not sufficient to buy enough seed to plant one-fifth of an acre for the average vegetable crop. It is not sufficient money to buy fertilizer for one-tenth of an acre for the average truck farmer in my State or in any other State that is affected by the bill. Yet that is the restriction which has been placed upon the loans which may be made to them under the amendments which were made by the House and concurred in by the Senate yesterday.

I wish very much there were some way by which we could reconsider that action of the Senate yesterday and that we might ask for a conference with the House on the amendments of the House and have the conferees consider the matter of so amending the joint resolution that it might afford some real relief to the fruit growers and vegetable farmers in the hurricane and flood sections of my State and other States.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from North Carolina?

Mr. TRAMMELL. I yield.

Mr. SIMMONS. I desire to express my entire concurrence in the views expressed by the Senator from Florida. The amendments provide for a loan of not more than \$8 per acre for fertilizer and seed for land planted in cotton or tobacco. Eight dollars per acre might possibly be sufficient in some regions to buy fertilizer for cotton, but in many regions it would be utterly inadequate. Eight dollars per acre for fertilizer and seed with reference to tobacco is ridiculous. In that part of North Carolina in which the bulk of the tobacco crop is grown the usual amount of fertilizer used to an acre planted to tobacco is one-half a ton and the cost of that would be somewhere between \$15 and \$20. If it is a vegetable crop such as potatoes, where there

is a much higher grade of fertilizer used than is used for tobacco, the \$3 per acre allowed by the joint resolution for that character of crop would be ridiculously low. I know of a great many potato farmers who use as much as a ton of fertilizer to the acre. A half a ton is considered a very small amount for fertilizer for vegetables, and a half a ton of that character of fertilizer which is used on vegetable crops would cost \$20-odd per acre.

I do not see how this could be of any advantage because if the farmer undertakes to avail himself of the benefits of the measure he has to give security, and the only security, as a rule, which he can offer is the crop itself. If he should mortgage the crop to get \$8 per acre for fertilizer for his tobacco crop, then he would not be able to negotiate a loan upon his crop for the additional \$8 or \$9 or \$10 that he would have to have in order to secure an adequate amount of fertilizer for his tobacco. The case would be very much worse where vegetables are involved.

I was not aware of the fact that we had concurred in any such amendments. I understood that there was some difficulty growing out of the obscure definition of the territory to which the relief provided in the bill should apply and that the amendments confined themselves to making certain what particular States would be entitled to the benefits of the legislation. I did not know that any such restrictions as to the amount of money available for loans were in the bill at all. I would like to have the Senator from South Carolina [Mr. SMITH] advise us about the matter.

Mr. TRAMMELL. I yield to the Senator from South Carolina for that purpose.

Mr. SMITH. Mr. President, the Senate is aware of the fact that I introduced a joint resolution in the Senate asking for \$15,000,000. I thought after a survey had been made that that amount was the minimum that would be wholly effective in relieving the individual farmers of the terrible condition which confronted them. The joint resolution passed the Senate without any limitation whatever as to the amount that might be used. It went over to the House and there, after all this lapse of time, they not only reduced the amount to \$6,000,000, but also specified the amount that would be available.

In conference with the representatives of the States affected and those who had charge of the bill, I was informed that this was the very best that could possibly be done, if anything was to be done, to meet the situation this year. I agree with the Senator from North Carolina and the Senator from Florida that, in the first place, \$6,000,000 is totally inadequate.

Mr. SIMMONS. Of course it is.

Mr. SMITH. I also agree that the amount specified per acre is only helpful—

Mr. SIMMONS. Is it helpful? That is the question.

Mr. SMITH. If the cotton grower and the tobacco grower are to be restricted to \$8, the \$8 itself is wholly inadequate.

Mr. SIMMONS. Mr. President, does not the Senator from South Carolina know, as a matter of fact, that in order to give the Government the security that would be exacted under the terms of the bill the average cropper would have to mortgage his crop; and having given a mortgage for \$8 when he needs \$18, we will say, how would he be able to get the other \$10?

Mr. SMITH. If the partial relief afforded by the bill—for it is partial—the \$6,000,000 should be used in an effort to furnish the growers of cotton and tobacco the full amount they might need, it would not relieve one-half of those who need relief.

Mr. SIMMONS. But, Mr. President, I wish the Senator from South Carolina would direct his attention to the thought I have suggested.

Mr. SMITH. I am coming to that right now. My idea was that perhaps the Agricultural Department could work out some plan by which the money appropriated might be used to supplement whatever credit the cotton and tobacco planters might otherwise obtain and in that way the \$6,000,000 could be distributed as far as possible to relieve the situation. That was the idea I had in mind, and yesterday when the matter came up and the representatives of the various States interested were here I asked them what was the best thing to do under the circumstances. As planting time begins in March, and as the control of the appropriation was placed in the hands of the Agricultural Department, I thought, perhaps, that department might afford some partial relief.

The fact of the business is, Mr. President, that the appropriation of \$15,000,000 in the bill as originally framed was itself inadequate. The Senator from North Carolina knows that; every man who is acquainted with conditions in the affected territory knows it; but as it seemed hopeless to get any more because—

Mr. SIMMONS. If the Senator from South Carolina will pardon me, I wish to say that I do not think under this bill

there will be any applications made to the Government in my State for relief.

Mr. SMITH. No.

Mr. SIMMONS. And I think we shall be passing a bill here that will be futile and ineffective. I also think it is an insult to the southern people when they come to Congress and ask for relief for Congress to say, "We will give you a crumb and nothing but a crumb."

Mr. SMITH. Mr. President, so far as I am individually concerned, I am still of the opinion that if judiciously handled by the Agricultural Department the appropriation will afford some relief, though nothing like adequate relief. It will at least enable the farmers to get some cottonseed that they otherwise might not get. It may also enable them to supplement some other method of getting fertilizer. However, the minute the proposed appropriation was reduced from \$15,000,000 to \$6,000,000 I recognized that it was totally inadequate to meet the situation.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from North Carolina?

Mr. TRAMMELL. I yield.

Mr. SIMMONS. I want to say for myself that it is so inadequate, it is such trifling with a serious situation, that I would rather see no legislation at all enacted upon this subject.

Mr. SMITH. Mr. President, if the Senator from Florida will allow me just a minute, I myself feel very much the same as does the Senator from North Carolina [Mr. SIMMONS]; but under the circumstances, after conferring with others, I thought that perhaps there might be some relief afforded by the appropriation of \$6,000,000.

Mr. SIMMONS. Mr. President, does not the Senator from South Carolina know that in certain parts of the South—I think in his State and also in my State—the bulk of the cotton is actually grown by small croppers?

Mr. SMITH. Certainly.

Mr. SIMMONS. It is probably grown by from 1-horse to 3-horse farmers.

Mr. SMITH. Yes.

Mr. SIMMONS. Those people who would naturally apply lost their crops; they were unable to pay their indebtedness; they would have no security to offer except the crops this year. We all know when the Government is to make such loans only upon sufficient security the Agricultural Department and the agents of the Government are very exacting about the security. Does the Senator from South Carolina suppose that if those croppers should give a mortgage to the Government upon their crops for the cost of one-half of the amount of the fertilizer they need they would then be able to furnish security in order to get the other half?

Mr. SMITH. I myself think that would probably be one of the difficulties that would be met with; but I want to say again that when I insisted upon the appropriation of \$15,000,000, and the Senate without a dissenting vote agreed to it, I was hoping that that amount at least would be retained, and that, if possible, it might be increased. It was not an appropriation; it was not a gift; it was merely extending the credit of the Government to ameliorate a very disastrous and distressing condition. However, when in the other body, as far as I was able to follow the proceedings, the Representatives from the Southeastern States had exhausted every effort in their power and could get no further than agreement to the measure which was sent here, having only about two more weeks in which to act, I was advised that perhaps that measure was the limit of present possibilities. I believe—as the Senator from Florida and the Senator from North Carolina believe—that the provision made was absolutely inadequate. If no limitation had been put upon the amount appropriated, the \$6,000,000 for the States involved was itself wholly inadequate.

However, for the reasons which I have stated, I asked that the amendments of the House be agreed to, in the hope that even the small amount allowed by the other body might in some way aid the situation in the Southeastern States. I repeat, I agree with both the Senator from Florida and the Senator from North Carolina that the relief afforded is going to be very small compared with what is necessary.

Mr. TRAMMELL. Mr. President, the trouble about the amendment, so far as the State of Florida is concerned, is that it gives absolutely no relief except in a most meager and nigardly way in the northern part of the State, where there are a few counties in which the farmers might be able to borrow up to \$8 an acre with which to buy tobacco seed and fertilizer or to borrow up to \$8 an acre with which to buy cottonseed. I have asked for and want relief for that section; but that was not the section of my State that was most disastrously affected

by the hurricane and the flood of 1928. The section that was most disastrously affected is the lower east coast, beginning at West Palm Beach and following in a northeasterly direction out to and beyond Lake Okeechobee and into the interior of the State. That is a vegetable producing section, and that character of farming is engaged in almost exclusively there by those for whom I was seeking relief.

Under the House amendment it is proposed to lend them not exceeding \$3 an acre with which to buy fertilizer and seed. Anyone who knows anything whatever about truck farming and vegetable farming knows that \$3 an acre is not enough in the case of most of the crops to buy sufficient seed to plant one-fifth of an acre, and it is not enough to buy sufficient fertilizer to fertilize one-tenth of an acre. So the provisions of the House amendment and the restriction placed by it are equivalent to giving absolutely no relief to the great section of Florida which suffered most disastrously from the hurricane and the flood.

I admit that the limitation on fertilizer and seed in the case of cotton and tobacco is also entirely too limited and restricted; but in the planting of cotton there is not so great an amount of fertilizer required per acre and the cost of seed and the cost of fertilizer in the case of cotton do not equal the cost of fertilizer and seed for the planting of vegetable crops. Yet the limitation in the case of cotton is placed at \$8 an acre, and in the case of the vegetable crops \$3 an acre. Why such discrimination against the vegetable grower. Why deny him any relief whatever?

I did not desire, Mr. President, to have it appear that I was at all agreeable to the amendments which were accepted on yesterday, and I desired to have the RECORD show that I was unavoidably detained from the Senate at the time on account of illness. I wanted it to be understood, so far as I am concerned—and I have taken a very active part in the matter of seeking relief for the sufferers from the hurricane and flood in Florida—that the amendments which came from the House and which were adopted by the Senate afford no relief so far as Florida is concerned. I agree with the Senator from North Carolina, and, so far as Florida is concerned, I wish it distinctly understood that this measure as amended by the House affords no relief whatever to my State.

I started the fight for relief for Florida when the request first came before the Senate in regard to relief for Porto Rico. I called for the measure providing relief for Porto Rico to be read from the desk in order that I might know what provisions it contained. As soon as it was read I then and there took the floor and stated that I wanted the situation cared for in my State, because the people there had suffered similar disasters to those which had been visited upon the people of Porto Rico. I later introduced an amendment providing for relief for Florida, but when the question came up that the other Southeastern States on account of flood conditions felt that they were also entitled to relief, I very generously said, "Well, we will work in harmony for the benefit of all of the Southeastern States," and withdrew my amendment applying specifically to Florida.

Now the resultant of it is, and the tragedy of it is, that after I was the first among the Senators to appeal for relief in the hurricane-stricken and flood-stricken section of the United States, the Senate adopted an amendment on yesterday when I was absent on account of illness, which allows my State practically no relief whatever; and that is what I am complaining about.

If a farmer in the section producing vegetables in Florida were told that Congress had provided that he could get loans to an amount not exceeding \$3 an acre for the purchase of seed and fertilizer, he would immediately reply, "That is a bunko game, or else those people up there know nothing about truck farming, and the production of vegetables, and the expense of fertilizer and seed necessary to carry on this industry. We hoped our Representatives up there at least knew better, if nobody else knew better."

Mr. President, if this amendment could be brought back to the Senate, and we could have a conference, that is what I should like to have done, and then we might be able to work out something more satisfactory.

Mr. SIMMONS. Mr. President, if the Senator will allow me, I desire to enter a motion to reconsider the vote by which the Senate agreed to the House amendments to Senate Joint Resolution 182.

Mr. CARAWAY. The Senator simply wishes to do that without asking for the consideration of the motion now?

Mr. SIMMONS. Yes; I wish to enter that motion now. Further, I want to move—

Mr. CARAWAY. I hope the Senator will not move to do it.

Mr. SIMMONS. I simply want to move that the House be requested to return to the Senate the message announcing the concurrence of the Senate in these amendments.

Mr. CARAWAY. Would the Senator mind asking unanimous consent to do that? I do not want to have the pending business displaced.

Mr. SIMMONS. If it would displace the regular order, I will do that.

The PRESIDING OFFICER. This is a privileged motion. It will not displace the unfinished business.

Mr. CARAWAY. All right.

Mr. SIMMONS. I ask unanimous consent to enter this motion.

The PRESIDING OFFICER. Without objection, the motion will be entered.

Mr. SIMMONS. I now move that the House be requested to return to the Senate the message announcing the agreement of the Senate to the amendments of the House to the joint resolution.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina to request the return of the joint resolution.

The motion was agreed to.

Mr. TRAMMELL. Mr. President, I have nothing further to say, except that I do not wish it to be understood that I mean to criticize the Senator from South Carolina for agreeing to these amendments. I unfortunately was absent on account of illness yesterday, and I had not seen the amendments which were brought in from the House. In some discussion with regard to the matter several days ago I had understood that the House amendments placed a restriction only upon cotton and tobacco. Of course, if it placed a restriction upon cotton and tobacco, and that was acceptable to the representatives from the States producing these crops principally, I had no objection to that; but I did not know that the amendment placed a restriction of \$3 per acre upon all other kinds of farming, which would include the principal farming operations in the territory involved in my State.

Mr. SMITH. Mr. President, it was my opinion, in looking over the amendments sent over from the House, that the amendment in question had reference to the other field crops, and I thought it left intact the provisions in the bill in reference to nursery stock and other provisions put in by the Senator from Florida.

I desire to state here now that in view of the action taken in reference to recalling this message from the House, I think it is a question of whether we accept this, which is perhaps doubtful relief, or no relief at all. That is my candid opinion. I have worked in season and out of season to try to get some relief. As every Senator here knows, this was not involved in the joint resolution that I had put through the Senate. The Senate very magnanimously and unanimously voted for the \$15,000,000, with provisions in the measure that seemed to be satisfactory to all the representatives of the States affected by the storm. Of course, however, I had no control whatever over its vicissitudes in another body. I did confer with them from time to time, and I found that those who had charge of the matter, representing the States affected, had agreed to this very proposition as the only thing they could get at all.

I do not know just what may be the result of recalling the joint resolution and having it amended or sending it to conference, but it is my opinion that it is either this or nothing at all. I myself was not satisfied with it, but I took occasion yesterday evening to confer with those Senators who were present, and I was advised that perhaps we had better try to work out some relief with the \$6,000,000, rather than to get no recognition and no relief at all.

Of course, I want it understood that I would do everything in my power to bring about the relief that was indicated by me on this floor, as necessary, when the original joint resolution passed. The present status is not mine at all. It was what I believed had been worked out by the best efforts of those who were likewise interested on the other side of the Capitol. Perhaps we did not have the difficulties here that they faced over there; and I desire to have my colleagues here thoroughly apprised of my part in the matter and my attitude. It was simply a question in the short time I had, knowing the difficulties that had been encountered elsewhere, of whether or not it was best to take what was offered—scant, imperfect, and perhaps not available, but yet trying to work out with the \$6,000,000 some measure of relief rather than none at all. That was my attitude in the whole matter.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The Senate resumed the consideration of the bill (S. 1093) to prevent the sale of cotton and grain in future markets.

The PRESIDING OFFICER. The bill is in the Senate and still open to amendment. If there be no further amendment to be proposed, the question is, Shall the bill be engrossed and read a third time?

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

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. HEFLIN and Mr. SIMMONS called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll.

Mr. JONES. I desire to announce the following general pairs:

The Senator from New Mexico [Mr. LARRAZOLO] with the Senator from Maryland [Mr. TYDINGS];

The Senator from Indiana [Mr. ROBINSON] with the Senator from New Mexico [Mr. BRATTON]; and

The Senator from Oregon [Mr. McNARY] with the Senator from Tennessee [Mr. McKELLAR].

Mr. GLASS. I have a general pair with the senior Senator from Connecticut [Mr. McLEAN], who is unavoidably absent. I therefore withhold my vote.

Mr. REED of Pennsylvania (after having voted in the negative). Has the Senator from Delaware [Mr. BAYARD] voted?

The VICE PRESIDENT. He has not voted.

Mr. REED of Pennsylvania. I am authorized by the Senator from Delaware to say that the general pair which he and I have should not prevent me from voting, as he would vote the same as I have voted.

Mr. BINGHAM. The junior Senator from Rhode Island [Mr. METCALF] is detained at home on account of illness. If he were present, he would vote "nay."

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from Maryland [Mr. TYDINGS], the Senator from Missouri [Mr. HAWES], and the Senator from New Mexico [Mr. BRATTON] are detained on official business.

Mr. SHEPPARD. I was requested to announce that the Senator from Kentucky [Mr. BARKLEY] and the Senator from Missouri [Mr. HAWES], if present, would vote "nay."

The result was announced—yeas 27, nays 47, as follows:

YEAS—27

Black	Fletcher	McMaster	Sheppard
Blaine	Frazier	Mayfield	Shipstead
Borah	George	Neely	Thomas, Okla.
Brookhart	Harris	Norbeck	Trammell
Capper	Hefflin	Norris	Waterman
Caraway	Jones	Nye	Wheeler
Dill	King	Robinson, Ark.	

NAYS—47

Ashurst	Gillett	Overman	Stelwer
Bingham	Glenn	Phipps	Stephens
Blease	Goff	Pittman	Swanson
Broussard	Gould	Ransdell	Thomas, Idaho
Burton	Hale	Reed, Pa.	Tyson
Copeland	Harrison	Sackett	Vandenberg
Couzens	Hastings	Schall	Wagner
Curtis	Hayden	Shortridge	Walsh, Mass.
Deneen	Johnson	Simmons	Walsh, Mont.
Edge	Keyes	Smith	Warren
Edwards	Moses	Smoot	Watson
Fess	Oddie	Steck	

NOT VOTING—21

Barkley	Glass	Larrazolo	Reed, Mo.
Bayard	Greene	McKellar	Robinson, Ind.
Bratton	Hawes	McLean	Tydings
Bruce	Howell	McNary	
Dale	Kendrick	Metcalf	
Gerry	La Follette	Pine	

So the Senate refused to pass the bill.

Mr. JONES obtained the floor.

Mr. HARRISON. Mr. President, will not the Senator yield to me to enter a motion to reconsider the vote by which the bill just acted on was defeated?

Mr. JONES. Mr. President—

Mr. HARRISON. May I say that I want to make the motion for the purpose of getting the bill back to the Senate in order that I may offer a substitute, which substitute has already passed the House of Representatives, so as to give the Senate an opportunity to vote upon it. I hope the Senator will not object to this procedure so that we may get a vote on the matter. It will take only a few moments.

Mr. HEFLIN. I hope the Senator from Washington will agree to that. It will not take much time.

Mr. JONES. I wanted to make a motion. I make the motion that the Senate proceed to the consideration of Senate bill 2901, to amend the national prohibition act, as amended and supplemented.

Mr. HARRISON. I hope the Senator will permit me to get a vote on my motion. I move to reconsider the vote by which the bill just acted on was defeated.

Mr. JONES. If the bill I have moved is taken up, it could be temporarily laid aside. I would have no objection to that.

Mr. HARRISON. We can get through with this very quickly. I do not think there will be any great amount of discussion.

Mr. JONES. Very well. Without yielding the floor, I have no objection to the Senator making his motion.

Mr. HARRISON. I ask unanimous consent that we recur to the consideration of the bill just voted on, and that I may be permitted to offer an amendment striking out everything after the enacting clause and inserting the following, and the following is the so-called Vinson bill, which has already passed the House unanimously, I may say, which places the cotton exchanges in the same position with reference to deals in cotton as that in which the law now places the board of trade with reference to dealing in grain.

Mr. SMITH. I will ask the Senator from Mississippi to permit me to make a statement just here. There is already on the calendar a bill that is, so far as the amendatory features of the bill are concerned, identical with the one which the Senator proposes to offer, but differs very radically in other particulars. It was my purpose, as soon as this measure was disposed of, to take the bill that has been passed by the House through its regular course through the Committee on Agriculture and Forestry, and see whether or not we could not work out a plan by which the matter might be expedited, because the parliamentary situation would be such that we could take advantage of the one bill having already passed the House and another one having been reported out by the Committee on Agriculture and Forestry. We could expedite the matter by getting a bill that would maintain the parliamentary status of the bill that has already passed the House, and also accommodate itself to what is necessary to be done in connection with legislation so important. I had intended to take the floor to make that statement, as I had already stated to other Senators my intent, when the Senator from Mississippi got the floor.

Mr. HARRISON. May I say to the Senator that I have no objection in the world to that course, but the majority side of the Senate have a program mapped out; certain bills are to come up, and right now is our opportunity either to offer the bill of the Senator from South Carolina as a substitute or to offer the bill that has already passed the House of Representatives. If we do not take advantage of the opportunity now, a measure covering this subject will never become a law during this session of Congress, because we have only about two weeks left. If the Senator can offer his amendment as a substitute, to strike out everything after the enacting clause, I will have no objection to it. That will get it into conference; but let us do something now.

Mr. SMITH. Mr. President, it may be worked out in conference, but this matter is a matter of such far-reaching and grave importance to all of us whose living depends on the production of cotton, that we do not want to take hasty action in reference to that which affects the markets of the great southern staple. I am sure that if the Committee on Agriculture agrees on a measure that is favorable to those interested in the matter, at any time we bring it in here it can be passed. I believe that those on the other side, when we shall have agreed on a measure that will have such a parliamentary status that it can be passed at this session, will grant the right of way at least for a vote on it.

Mr. JONES. Mr. President, I can not yield further.

Mr. HARRISON. I make my motion as a privileged motion.

Mr. JONES. I raise the point that it is not privileged.

Mr. HARRISON. I have a right to move to reconsider the vote by which the bill was defeated, when I voted in the negative.

Mr. JONES. The Senator can make the motion.

The VICE PRESIDENT. The entering of the motion is privileged, but whether or not it shall be considered will be determined by a vote of the Senate.

Mr. JONES. I have moved that the Senate proceed to the consideration of Senate bill 2901.

Mr. HARRISON. I ask for a roll call on my proposition. I have entered the motion, and I make the motion now.

Mr. JONES. Mr. President, I raise the point of order that the Senator has not the floor to do that.

Mr. HARRISON. A parliamentary inquiry. If this motion should go over for a day, would we lose our privileged status here of having this bill before the Senate? It is now the unfinished business.

Mr. JONES. Mr. President, it was voted on, and the vote was completed. The bill was disposed of.

Mr. HARRISON. It is not disposed of.

Mr. JONES. I have moved that the Senate proceed to the consideration of Senate bill 2901, to amend the national prohibition act, as amended and supplemented.

The VICE PRESIDENT. A bill can be brought before the Senate by a majority vote at any time.

Mr. HEFLIN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Alabama will state his parliamentary inquiry.

Mr. HEFLIN. The Senator from Mississippi voted just a moment ago, as others did, on the Caraway bill. He voted in the negative. Therefore under the rules he has the right, having voted on that side, to move to reconsider the vote by which the bill was defeated. Why can he not do that now while the bill is still up in the Senate? He obtained recognition, and he wants to make that motion, and I think the Senate ought to act on it while the bill is here, rather than transact some other business.

The VICE PRESIDENT. The Senator from Washington in the meantime had made a motion to proceed to the consideration of Senate bill 2901. That motion was made before the Senator from Mississippi made his motion.

Mr. HARRISON. I have been on my feet—

Mr. HEFLIN. The Senator from Mississippi addressed the Chair two or three times.

The VICE PRESIDENT. The motion of the Senator from Washington was entered and is before the Senate for consideration.

Mr. SWANSON. Mr. President, when the matter of the Senator from Washington shall have been disposed of, will the motion of the Senator from Mississippi take precedence over any other motion? I do not think the Senator from Washington yielded to the Senator from Mississippi, but I wish to submit that the Senator from Mississippi entered a privileged motion, and I think a vote on a privileged motion ought to take precedence over any other motion.

The VICE PRESIDENT. Such a motion can be entered, but when a motion is entered, the privilege is exhausted. The motion of the Senator from Washington is now before the Senate.

Mr. SWANSON. When that shall have been disposed of, does the Chair rule that the next motion in order will be the motion of the Senator from Mississippi?

The VICE PRESIDENT. The motion of the Senator from Mississippi can be taken up during the first morning hour, at the conclusion of morning business.

Mr. HARRISON. There should not be any difficulty about this matter. A unanimous-consent agreement was entered into that at 4 o'clock to-day debate should be limited to 10 minutes. Many of us thought that the bill would not be voted on until after that hour. The Senator from Washington would not lose anything by allowing this motion to be acted on. There is not going to be a great amount of discussion on his measure, and I ask the Senator if he will not withhold his motion so that we can get this matter disposed of at this time?

Mr. WALSH of Montana. Mr. President, let me suggest to the Senator from Mississippi that the Senator from Washington has signified his willingness to lay his measure aside, and then the Senator from Mississippi can make his motion.

Mr. HARRISON. I did not know that.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Washington.

Mr. VANDENBERG. Mr. President, I arose at the same time the Senator from Washington rose, or preceding him, for the purpose of moving to lay before the Senate House bill 11725, an act to provide for the reapportionment of Congress. But the Senator from Washington obtained recognition and thus secured the floor. I have no desire to draw an issue between the reapportionment bill and the bill which my distinguished friend from Washington is pressing before the Senate and which is a measure I shall favor at the proper time. I would not care to have a division taken upon that particular priority because it would suggest a fictitious disagreement. Therefore I am not going to oppose his motion. But I want to give notice now that as soon as I can obtain the floor after his motion has been carried, as I understand it will be, I intend to seek a vote in the Senate upon considering this reapportionment bill in its own right. I shall do so not on the theory that I am seeking any priority whatever over the bill of the Senator from Washington but that I am undertaking to secure the Senate's judgment as to whether or not a paramount degree of constitutional privilege, equivalent to that which is given to appropriation measures, does not and should not and must not attach to a measure that involves the fundamental rights of 32,000,000 comparatively disfranchised American citizens, and which involves the ultimate constitutional validity of future presidential electoral colleges, and which involves the validity, perhaps, of the very act

of Congress itself because of the fact that it is organized contrary to the constitutional mandate, and which involves the sanctity of the Constitution itself and the validity of the oath which Senators in this Chamber take when they assume their seats. I can conjure no other legislation which so fundamentally involves the root sources of our representative Government. Therefore, I submit, no other legislation has so vivid a claim upon the Senate's attention.

I shall have to ask the Senate to take the responsibility for any further postponement of a measure so basically constitutional in its character and so obviously challenging to this body. It is challenging to the Senate with particular emphasis because of the fact that it was this body eight years ago which refused to accept and validate a similar act of reapportionment from the House of Representatives and at that time adroitly took the measure down a blind alley and cut the Constitution's throat. So far as I am concerned I can not take the responsibility, as the Senator in charge of the bill upon the floor, for subjecting this constitutionally privileged measure any longer to the hazards of filibuster and of the Senate calendar congestion during the final two weeks of the session and the possibility that it may suffer another anaesthetic. Therefore, although I do not, I repeat, oppose the immediate motion of the Senator from Washington, yet I shall undertake as soon as I can obtain the floor after his motion is put, to move the consideration of this constitutionally privileged measure, and thus obtain the Senate's judgment as to whether it considers the unofficial party program of an unofficial party committee more binding and more authoritative than a constitutional mandate which already has been ruthlessly ignored for eight sterile years.

Mr. GLASS. Mr. President, with a comparable degree of earnestness, but with much less misdirected vehemence, I want to give notice that I shall ask the Senate, after the disposal of the bill of which the Senator from Washington [Mr. Jones] is in charge, to take up and consider the bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, which has been upon the calendar since the 3d of April last.

I may say incidentally that I would regard it as a distinct violation of faith if any other bill were permitted to intervene and further postpone the consideration of that bill, because I have deferred bringing it up upon the assurance of those having charge of the business program of the Senate that the bill would be included in the next group of bills to be considered by the Senate. It may be regarded as more or less a local bill, but it is not as apt as the bill of the Senator from Michigan to proceed to cut the Constitution's throat again.

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

Mr. GLASS. I yield.

Mr. EDGE. I am in entire agreement with the Senator from Virginia as to maintaining orderly procedure, but I think he is mistaken in assuming that the bill of which he has charge, H. R. 8298, would be the next bill in order as arranged by the committee on procedure.

Mr. GLASS. Possibly so. I am in favor of orderly procedure, of course. If the Senator's measure is ahead of mine, that is all right, and I am in favor of considering his bill first, of course.

Mr. EDGE. I was quite sure that was the Senator's attitude, and I simply wanted to invite the attention of the Senator to the fact that the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal precedes his bill.

Mr. GLASS. Very well. Let us consider that and let us then consider my bill.

AMENDMENT OF NATIONAL PROHIBITION ACT

Mr. HARRISON. Mr. President, may I ask the Senator from Washington if he will now submit his request to temporarily lay aside the unfinished business?

Mr. JONES. I would like, first, to get a vote on the question of whether it shall be made the unfinished business.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Washington to proceed to the consideration of the bill (S. 2901) to amend the national prohibition act, as amended and supplemented.

Mr. NORRIS. Mr. President, we are now in the condition in which we always find ourselves near the end of every short session of Congress. The time we are taking up now to decide on a program is time lost. Even the time that I am using is time lost, but I think it is well to lose a little more time in order to call attention of the Senate and of the country, and particularly of the House of Representatives to the fact that we are confronted with a condition now which confronts us every two years, because the Senate must adjourn on the 4th day of March

with a calendar crowded with more important legislation than can possibly be considered between now and then.

We all know that the larger portion of the legislation now on our calendar is going to be left unconsidered because of a lack of time, and that when noon of the 4th of March comes those measures, some of which have taken up the time of committees and Senators for weeks in their preparation and consideration, must all die; that all the work put upon them will be lost, and that at another session of Congress if an attempt is made to legislate upon any of those subjects we must commence at the beginning.

If the House of Representatives had approved and given the legislatures of the States an opportunity to approve the so-called "lame duck" amendment to the Constitution of the United States, we would not be confronted with the illogical condition in which we find ourselves now. It will always be that way until the Constitution is changed, until we get rid of the short session of Congress. The particular dilemma in which Congress and the country find themselves now will recur two years from now unless the Constitution shall be amended in the meantime. It will happen every two years thereafter as long as the Constitution and the country stand. It will get worse every two years. As the country grows in population and in business the legislation will then become more important even than it is now.

It will be said, "Why, some of the legislation pending in the various committees and some of it now on the calendar, to which committees have devoted a great deal of time, might very well be permitted to die there. It would be better if every one of those measures were not enacted into law. There is controversy about them." It is true that they are controversial. It is probable that every one of them has two sides and that those who are opposed to them would rather not see them enacted into law. But what is Congress for except to settle controversial questions of legislation? If we are to enact nothing into law except by unanimous consent, we ought to abolish the Congress almost entirely. There is no necessity for the taxpayers of the country paying the enormous expenses connected with the Congress if we are not to settle controversial questions. That is what we are here for, and that is the reason why we ought to settle them. But under existing conditions we can not do it because it is a physical impossibility.

The situation has become such that when we presume to ask a question about an appropriation bill and the debate on some important item in an appropriation bill runs along for an hour or two, where hundreds of millions of dollars of the public money is involved, we are at once reminded, "Why, we must get along; we can not debate this so long. We must not consider it at such great length. We will not get it through by the 4th of March if we do." We have been reminded of such a condition at least fifty times during the present session and will be reminded of it from now on until the 4th of March every day, and yet, without that change of the Constitution which I have proposed we are helpless.

There is no filibuster. It is a well-known principle that commencing to-day any reasonable number of Senators could defeat any legislation without undertaking to fight it, not because they could keep up a filibuster until the 4th of March but because those behind the bill would realize that every moment is precious and that the bill would take up so much time that other bills still more important would not be given consideration.

Not only does this condition of affairs result, but it interferes with the orderly and logical work of every standing committee of the Senate. When we are half way or more through the short session the committees commence to get busy. They call special meetings, and those meetings conflict one with the other, with the result that half of the committees find themselves without a quorum, with important legislation before them for consideration. Senators are not to blame. They are on several committees and can not be in two places at once. In other words, it is like a room full of men who have to pass out of a door where it is known in advance that only one-third of them can get out, and yet they are all trying to get out at once, with the result that no one gets out. That is what happens to legislation. It is not only the consumption of time in the consideration of the bills in the case of a filibuster, but it is after that in the jam that we are called upon to do things that are impossible of accomplishment.

I could not permit this opportunity to pass by without calling attention to the real condition and the real evil that is behind the deplorable condition in which we now find ourselves.

The VICE PRESIDENT. The question is upon agreeing to the motion of the Senator from Washington that the Senate proceed to the consideration of the bill (S. 2901) to amend the national prohibition act, as amended and supplemented.

Mr. BRUCE. Mr. President, I want to make a proposition to the Senator from Washington [Mr. JONES], and that is that he shall not insist upon his bill being taken up now. I am perfectly willing that it should be set down for some hour to-morrow or any other day that suits the Senator from Washington, and that debate on it be limited, but it is not convenient for me and it is not convenient, I am sure, for at least one other Member of this body who is opposed to the bill to take up discussion of it to-day. I am perfectly willing it shall be set down for any particular hour to-morrow or on any subsequent day, and the time for discussion limited, but I will advise the Senator, though I am hardly in a position to give any advice to him, that he accept this suggestion of mine, because, as he well knows, this is a subject upon which I experience no difficulty in speaking at very considerable length, even when I have no desire to filibuster it.

Mr. JONES. Mr. President, I would be perfectly willing if an agreement can be made so that the bill may be called up to-morrow. I would be perfectly willing to enter into an agreement of that kind. If we can take the bill up at 12 o'clock to-morrow and vote on it later in the day. I am perfectly willing to agree to vote not later than half past 2.

Mr. BRUCE. The Senator would hardly expect me to expose the iniquities of the bill in that time?

Mr. JONES. I would like to ask the Senator to suggest a time to-morrow to vote.

Mr. BORAH. I suggest that we take up the bill to-morrow and let us have a little debate on it before we agree on a time to vote.

Mr. HEFLIN. Let us take it up the first thing when we meet to-morrow. Let us proceed to the consideration of the bill immediately after 12 o'clock, which we could do by taking a recess this evening.

Mr. BRUCE. I have no disposition to filibuster, none whatever. I merely want to have an opportunity to discuss the bill.

Mr. CURTIS. Mr. President, I suggest that the measure be taken up so as to become the unfinished business, and then be temporarily laid aside so the Senate may proceed to the consideration of the motion of the Senator from Mississippi [Mr. HARRISON], and that it be agreed that the bill of the Senator from Washington shall not be taken up before 2 o'clock to-morrow.

Mr. BRUCE. That is satisfactory to me.

Mr. JONES. I would like to couple with that an agreement at not later than a certain hour to-morrow we shall vote on the bill.

Mr. JOHNSON. Mr. President, may I ask the Senator from Washington if it is the bill (S. 2901) to amend the national prohibition act, as amended and supplemented, to which he refers?

Mr. JONES. Yes; it is.

Mr. JOHNSON. May I ask just one question respecting it? Does that make any offense under the prohibition act a felony?

Mr. JONES. It creates no new offenses; it merely provides for an additional penalty in certain cases. It does not expressly create a penalty, but prescribes an increased penalty.

Mr. ROBINSON of Arkansas. It raises the maximum penalty.

Mr. JONES. It raises the maximum penalty and leaves the minimum penalty unaffected.

Mr. ROBINSON of Arkansas. But it does not create any new penalties.

Mr. JONES. It does not.

Mr. BORAH. Or any new offenses.

Mr. JONES. No.

Mr. BRUCE. Mr. President, so far as I know there are only a few Members of the Senate who are opposed to this bill who desire to discuss it. I think the Senator need have no fear that debate on it will be unduly protracted; so that I think the suggestion of the Senator from Kansas is one which the Senator from Washington might well accept.

Mr. JONES. I am willing to have the bill made the unfinished business, and then let it go over until 2 o'clock to-morrow, with the understanding, without probably an express agreement, that we shall dispose of it to-morrow.

Mr. BRUCE. I could not say that, because I desire to discuss the bill; and, as I have said, while I have no desire unduly to obstruct the passage of the bill—

Mr. ROBINSON of Arkansas. I call for the regular order.

Mr. BRUCE. I desire to speak on it, and I happen to know that some other Senators also desire to speak on it.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

Mr. BRUCE. Mr. President, have I not the right to discuss my views about the motion? I most assuredly intend to do so.

The VICE PRESIDENT. The motion is debatable.

Mr. HEFLIN. Mr. President, if the Senator will permit me, I thought the understanding was that the bill, if made the unfinished business, would go over until to-morrow.

Mr. BRUCE. Mr. President, I hope the Senator from Washington will consent to the suggestion which has been made.

Mr. JONES. I was going to agree to it.

The VICE PRESIDENT. The bill is not as yet before the Senate. The question is on the motion of the Senator from Washington, and that motion is debatable. The Senator from Maryland has the floor.

Mr. JONES. Mr. President, I think we can reach an agreement with the Senator after the vote is had on taking up the bill.

Mr. BRUCE. After the bill has been taken up?

Mr. JONES. Yes.

Mr. BRUCE. I am sure we can.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2901) to amend the national prohibition act, as amended and supplemented.

Mr. HARRISON. Mr. President, will the Senator from Washington yield to me?

Mr. JONES. Mr. President, if there is no objection, I should be glad to have the bill temporarily laid aside, with the understanding that we will take it up at 2 o'clock to-morrow and dispose of it, as nearly as possible.

Mr. VANDENBERG. Mr. President, I can enter into no agreement which will prevent the roll call for which I am asking on the question of determining whether the Senate desires longer to postpone consideration of the reapportionment bill.

Mr. JONES. I ask that the unfinished business be temporarily laid aside.

Mr. VANDENBERG and Mr. HARRISON addressed the Chair.

The VICE PRESIDENT. The Senator from Michigan.

Mr. VANDENBERG. I move that the Senate proceed to the consideration of House bill 11725.

Mr. HARRISON. A parliamentary inquiry.

The VICE PRESIDENT. The Chair will inquire, first, is there objection to the request of the Senator from Washington that the unfinished business shall be temporarily laid aside? The Chair hears none, and it is so ordered.

APPORTIONMENT OF REPRESENTATIVES IN CONGRESS

Mr. VANDENBERG. Mr. President—

Mr. HARRISON. I had understood that after the bill had been taken up I would be permitted to make a motion.

Mr. VANDENBERG. Mr. President, have I the floor?

The VICE PRESIDENT. The Chair recognizes the Senator from Michigan.

Mr. VANDENBERG. I move that the Senate proceed to the consideration of House bill 11725, and upon that question I ask for a roll call.

Mr. HEFLIN. Mr. President, I make the point of order that the understanding was that the Senator from Mississippi [Mr. HARRISON] was to be recognized when the bill of the Senator from Washington was out of the way or some agreement reached concerning it. That was my understanding, and I think it was the understanding of other Senators.

The VICE PRESIDENT. There was no agreement or understanding. The Chair has to recognize the Senator first addressing the Chair, and that is the reason why the Chair recognized the Senator from Michigan.

Mr. HEFLIN. The Senator from Mississippi has been standing on his feet for some time.

Mr. HARRISON. Mr. President, I have no desire to delay the business of the Senate. Let us have a yea-and-nay vote on the motion now.

Mr. VANDENBERG. Very well.

Mr. EDGE. Mr. President, there will be some debate on that motion.

Mr. NORRIS. I wish to debate it.

Mr. JONES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Washington will state his parliamentary inquiry.

Mr. JONES. If the motion of the Senator from Michigan shall be adopted, as I understand, it will displace the unfinished business?

The VICE PRESIDENT. It will displace the unfinished business.

Mr. EDGE. Mr. President, I wish to speak very briefly on the motion of the Senator from Michigan, which is now before the Senate. I want to make it very clear that so far as the measure which the Senator has in charge is concerned, the so-called reapportionment bill, I am heartily in favor of it, and I

have every wish and hope and expectation that the Senate will pass the measure before final adjournment. Nevertheless, as has been indicated by the Senator from Virginia [Mr. GLASS], we have a system which has been in vogue in the Senate for many years, which recognizes a committee known as the committee on procedure or order of business. That committee considers the requests of Members of the Senate representing both political parties, and decides in its judgment the order in which the Senate shall consider various measures that have been on the calendar or before the Senate for a long time.

Mr. VANDENBERG. Mr. President, would it interrupt the Senator if I asked him one question?

Mr. EDGE. I yield.

Mr. VANDENBERG. I merely want to make it plain that the motion I am making raises the fundamental point as to whether the committee on order of business of the Senate has a superior right to the Constitution of the United States.

Mr. EDGE. Mr. President, I am not going to discuss the question of constitutionality. I repeat that the bill the Senator has in charge is a very important measure, and I have no doubt that it will receive the final consideration of the Senate before the Congress shall adjourn, but the committee on program, I repeat, has been recognized for years as an instrumentality to maintain an orderly procedure. In other words, it affords Members of the Senate who, as the chairmen of committees or as the sponsors for various measures, have the responsibility of looking after them, an opportunity, known to some extent in advance, to be prepared to move their consideration and have them debated and finally disposed of by the Senate.

Demonstrating that the policy of the committee has always been to recognize both sides of the Chamber, I merely wish to call attention to the present program. There are four bills on the program. The first bill is the one of the Senator from Arkansas [Mr. CARAWAY], which has just been disposed of. The second bill is that of the Senator from Washington [Mr. JONES], which is now the unfinished business. The third measure is the joint resolution sponsored by myself as chairman of the Committee on Interoceanic Canals. The fourth bill is that referred to by the Senator from Virginia [Mr. GLASS]. So two bills which have been placed on the program are being handled by members of the Democratic Party and two are being handled by members of the Republican Party.

In my judgment, either we must maintain the responsibility of the committee on procedure, or there should be no such committee. Either we should go through with the program or, I repeat, the committee should be discharged. In my judgment, the three bills that remain on the program, with debate directed to the subject matter, could be disposed of in two or three days.

We have still over two weeks remaining of the session, and there seems to be no adequate reason why the reapportionment bill should not come up in the regular way and be given proper consideration by the Senate. But certainly this is the test—not the test as to the constitutionality of any measure or of any disposition to challenge the Constitution—of the necessity of deciding by the Senate whether we will proceed in an orderly manner under a method of procedure which has been accepted for many years, or whether suddenly we are going to have a grab and grasp and hustle on the part of this or that or the other Senator to have one bill made the unfinished business one moment and displaced the next.

We are under the criticism of the country—some of it justified, in my opinion, and much of it unjustified—as to the time consumed to transact business. Certainly we will add to the confusion if we deliberately do away with this established, recognized method through which we can approach different measures, prepare to debate them, and be in a position to expect those measures to be before the Senate within a reasonable time.

So, for that reason, Mr. President, much as I am interested in the reapportionment bill, I propose to uphold the traditions of the Senate, the rules of the Senate, the recognized practice of the Senate, and vote against the motion of the Senator from Michigan to displace the unfinished business.

Mr. HEFLIN. Mr. President, have the yeas and nays been ordered?

The VICE PRESIDENT. The yeas and nays have not been ordered.

Mr. VANDENBERG. I ask for the yeas and nays.

Mr. NORRIS. Mr. President, I want again to call attention to the same situation to which I called attention a few moments ago. We are killing time; even I am doing that now, in order that I may call the attention of the country to just what is going on in the Senate on account of the failure of the House of Representatives to pass the so-called "lame duck" amendment to the Constitution.

Mr. President, I am in favor of taking up the bill which the Senator from Michigan has in charge. If he had been recognized and had moved to take up the bill and the Senate had adopted his motion, I would have voted against the motion of the Senator from Washington to take up the other bill. I am in favor of both of the bills, but if we go from one to the other we will not secure action on either one of them; neither one of them will get out of the door before the 4th of March.

We are all in an embarrassing position; those, at least, who feel as I do, that both of these bills ought to be enacted into law. We are under the necessity, in order to do anything, to vote against taking up one or the other of them if their adherents continue to make motions to take one up and displace the other. So, while I shall vote on the roll call which is about to take place against the motion of the Senator from Michigan, I shall not do so because I am opposed to his bill; but because I am confronted with the fact that if I shall vote to take up that bill and if the motion should prevail it would displace another bill which is now already before the Senate and of which I am in favor.

Mr. President, I do not agree with the Senator from New Jersey [Mr. EDGE] entirely. Usually I do, but on this occasion I do not entirely agree with him in his argument that the unofficial committee on order of business to which he has referred, which is not recognized by the Rules of the Senate, shall say to the Senate what its order of procedure shall be. Under the rules the Senator from Michigan is in order in making the motion he has made.

I am not against this unofficial committee; perhaps it does much good; I only reserve the right, when they place a bill on the program for consideration which I would rather not have considered, to vote to take up some other measure when I get an opportunity to do so. I do not mean any disrespect to the committee, and no disrespect can possibly, or rightfully at least, be implied by such a vote. The committee, as I have said, is an unofficial one. Its object is to bring order out of chaos, if it can, but at the same time the committee must submit its work to the Senate, which in that instance is the supreme court. The members of the committee are merely justices of the peace, and not even official justices of the peace; they have not taken the oath of office, so far as their committee is concerned, even to support the Constitution. That is the reason the Senator from New Jersey, perhaps, disregards the Constitution as he does defiantly in the face of the constitutional argument of the Senator from Michigan.

Mr. FESS. Mr. President—

Mr. NORRIS. I yield to the Senator from Ohio.

Mr. FESS. I am in the same situation as is the Senator from Nebraska in being in favor of both motions, but I am rather impressed with the conviction that the bill of the Senator from Washington has strength enough behind it to be passed, even if we do not take it up at once.

Mr. NORRIS. The Senator may be entirely right about that.

Mr. FESS. For that reason I am rather inclined to vote for the motion of the Senator from Michigan.

Mr. NORRIS. The Senator from Ohio may be entirely right; his reasoning satisfies him certainly, and I am not finding fault with it, because I think he is taking what, from his viewpoint, is a perfectly logical position. I, myself, do not feel that I should vote to displace a bill that I am in favor of by another one that I am also in favor of unless the second bill is a great deal more important.

It may be that the Senator's bill is the more important. I would not say that it is not; but, personally, I feel very much in favor of both of them.

After listening to the conversation between the Senator from Washington and those who are opposed to his bill I do not believe the bill is going to take very much time. I hope it will not. I think we will be able to dispose of it without much debate, and then I hope we can take up the bill that the Senator from Michigan advocates. I think he makes a mistake, however, when he makes his motion now to take it up.

Mr. ROBINSON of Arkansas. Mr. President, the Senate has just voted to proceed to the consideration of Senate bill 2901, increasing maximum penalties for violation of the prohibition law. Before any debate on the measure has occurred following the vote, a motion is made now to proceed to the consideration of a bill which everyone knows will call for much discussion.

I do not object to the consideration of the bill proposed by the Senator from Michigan [Mr. VANDENBERG]; but I do object to what must appear to be unusual, inexcusable, and absurd procedure, namely, voting to take up a measure and then immediately voting to pass from its consideration to the consideration of another measure. If the Senate establishes that precedent during the closing days of this session, the greater part of our time, instead of being devoted to legislation, to delib-

eration upon measures, will be required for passing upon motions to take up bills.

Nothing whatever is to be accomplished by any such practice. There is nothing in the present situation to indicate that the bill brought forward by the Senator from Washington will require prolonged debate. It presents a simple issue. According to the report of the committee, the maximum penalty for violations of the prohibition laws is now so small that professional bootleggers, who earn enormous sums from their illegitimate traffic, openly violate the law, pay the fines imposed under the present law, and proceed with their business.

Mr. BRUCE. Mr. President—

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Maryland?

Mr. ROBINSON of Arkansas. I yield to the Senator.

Mr. BRUCE. I wish to call the attention of the Senator from Arkansas, however, to the fact that the application of this bill is not limited to bootleggers.

Mr. ROBINSON of Arkansas. No; it could not well be limited to any one class of violators of the prohibition law; but the provisions of the bill, as I understand them—and I will ask the Senator from Washington to correct me if I am in error—make no material change in existing law except in enlarging the maximum penalty for violations of the prohibition law. Is that correct?

Mr. JONES. That is correct. That is, the bill increases the penalties for violations of the express things mentioned in the Constitution itself. It amounts to the same thing that the Senator has stated.

Mr. ROBINSON of Arkansas. Well, it is the same thing?

Mr. JONES. Yes. It does not affect the minimum penalties at all.

Mr. ROBINSON of Arkansas. No; but it does give a court the power to impose upon a violator of the prohibition law a penalty that is calculated to restrain him from future violations of the law.

What does a bootlegger who makes a million dollars a year out of his dishonest and unlawful practice care for the payment of a fine of a thousand dollars? It is true that the same argument would apply in some degree to the enlarged penalty carried in this case.

Mr. BRUCE. Mr. President—

Mr. ROBINSON of Arkansas. I yield with pleasure to the Senator from Maryland.

Mr. BRUCE. But it would make considerable difference to a man who took a drink to which the incident of transportation was attached to be sent to the penitentiary for five years or to be fined \$5,000.

Mr. ROBINSON of Arkansas. Oh, yes. The existence of maximum and minimum penalties always implies in the courts enforcing the law discretion in the imposition of penalties; and it is also true that there have been cases, and there probably will be other cases, in which the discretion has been abused and excessive penalties have been imposed; but my point is that it is necessary and essential from the standpoint of those who believe in law enforcement, whether they favor prohibition or oppose it as a principle, to permit the imposition of penalties adequate to restrain violations of the law.

The questions involved in this bill can not require very lengthy debate except from those who desire to employ what are known as filibustering tactics. The Senate ought not to vote one minute to take up this measure, and then, before it has been considered for any length of time, vote to proceed to the consideration of another measure. It is inefficiency of the worst form, and it is not justifiable from the standpoint of either those who favor the legislation or those who oppose the legislation.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan [Mr. VANDENBERG] that the Senate proceed to the consideration of the reapportionment bill.

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FESS (when his name was called). I have a pair with the senior Senator from Tennessee [Mr. McKELLAR]. Not knowing how he would vote on this question, I withhold my vote. Were I at liberty to vote, I should vote "yea."

Mr. NORRIS (when Mr. HOWELL's name was called). My colleague [Mr. HOWELL] is detained from the Senate by reason of illness.

The roll call was concluded.

Mr. BRATTON. I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. I transfer that pair to the junior Senator from Kentucky [Mr. BARKLEY], and will vote. I vote "nay."

Mr. GLASS. I transfer my general pair with the senior Senator from Connecticut [Mr. McLEAN] to the junior Senator from Missouri [Mr. HAWES], and will vote. I vote "nay."

Mr. JONES. I desire to announce the general pair of the junior Senator from New Mexico [Mr. LARRAZOLO] with the junior Senator from Maryland [Mr. TYDINGS].

Mr. SHEPPARD. I desire to announce that the Senator from Missouri [Mr. HAWES], the Senator from Maryland [Mr. TYDINGS], the Senator from Florida [Mr. FLETCHER], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

I also desire to announce that the Senator from Rhode Island [Mr. GERRY] is necessarily detained from the Senate. If present, he would vote "yea" on this question.

The result was announced—yeas 23, nays 48, as follows:

YEAS—23

Bingham	Deneen	Johnson	Shortridge
Blaine	Dill	King	Simmons
Borah	Gillett	McMaster	Vandenberg
Broussard	Goff	McNary	Walsh, Mass.
Burton	Gould	Oddie	Waterman
Couzens	Hastings	Overman	

NAYS—48

Ashurst	Frazier	Norris	Steck
Black	George	Nye	Steiwer
Blease	Glass	Philpps	Stephens
Bratton	Glenn	Pittman	Swanson
Brookhart	Hale	Ransdell	Thomas, Idaho
Bruee	Harris	Reed, Pa.	Trammell
Capper	Harrison	Robinson, Ark.	Tyson
Caraway	Hayden	Sackett	Wagner
Curtis	Hellin	Schall	Walsh, Mont.
Dale	Jones	Sheppard	Warren
Edge	Keyes	Smith	Watson
Edwards	Mayfield	Smoot	Wheeler

NOT VOTING—24

Barkley	Greene	McKellar	Pine
Bayard	Hawes	McLean	Reed, Mo.
Copeland	Howell	Metcalf	Robinson, Ind.
Fess	Kendrick	Moses	Shipstead
Fletcher	La Follette	Neely	Thomas, Okla.
Gerry	Larrazola	Norbeck	Tydings

So Mr. VANDENBERG's motion was rejected.

AMENDMENT OF NATIONAL PROHIBITION ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2901) to amend the national prohibition act, as amended and modified.

Mr. JONES. Mr. President, in the interest of saving time I ask that the unfinished business be temporarily laid aside.

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

PROMOTIONS IN THE ARMY

Mr. BLACK. Mr. President, in the Army and Navy Journal, the issue of February 9 last, a statement is made which I shall read, and I desire to direct the attention of the Senator from Pennsylvania to it. It is as follows:

Perhaps in Senator BLACK's attitude on the cruisers is found an explanation of his unwillingness to promote the efficiency of the Army by facilitating the passage of the imperatively needed promotion legislation.

I simply desire to say in connection with that that I have endeavored to get up promotion legislation since the early part of the last session, and I have endeavored in every way to facilitate it. I am anxious now to obtain such legislation, and I am very hopeful that within the next few days the Congress will enact it. I would like to ask the chairman of the Committee on Military Affairs if he will not make a statement with reference to this.

Mr. REED of Pennsylvania. May we have order, Mr. President?

The VICE PRESIDENT. The Senate will be in order.

Mr. REED of Pennsylvania. It would not be fair to the Senator from Alabama to allow the statement to go unchallenged that he is responsible for delay in action on Army promotion legislation. He is not any more responsible for the delay than I have been or than those who agree with me about it have been.

The situation, in a word, is that we are all agreed that some action must be taken. The Senator's ideas as to what action should be taken do not agree with ours. On both sides we have been trying in good faith to work out a compromise, and the delay during the past month has been almost exclusively due to that and partly to the fact that some of us were so busy in Appropriations Committee work that we were unable to put as much time on it as we should have.

I think that statement is due to the Senator in justice to him. I know that he is anxious, as I am, to get some action during this session of Congress on the promotion situation, because he feels, as I do, that it presents a serious crisis in the affairs of the Army.

NATIONAL ORIGINS

Mr. REED of Pennsylvania. I ask unanimous consent that there be inserted in the RECORD a statement made by representatives of the American Legion before the Immigration Committee of the Senate in its consideration of the national origins matter last week.

The VICE PRESIDENT. Is there objection?

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

Statement of John Thomas Taylor, vice chairman national legislative committee, American Legion, before the Senate Committee on Immigration, February 9, 1929, setting forth the Legion's opposition to the Nye resolution, Senate Joint Resolution 192

Following the World War, members of the American Legion had it brought home to themselves forcibly that the so-called melting pot had not melted sufficiently to form a harmonious nation. In order to give the melting pot a chance to fuse the varied strains of racial origins within our shores, the Legion then advocated total restriction of immigration for a period of years. The Legion continued this attitude until the passage of the immigration act of 1924. Since the passage of this act, the Legion had indorsed it and upheld its provisions for the following reasons:

(1) The Legion believes firmly in restrictive immigration. We believe that this is our country, and that we are entitled to be the judge of whether we shall allow people to come here from foreign countries to make their home with us, or to say to them, "We now have sufficient persons of other races within our shores."

(2) As we favor restrictive immigration, the question of how the immigrants should be chosen is of paramount importance. The selection of immigrants upon the basis of the foreign-born population resident in America at any selected date is manifestly unjust, and opens such a basis to the charge of discrimination. This discrimination must inevitably exist, regardless of the census upon which it may be based.

(3) The theory of the national origins of the entire population of the United States is therefore the fairest basis upon which immigration quotas may be based. It comprehends our entire population, just as the selective service act of 1917 included the entire young manhood of the Nation, regardless of race or creed.

(4) During the World War 2,000,000 persons resident in America of foreign birth claimed exemption under the draft because of their alienage. Yet should we continue to base our quotas upon the foreign-born population, the countries of which these slackers are natives would be allowed to send additional immigrants to America on their account, although no account would be taken in immigration quotas of the native-born Americans who responded so admirably to the call of their country.

Page 90, Table 23, of the Second Report of the Provost Marshal General, 1919, shows that 1,703,000 aliens were registered in the draft up to September 11, 1918. Page 452 of the same book, paragraphs E and F, shows that 914,950 aliens were deferred and exempted because of their alienage. These were:

Alien enemy exempted.....	334,949
Resident alien, not enemy, claiming exemption.....	580,003
Total.....	914,952

This was more than one-half—to be exact, 53 per cent—of those registered, claimed exemption, or were exempted or placed in a deferred classification because of their alienage and were never called.

What better argument for the national-origins provision could possibly be advanced?

The issue can be brought squarely between patriotism and slackerism. Shall slackerism be represented in selecting our immigrants over patriotism?

The American Legion has more than 860,000 members and our auxiliary 350,000 members. We number within our membership all races, creeds, and nationalities. It is a cross-cut of the Nation. We are not the advocates of immigration from any special nation or groups of nations, but we emphatically uphold the theory underlying the national-origins provision which is that immigration quotas based upon the entire population of the Nation, is not only the fairest method for selecting immigrants but is the most certain method of retaining for the future the blend of population and racial mixtures as they exist in America to-day.

The national-origins provision is a part of the basic law of the act of 1924. The temporary basing of the quotas upon the census of 1890 was an arbitrary expedient placed in the law until such time as—and only until—the national-origins provision could become effective. This required additional study, in order to determine the quotas which would be provided under it.

The charge has been made that national origins as a basis for quota immigration is unworkable. Nothing could be further from the truth than this statement. The Congress can set up arbitrary quotas for any foreign countries, regardless of population and census figures—can choose immigrants or exclude them as it sees fit.

Any system of selecting immigrants based upon the foreign-born population, at any particular period, is open to the charge of discrimina-

tion, and justly so. But to base these quotas upon the national origins of the entire Nation can not be open to the charge of discrimination, for under such a plan the newest immigrant coming to our shores stands upon the same footing as the descendants of those who came here 300 years ago and founded this Nation in the wilderness.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 5491. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921; and

H. R. 13795. An act for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

Mr. HARRISON. Mr. President, I move that the vote by which Senate bill 1093 was defeated be reconsidered.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Mississippi.

Mr. RANDELL. Mr. President—

The VICE PRESIDENT. The Senator from Louisiana.

Mr. HARRISON. Mr. President, may I say a word in explanation of this motion? I did not think that anyone would object to it.

I was of the impression, and I am sure that other Senators were, because this bill covers a subject in which we are all interested, that there would be an amendment offered to the Caraway bill that would incorporate the so-called Vinson bill, which passed the House of Representatives, dealing with the cotton exchanges, putting them under the jurisdiction of the Department of Agriculture. Indeed, an amendment was printed and was on the table to that effect.

We entered into a unanimous-consent agreement providing that after 4 o'clock to-day the debate would be limited to 10 minutes upon the bill, and so on. But the debate was concluded, and some of us happened to be inadvertently out of the Chamber, and the vote was being taken when we came in. So it seems to me that we ought to have a vote upon this amendment. No harm can come from it, and the Senators can express themselves about it. Otherwise there will be no legislation touching this subject at this session of Congress. I say this in explanation of the motion I have made. I hope that the motion will be agreed to and that I can offer the amendment then in the Senate carrying out the action the House took with reference to the matter.

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

Mr. HARRISON. I yield.

Mr. DILL. I understand that the Senator's amendment proposes to extend to the cotton exchanges the control that is in effect on the grain exchanges.

Mr. HARRISON. Yes.

Mr. DILL. I want to make this comment, that if it does not help the cotton farmer any more than that control has helped the wheat farmer it is not worth the time it is taking to discuss it.

Mr. HARRISON. It may not help them; but the Department of Agriculture is supposed to be the friend of the agricultural interests of the country, and the amendment would give them jurisdiction of the cotton exchanges, just as they have jurisdiction now over the board of trade dealing in grain.

Mr. DILL. The gambling has gone on in the grain market, if anything, worse than it did before that control was given.

Mr. GLASS. Mr. President, the Senator from Washington is entirely mistaken in his characterization—

Mr. DILL. I do not think I am.

Mr. GLASS. Because a New York newspaper says that any Senator who calls speculation gambling is an ass.

Mr. DILL. Of course, if a New York paper says that, I consider the origin of the statement.

Mr. RANDELL. Mr. President, before the vote is taken I wish Senators to listen to me just a moment. We have been discussing a bill here which has been, as I suggested in my remarks, before the American Congress around 50 years. We devoted our time pretty thoroughly to a discussion of whether the Caraway bill should pass or not. Now the idea is to take up a great piece of legislation, there being 32 pages of the bill, and vote on it without knowing what we are doing. We have not discussed it at all, we do not know anything about it, and I for one am unwilling to vote on a measure of this kind as a substitute for the Caraway bill without knowing what I am doing.

I have not studied this particular bill. I know something about a bill which was similar in some respects, and was reported favorably to this body by the Committee on Agriculture of the Senate, which is known as the Smith bill, but the evils which that bill sought to correct have been very largely corrected by the voluntary action of the New York Cotton Exchange. To a very great extent those evils are behind us, and that exchange, I believe, is trying in good faith to correct that trouble.

The junior Senator from South Carolina [Mr. BLEASE], in my judgment, made a very wise remark about this question a day or two ago. It is extremely brief, and I want to read it to the Senate so that Senators may have it before them when they vote on this matter. He said:

Mr. President, I have listened with a great deal of interest to what has been said with reference to the Federal Reserve Board and the cotton exchanges. I think if it would be in order it would be a good idea for the Senate to send all bills relative to these matters back to a special committee consisting of Members of the House and the Senate from the cotton-growing States and let them agree among themselves. Possibly if they could do that, the Representatives from the other parts of the country might be able to help solve the problem; but so long as the Representatives from the Southern States, which grow cotton, are so wide apart as they are to-day as to what is best in the interest of the cotton farmer, it seems to me that it is going to be rather difficult, indeed, to find a solution.

I commend that to the careful attention of the Senate, and I also wish to have Senators consider the fact that we have not considered this proposed substitute. If we reconsider the vote by which the Caraway bill was defeated, and the substitute comes before us, I say in all frankness that it will have to be thoroughly debated, it will have to be thoroughly considered, before I for one can consent to a vote upon it. Do not imagine that a vote could be had this afternoon or to-morrow on this question. It is exceedingly important. The Vinson bill is a measure of 32 pages, which has not been considered by any committee of the Senate. How can Senators act on a matter of such great importance without consideration?

Mr. CARAWAY. Mr. President, I am not rising to discuss this measure. However, I am not going to permit to go unchallenged the statement that the cotton exchanges have abolished the evils incident to their operation. They only made it easier for those who gamble upon the exchanges to protect themselves than was the case prior to the change in the rules.

Take the matter of southern delivery. Every living man who knows cotton from cows knows the action in regard to that was not in the interest of the growers of cotton. It is absolutely impossible for anybody to deliver under it, but it is easier for somebody to tender, and therefore break a high price. A man never tenders except when the future prices are higher than the spot cotton and he wants to break the market, and then he tenders. The change will relieve Anderson, Clayton & Co. from the necessity of keeping \$10,000,000 worth of cotton in New York, and paying \$500,000 a year for storage and insurance in order to have something to break the price whenever it looks as though a cotton grower might get something approaching the cost of production.

They abolished their rule, so that Clayton, Anderson & Co. will not have to bring cotton to New York, in order to keep from having his shirt taken off them, as one of them said in the hearings before the Senate committee; not that they can not take the shirts off the cotton growers, because they can do it now with less money than they could before. That is all there is of this correcting of evils. The only thing they did was to make it more advantageous to the man who wanted to gamble.

I am not surprised at the vote on my bill a moment ago. I want to assert that not one out of five who voted against the bill ever read it. They got their information out of the cloak-rooms from lobbyists. They took their orders from the gamblers on the stock and cotton and grain exchanges, and came here and recorded it. That is all they did. They never fooled anybody. If I had a boy 4 or 5 years old and he could have been mistaken about this issue, I would put him in a school for the feeble-minded, because he could not learn anywhere else.

They knew who their masters were, and they responded to them. Somebody may now want to excuse himself by saying, "I was for some other measure." He is not going to fool anybody about that, either.

Mr. HEFLIN. Mr. President, a vast deal of the speculation going on now takes not only the farmer's shirt off but it takes the skin off him also. [Laughter.] I am aware of the fact that my friend from Louisiana is not going to enthrone over any measure that seeks to regulate these exchanges rigidly.

I am reminded of a story told in the House once by Congressman Cushman. He said that in the old days in the State of

Washington they would hang a horse thief wherever they found him, and they would put a placard on his back saying, "This man is a horse thief, and if you steal a horse you know what is going to happen to you."

They broke horse stealing up for nearly a year, but finally another horse thief came around and stole a horse, and the citizens got hold of him, took him out on a beautiful, moonlight night. They had a plow line tied around his wrists, and about half of the neighbors present wanted to hang him and half of them wanted to shoot him. They discussed in his presence what method they would employ to execute him. Some one said that he thought it would be better to shoot him. Another suggested that he was in favor of hanging him. He wanted to hang him up by the roadside and put a card on his back as a warning to others who wanted to steal horses. Well, they discussed it pro and con, and grew very much excited. Those who wanted to shoot him insisted that he be shot. Those who wanted to hang him insisted that he should be hung.

Finally one very kindly disposed fellow said, "I think we ought to consult him and get his 'ruthers' about it and see which plan he would prefer." So they turned to him and said, "Stranger, you have heard the discussion. Which'd you rather we would do, hang you or shoot you?" "Well," he said, "I be more interested than any one of you, but I can't enthuse over any one of the plans suggested." [Laughter.]

That is the situation with my friend from Louisiana. He is not going to enthuse over either one of these strict regulatory plans.

Mr. President, I think we ought to have an opportunity to vote on the motion of the Senator from Mississippi, and I hope it will prevail. If the motion does prevail, I wish to state that we will have an opportunity to vote on the amendment which the Senator from Mississippi wants to offer, known as the Vinson bill, which has already passed the House, and we will have an opportunity to vote on the Smith bill, which has a number of very fine provisions in it. The Senator from South Carolina [Mr. SMITH] prepared the bill after we made the investigation into cotton prices last spring, when he was chairman of the investigating committee, and the members were the Senator from Louisiana [Mr. RANDELL], the Senator from Kansas [Mr. CAPPER], the Senator from North Dakota [Mr. FRAZIER], and myself. We were all members of the committee that made the investigation. We touched on many of the evils complained of, which were disclosed by the testimony.

Personally, I would prefer to have the measure introduced by the Senator from Arkansas [Mr. CARAWAY] rather than the Vinson bill. In the event the Vinson bill is the only one offered at this time I would vote for that, since the Caraway bill has been defeated. But the measure which I now hold in my hand, being the bill of the Senator from South Carolina [Mr. SMITH], is already on the calendar.

Senators, we ought to do something with this matter and we ought to do it now. The cotton-selling season is practically over. If we enact one of these measures into law now, it will give us from now until next August to get adjusted to the new order of things, and the machinery that we have now can be regulated under the new law. I sincerely hope that the Senate will vote to reconsider the matter, and let us try out one of these measures and apply it to the exchanges which are now robbing the farmers right and left under the kind of speculation that goes on from day to day.

Mr. SMITH. Mr. President, I think the Senate begins to appreciate some of the questions that will be involved if this matter is reopened on the floor of the Senate. Reference was made by the Senator from Louisiana [Mr. RANDELL], and I believe also by the Senator from Alabama [Mr. HEFLIN], to the effect that as a result of the investigation carried on last year it was agreed by all parties concerned, including the exchanges themselves and those who day by day use the exchanges, that there were certain practices which made it very easy or comparatively easy for the cotton markets to be manipulated. We have heard a great deal here about paper contracts and about the effect of the extraordinary selling of fictitious cotton. Curiously enough the selling of vast quantities of fictitious cotton has not always been, if at any time, immediately responsible for those violent fluctuations; but they came about actually on account of the presence of the spot cotton.

The situation arose from the fact that New York, the great central American market, was always considered a spot market and a differential had to be applied to the price of cotton which obtained in the South in order to deliver it in New York. Parties buy cotton with reference to what was known as "notice day," which is the day on which the party selling the cotton would give notice that he intended to deliver—not to settle on margin, but to deliver the actual spot cotton. It might not be to the advantage of the individual to take it up to New York

and he would prefer to have that as the place of hedge or insurance, and purchase his cotton in the South. That condition might go on until, when there was an absence of cotton, some one would attempt to corner the market and put the price up, knowing that the party selling could not deliver the spot if the spot were demanded; and on the other hand, if there was an excess of cotton in this unadvantageous place he might tender it when it was not practical for the party buying the contract to take up the cotton.

Therefore it was contended that New York not being in a geographical position to handle the spot transaction, it affected disastrously the market. There was a clamor all over the country that we should have southern delivery, making the contract in New York and allowing the seller to deliver where the cotton was available and where there was always a supply of every grade of cotton and of what is called line cotton—that is, the grade that was tenderable in New York under the present law. The New York Cotton Exchange, after years and years of refusing to do so, have adopted that plan as a part of their constitution.

It also was made apparent that the party holding contracts for a given month would transfer them to another month, and to still another month, and still hold the same amount of contracts to influence the market. That was called to the attention of the exchange, and they have incorporated in their rules and regulations a provision that there shall not be the retendering from one month to another of the same contract for the purpose of influencing the price of cotton.

There was also brought to light the fact that parties would buy contracts in one market and sell a like number in another market, and straddle between the two markets. Those who were powerful enough would buy in one market until they put it out of parity with the other in which they had sold a preponderance on the market. That was called to the attention of the exchanges, and they now make it a misdemeanor under their rules and regulations, making the party who indulges in the practice liable to expulsion, so that one buying in a market can not sell a like amount in another market for the purpose of what they call "straddling," artificially influencing the market, and thereby giving rise to an unjust effect on the market.

The next and most important proposition was providing against the tendering and retendering in the same month in the same market of the same cotton.

The New York Exchange have incorporated these provisions in their by-laws and in their rules and regulations. I am not going to question the good faith of those men who testified before the committee that this was done under the demand of the entire trade. I shall not question whether they have incorporated these provisions in good faith or whether it is a mere gesture, but I do submit that if they have done it in good faith on their own motion they are more likely to carry them out faithfully than if we were to undertake to enforce them by law, because, as we all know, the laws which we enact are very often used as a means to avoid accomplishing the very purpose which they were intended to accomplish.

The reforms which have been incorporated voluntarily or on the motion of the exchange itself were incorporated in a bill which, after consideration by the committee, was submitted to the Senate and placed on the calendar. I want to state, Mr. President, that I feel that my judgment has been vindicated as to the effect the cotton futures act, which is now the law of the land, would have on the trade. We found that long before ever I came here an abuse had existed of storing in certain warehouses in New York certain cotton that was not considered merchantable in the common acceptance of the term. This cotton was held there, and when a contract was sold the party owning the cotton would tender it at a price that could not be obtained in the open market. It was what Mr. Herbert Knox Smith, who was appointed by the Congress to investigate the abuses on the exchange, termed as the "fixed difference in price." The basis middling of a certain staple and grade was the basis upon which cotton was sold. The party selling had the right to deliver any cotton that was called commercial cotton which went from what was in common parlance known as dog-tail to middling fair. It took in all cotton regardless of the staple and regardless of grade, so that one owning a certain amount of that undesirable cotton would have the right to tender it on contract at an absurd value which the purchaser of the contract could not afford to take because he could not realize on it either by delivering it to the mills or by offering it in the open market.

The cotton futures act, of which I had the honor to be the original author, prescribed that nothing below a certain length of staple and a certain grade in color could be tendered on contract, so that undesirable low-grade cotton was entirely elimi-

nated. It provided further that in case the cotton was delivered and the actual spot taken up and the purchaser was dissatisfied or had doubt as to whether it was of the grade and staple contemplated by law, machinery should be set in action in the Department of Agriculture by which both the grade and the staple could be determined and the price determined by taking the average of a given number of bona fide spot markets as to what that grade and staple brought the day the tender was made, so that the purchaser would be protected in grade, staple, and price.

That law went into effect and it has been working admirably so far as buyer and seller are concerned. There were necessary amendments from time to time. We had to restrict the number of grades, and we finally restricted them to a given number, providing that nothing below low middling in quality and nothing below seven-eighths in staple should be tenderable at any time on the exchange. I think Europe recognizes that standard and that it has been adopted the entire world over as being a fair basis upon which to do business. It was decided upon for this reason:

There is not in all the world a man producing cotton who can tell what grade or what staple he is going to make. His cotton field if picked to-day may produce good middling cotton, which is three grades above that which is admissible in the market, but a storm or other unseasonable weather may reduce that cotton below the tenderable grade before he can get into his field and pick it. Every practical cotton man knows that to be a fact. Therefore, if the planter desired to sell his actual spot cotton for future delivery, as was contemplated by the Caraway bill, as is contemplated by every other bill on the subject, he could not guarantee a single grade nor could he guarantee the staple, because the law provides that neither gin-cut, water-packed, perished-fiber, or cotton having any deterioration of the length of the staple shall be admitted.

I have known cotton which was as fine in grade as it could be and yet almost as rotten as paper. It would pass the grade, but could not pass the staple. I have also known cotton that would not pass the grade but had a staple equal to good middling cotton, both in character, which means the strength, and in length, which means the measurement of the length of the staple. If a cotton planter wanted to deliver his cotton, if he wanted to sell his cotton, he could not specify the grade or the length of staple. He could simply sell basis middling and deliver what was tenderable.

Now, I am going to discuss what is termed "the Vinson bill." I wish to state to my colleagues that in the hearings they will find it stated that a great many of the disastrous slumps in cotton come from ill-advised statements emanating from the Agricultural Department.

In September, 1927, when every bale of cotton that was going to be produced in the United States during that year had been produced, when the market had opened and cotton was being marketed, the Agricultural Department unfortunately issued a bulletin in which it was stated that cotton for the next few months was likely to decline. I hope some of the southern Senators who are here will give ear to what I am saying. There could not be another bale produced. Cotton had steadily risen from January on up to September, until on September 12 or 13 it had reached the price of 25 cents a pound, in spite of what ordinarily would have depressed that market below the cost of production, which was the presence in the warehouses in New York of 200,000 bales of cotton, the most of which was barely above the line of legal delivery.

On September 15, 1927, a bulletin was issued by the Bureau of Economics of the Agricultural Department in which it was stated that for the next few months cotton was likely to decline, and cotton steadily went down. I believe it went down something like \$7.50 or \$10 a bale the next day, and finally it went down from 25 cents a pound to 16 cents a pound, a difference of from \$40 or \$50 a bale by reason of the unfortunate issuance of a bulletin.

That same bulletin emanating from the Agricultural Department, with the official stamp of the Government on it, stated that the carry-over of American cotton, the old crop, into the new crop was something like, if I recall the figures, in the neighborhood of 800,000 bales in excess of what was subsequently actually found to be the carry-over. When in our examination we asked the officials of the Agricultural Department, "Whence did you get your figures?" the reply was that they had depended almost entirely upon a British spinning concern. The statement that cotton was likely to decline, coming from an official source, of course paralyzed the market; it threw fear into everyone who wanted to invest in cotton for a rise.

The source of their authority for that statement and also for the announcement that the carry-over was far in excess of the estimate of Mr. Hester, the cotton statistician of New Orleans,

and of the Bureau of the Census, was a British cotton concern. That illustrates but one instance—there are numerous others—where unfortunate statements coming at a psychological moment in the marketing of cotton have been more disastrous and more far-reaching in their effect upon the price of cotton than has any speculation ever been, with one or two exceptions.

Another point. As the Senator from Alabama and the Senator from Georgia will recall the market began to rise during our investigation, and consistently continued to rise until July, 1928, when there issued from the Agricultural Department a statement that there was a 12½ per cent increase in the acreage of the cotton crop. I am not here to say whether that was true or untrue, but I am here to say that it immediately smashed the market again. Why would it affect the market? The man investing in actual spot cotton and carrying it for profit would say, "Rather than hold what cotton I have, in the face of an enormous crop, I had better get out now," and he got out. I am not talking about the man who speculates as a matter of pure gambling; I am talking about the man who had bought spot for an investment. He would say, "Rather than carry this cotton, when there is an increase of acreage of from 10 to 12½ per cent, and when, if the normal yield per acre is maintained as it has been over an average of 10 years, there will be made from 18,000,000 to 20,000,000 bales, I will get out while the getting out is good," and he got out. It developed, however, that the production of cotton for 1928 did not exceed the average for the preceding 10 or 15 years, and either one of two things is certain: That the weather conditions throughout the entire Cotton Belt were the most disastrous ever known or there was no increase in acreage. Outside of the South Atlantic States there were no abnormal weather conditions. I believe, in Texas, Oklahoma, Mississippi, Louisiana, and Alabama the conditions were about normal. Yet we did not produce very much in excess of 14,000,000 bales. When we are seeking remedies for the fluctuations in cotton we ought to have regard to what has been done by the pronouncements of the Department of Agriculture.

Mr. President, I do not think that I would be justified in turning over, without due consideration and safeguards, the cotton markets of this country to a body of men who have an academic knowledge of economics but who have no practical knowledge of them. Some of them, to be as charitable as I may, as Paul said about the Jews, may have the zeal of God but not according to knowledge.

The Bureau of Economics that passed upon the statistics as to the carry-over and the possible trend of the market was composed of whom? It was composed of men who, upon their own statements, had never been south of Michigan, and one of them was just five years out of Russia. I do not believe one of them ever would know a cotton stalk from a jimson weed. Certainly they knew nothing about the intricacies of the market and the wide-flung world influences that affect the market.

Mr. President, I have been criticized here about my attitude with reference to this proposed legislation; but no Senator dare stand on this floor and say he believes that I have anything but the growers' interest at heart.

I know what it is to be restricted to selling to a monopoly. The Senator from Arkansas [Mr. ROBINSON], the minority leader, knows that there is not a more valuable commercial commodity to-day than cottonseed. I had the Agricultural Department furnish me a chart, which showed that 58 standard commercial articles are to-day made from cottonseed alone. Mark you, as good butter as ever was made from the milk of a cow can be made from cottonseed oil. The world at large is using cottonseed lard. Wessen cooking oil is recognized the world over to be as fine a cooking fat as ever was produced. From the precipitate resulting from refining the oil and from powdering the hulls the best artificial leather of which the world knows is made.

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

Mr. SMITH. I yield.

Mr. FRAZIER. Cottonseeds are undoubtedly very valuable, but do the cottonseeds come under cotton exchanges? Do the speculators gamble in cottonseeds?

Mr. SMITH. No; but I am telling the Senator now that the producers do not get a return for them comparable to what they should get. If the Senator will sit down a minute and possess his soul in patience, I want to show him just what happens when the producer has not anybody between him and the man who manufactures.

When the price of food products was soaring just after the war I went down to one of the Government departments and inquired of an official there why cottonseed did not advance on a parity with food fats. "Well," he said, "that is governed entirely by the amount of cotton." I said, "Why, cotton has no more to do with the product of the seed than mutton has to do

with wool. Of course, we have to have mutton to produce wool; but the use for wool and the use for mutton fall into two entirely different categories. Wool is for clothing purposes and mutton is for edible purposes."

Since there is a scarcity in hogs and a scarcity in beef and a scarcity in sheep, why do not the food values of cottonseed respond to that rather than be subject to the value of the cotton. Simply because no one was there except the man who made the oil.

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

The PRESIDING OFFICER (Mr. WAGNER in the chair). Does the Senator from South Carolina yield to the Senator from North Dakota?

Mr. SMITH. Yes.

Mr. FRAZIER. Does not the price of the cottonseed product compare with the price of products made from some of the products that are shipped in here from the South—nuts and things of that kind?

Mr. SMITH. That may be as to the crude oil. I am not discussing that. I am not going to be deflected from the argument I am making.

I saw by the paper this morning that some one who had studied the matter said that, in his opinion, the time was not far distant when cotton would be planted for the seed, and cotton would be the by-product. As everyone knows, the meal is the finest possible cattle feed; the hulls that inclose the little kernels of meat are the finest filler in the world for cattle.

It is as fine fertilizer as ever went into a field. It analyzes 7½ per cent of available nitrogen—not ammonia, but nitrogen. It is also rich in potash. Here is an article out of which 58 standard commercial articles are made, and yet it fluctuates every day so disastrously that positively we sell a ton of seed to-day for what they get for a ton of meal, to say nothing of the hulls and the linters and also the oil that is taken from it. There is not a cotton grower here but that knows that when he comes to sell cottonseed he is absolutely at the mercy of those who monopolize the cottonseed-oil business.

Mr. President, this is just a mere sketch of the vast interest that is concerned in legislation along this line; and I maintain that in the interest of the men who grow cotton, and who want to receive approximately its value, we should legislate in such a manner as to reduce the evils to a minimum as far as legislation may but retain the market as nearly as we can for their benefit.

I am not going to stand here and vote to substitute the grain bill for the cotton bill. One reason why I would not do it is that the author of the bill sat right here the other day and repudiated his own act. The Senator from Iowa [Mr. BROOKHART], if I remember correctly, gave testimony here that the grain futures act is absolutely worthless and useless. I think the Senator from North Dakota [Mr. FRAZIER] corroborated that statement. There is some good and there has been good growing out of the present cotton futures act. I should like to amend it, if amendments are necessary, so as to retain the good that we have and supplement it with others, rather than taking a measure that gives to those who have been mentioned here—purely the Agricultural Department—the right to interfere with our business.

I want to read you one section of this bill. Of course, we could eliminate it; but we have not yet digested it sufficiently to know whether or not it will even approximate, ultimately, the bill that the Senator from Arkansas introduced here. If it were possible for us to get the farmer in a position where he could control even 60 per cent of the cotton crop, I believe that without legislation all these other market influences would fade away. He ought to be put in that position. If all of us, by any means, could get a regulation or an agreement by which the cotton growers of this country could pool their interests, get enough advance to meet their obligations, and dictate from day to day their price, we would then solve this problem; but so long as the man who purchases has the right to name the price, all that legislation can do is to keep abnormal and outrageous conditions from entering in.

It is abnormal and outrageous that the combined American citizenship that produces each year a billion dollars' worth of merchantable products that holds and for 65 years has held the balance of trade in favor of America, should have no voice in naming the price of those products. The gold that is poured in here from Europe in exchange for American raw cotton has held the balance of trade in favor of America for 65 years. It has no competitors. American cotton—what is known as American middling upland—has not a competitor in the world. I have in my office samples of practically all the cotton grown in the world, and there is none that has the characteristics of American cotton. Its uses are being multiplied every day; and now, since the world has accustomed itself to a method of

marketing which from time to time needs to have eliminated certain inimical things that have entered into it, it is our duty to eliminate them just as far as we may, but not ill advisedly.

This whole situation is not in America alone. Sixty per cent of all of our cotton is sold abroad, in the Orient, in Europe. We have to have tremendous market places and unlimited capital in order to finance the movement of the cotton.

Mr. HARRISON. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. SMITH. I yield.

Mr. HARRISON. If we do not get a vote this afternoon on the reconsideration of the vote by which this bill was defeated, I am afraid we will not get it at any time soon. Of course, everybody in the Senate knows how wonderful the Senator from South Carolina has been to the agricultural interests of this country, and how much he has them at heart. I was just wondering if we could get a vote this afternoon on this proposition. What is the Senator's opinion about it?

Mr. SMITH. Mr. President, I am in dead earnest when I say that the legislation we are to pass ought to have such consideration as not disastrously to affect the market of cotton.

Mr. HARRISON. One bill having passed the House, of course if we could pass that bill we would save time, and it would become a law; but the Senator has a bill on the subject, and it is quite similar to the bill that passed the House. There are some differences; but the Senator's bill has been reported to the Senate, and is on the calendar. If the motion to reconsider this vote prevails I am perfectly willing, as the originator of the motion to reconsider, for the Senator to offer his bill as a substitute for that bill, and then substitute the title of the bill that passed the House, so that we could get them into conference. The Senator will be one of the conferees.

Mr. SMITH. I understand, Mr. President; and so far as I am concerned, the proposition that I made to the Senate to-day was that we had better be safe than swift.

Mr. HARRISON. We would be safe if we should pass the Senator's bill.

Mr. SMITH. I hope we might so restrict it as to confine it to the amendments that are essential to the proper functioning of the exchange. I really think, so far as my bill is concerned—

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from North Carolina?

Mr. SMITH. Let me finish this sentence. I really think the bill that I introduced here, being the direct result of our investigation, would meet the situation better than the bill that was passed by the House.

I started a moment ago to read a paragraph from the bill that it has been agreed by some of those here to strike out, but I do not know what would be the result in conference. I will state to the Senate now that I will never vote to give the Secretary of Agriculture—I do not care who he may be—the right to do this:

He shall likewise compile and furnish to producers and distributors, by means of regular or special reports, or by such methods as he may deem most effective, information respecting the cotton markets, together with information on supply, demand, price, and other conditions in this and other countries that affect the market.

Mr. HARRISON. May I say to the Senator that that part of the bill was stricken out by the Senator who offered and had printed the amendment which I had hoped to substitute after the enacting clause.

Mr. SMITH. I understand; but that passed the House.

Mr. SWANSON. Mr. President, will the Senator yield for a minute? We do not raise very much cotton in Virginia, but I am interested in looking out for the little that is raised there.

As I understand, the proposition of the Senator from Mississippi is to reconsider the vote by which this bill was defeated, offer as a substitute for it the Senator's bill, known as the Smith bill, and then the Smith bill and the Vinson bill will go to conference to permit the conferees to work out the best solution of the question from these two bills.

Is that the Senator's proposition?

Mr. HARRISON. Yes; that is the suggestion I made to the Senator from South Carolina. Then we can get a vote this afternoon. If the matter goes over to to-morrow, we are through.

Mr. SMITH. Mr. President, I am not going to pit my judgment of the seriousness of this matter, affecting those who have no voice except the representative voice of those whom they send here, against the judgment of a majority of these representatives, nor attempt, by any filibuster or artificial means, to delay a vote on the matter; but with all sincerity I do say that I am not going to cast my vote to substitute the grain-futures

act for the cotton-futures act. One has proved beneficial, it may be in a minor degree, but it has been beneficial, while even those who were the authors of the grain-futures act have stood here on this floor and repudiated it. I do not believe, however, that there is a cotton man of any description, from the producer to the man who finishes the mercerized cotton silk, but who would testify that the cotton-futures act has in some degree helped the market.

Mr. HEFLIN and Mr. SIMMONS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from South Carolina yield; and if so, to whom?

Mr. SIMMONS. The Senator promised to yield to me about half an hour ago.

Mr. SMITH. I beg the Senator's pardon. I yield to the Senator from North Carolina.

Mr. SIMMONS. I recognize, as does the Senator from Mississippi, the great service the Senator from South Carolina has rendered the cotton growers, and his deep interest in the subject and his thoroughgoing comprehension of it. I want to ask the Senator if it is not true that this whole question was referred to the Committee on Agriculture and Forestry, there was quite an extensive hearing and a thorough study of the subject which we have been discussing here the last few days, and as a result of all those hearings, those investigations, and those studies, the Senator from South Carolina, as chairman of the subcommittee, reported out the bill which is known as the Smith bill, which is on the calendar.

The Senator from Mississippi says that he is perfectly willing, if the vote on the Caraway bill can be reconsidered, to offer the Smith bill, the result of the labors of the Committee on Agriculture, as a substitute for the Caraway bill. It seems to me the Senator ought not to have any objection to that. It does not seem to be in conflict with any position the Senator has taken.

Mr. SMITH. The Senator from North Carolina has that slightly wrong. The Caraway bill has been voted upon, but in case the vote were reconsidered and the Smith bill were offered as a substitute for it, it would then have to go back to the House and take its status in the House.

Mr. CARAWAY. I want to remind Senators that if the vote is reconsidered the bill will be before the Senate.

Mr. SMITH. Of course it will be, and may be discussed further. I wanted to state that in case the vote were reconsidered the Vinson bill—

Mr. SIMMONS. The Senator from Mississippi has explained that his only purpose in moving to reconsider the vote by which the Caraway bill was defeated was in order to have the opportunity of getting a vote in the Senate upon a substitute.

Mr. HARRISON. Or to present the opportunity to the Senator from South Carolina in order that he might offer his own bill as a substitute.

Mr. SMITH. Mr. President, if the Senator from South Carolina had been apprised that there was a universal cry for legislation right now, it would not have been necessary for his colleague to indicate to him the cry that comes from the field. I have heard no cry from the field. It may be that I no longer am considered a factor in trying to do for the cotton farmer what for 20 long years I have devoted my time to attempting to do; but I have heard no such cry. I do not know where this insistence comes from.

If we vote to reconsider the action on the Caraway bill, of course the whole matter will be open again; the Caraway bill will be back before us for consideration. The Vinson bill will be before us for consideration if it is offered as a substitute, and my bill will be before us for consideration if it is offered. Those of us who in good faith voted against the Caraway bill would want the same opportunity to discuss the probable effect of these other measures.

Mr. President, if the vote is reconsidered and the Senate in its wisdom thinks that either the Caraway bill or the Vinson bill or the Smith bill should be passed, it is their privilege and duty to so decide. But so long as I am intrusted with the confidence and respect of my people I can not go any further in my judgment, limited as it is, and my own sincere purpose, I thank God, as pure as it is. I will take every opportunity to try to do the best I can for the man who in the field, like myself, is dependent on cotton for the hope that he has.

CESSIONS OF CERTAIN ISLANDS OF THE SAMOAN GROUP

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 110) to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes, which were, on page 3, line 2, after the word "hereby," to insert "authorized

to be," and on page 3, lines 3 and 4, to strike out "and to be immediately available."

Mr. BINGHAM. I move that the Senate concur in the House amendments.

The motion was agreed to.

DENTAL CORPS OF THE UNITED STATES NAVY

Mr. SCHALL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 2068, for the relief of certain officers of the Dental Corps of the United States Navy. It is a bill to take care of the active service of two dentists who, through an act passed in 1918, were deprived, in one case of one month of active service and in the other of five months.

Mr. CURTIS. Let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the provision contained in the act approved July 1, 1918 (40 Stat. L. p. 709), reading as follows, "And the time served by dental officers on active duty as acting assistant dental surgeons and assistant dental surgeons under provisions of law existing prior to the passage of this act shall be reckoned in computing the increased service pay and service for precedence and promotion of dental officers herein authorized or heretofore appointed," shall be held and considered to apply to all officers of the Dental Corps of the Navy who had previously served on active duty as assistant dental surgeons pursuant to the provisions of the act approved March 4, 1913 (37 Stat. L. p. 903), and who were regularly commissioned in the Dental Corps of the Navy at the time of the passage of the act of July 1, 1918: *Provided*, That such officers of the Dental Corps of the Navy shall be assigned running mates for promotion purposes in accordance with their precedence as so determined: *And provided further*, That no back pay or allowances shall accrue to any officer by reason of the passage of this act.

Mr. SCHALL. The Committee on Naval Affairs of the Senate has reported this bill unanimously, and the Naval Affairs Committee of the House has likewise reported a similar bill favorably.

Mr. KING. Mr. President, I objected to the consideration of this bill the other day because it looked too general in its terms. Since then I have looked into it very carefully, and I see no objection to it, and I hope the bill will be passed.

The PRESIDING OFFICER (Mr. WAGNER in the chair). Is there objection to the consideration of the bill?

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

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

DEFINITION OF THE TERMS "CHILD" AND "CHILDREN"

Mr. REED of Pennsylvania submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12449) to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2; and agree to the same.

DAVID A. REED,

FRANK L. GREENE,

DUNCAN U. FLETCHER,

Managers on the part of the Senate.

JOHN M. MORIN,

W. FRANK JAMES,

JOHN J. MCSWAIN,

Managers on the part of the House.

Mr. REED of Pennsylvania. Mr. President, this is a conference report on a bill to define the term "children" as used in the dependency allowance laws pertaining to the Army and Navy. The House conferees have receded and agree to the Senate amendment.

The report was agreed to.

MORRIS FOX CHERRY

Mr. REED of Pennsylvania submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12538) for the benefit of Morris Fox Cherry having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

as follows: In lieu of the amendment of the Senate insert the following: "That no back pay or allowances shall accrue by reason of the passage of this act"; and the Senate agree to the same.

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

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

Mr. REED of Pennsylvania. Mr. President, the House has agreed to the Senate amendments to this bill with certain small verbal changes. It is a bill for the relief of a young man named Cherry, who enlisted in the Army while under age four days before war was declared. If he had enlisted four days later, he would have been covered by general legislation.

The report was agreed to.

BATTLE FIELDS OF BRICES CROSS ROADS AND TUPELO, MISS.

Mr. REED of Pennsylvania submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8736) to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

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

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

Mr. REED of Pennsylvania. Mr. President, this is a conference report on a bill providing for a commemoration of the battle fields of Tupelo and Brices Cross Roads, Miss. The House agrees to the Senate amendments. The commemoration is exactly in accordance with the report of the Battle Fields Commission.

The report was agreed to.

CONSTRUCTION AT THE MILITARY ACADEMY

Mr. REED of Pennsylvania submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, 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: Insert in lieu of the language stricken out by the Senate the following: "Provided, That the new cadet barracks heretofore authorized to be constructed shall be erected on the site of the old cadet mess hall, the street face of the said barracks to be in prolongation of the street face of the west academic building, leaving an open area on the north side of said barracks so that the said barracks can be supervised from the present south cadet guardhouse: And provided further"; and the Senate agree to the same.

DAVID A. REED,
W. H. MCMASTER,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

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

Mr. REED of Pennsylvania. Mr. President, this is a conference report on the authorization bill for construction at West Point, where the conferees have agreed to the Senate amendments, with the insertion of a proviso to define the location of the new cadet barracks in such way as to lead to its construction at

that point which will be cheapest and will require the least excavation.

Mr. KING. Mr. President, I would like to ask the Senator if there is any additional expense involved on account of the change.

Mr. REED of Pennsylvania. The change which has been made holds down the expense. In all other respects the Senate amendments have been agreed to.

The report was agreed to.

PRELIMINARY SURVEY OF MUD CREEK, KY.

Mr. SACKETT. I report back favorably without amendment from the Committee on Commerce the bill (H. R. 15809) to authorize a preliminary survey of Mud Creek in Kentucky with a view to the control of its floods, and I ask for its present consideration.

Mr. CURTIS. Let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of Mud Creek in Kentucky from Mining City, at which point said creek empties into Green River, up to a point 25 or 30 miles in distance where a drainage project has been started by owners of the land on and near said creek, with a view to the control of its floods. Also to submit a report to Congress as to the feasibility of controlling the said flood waters by a drainage project, together with an estimate of the cost of said improvement.

Mr. BRATTON. Let me inquire of the Senator from Kentucky what the size of the appropriation is.

Mr. SACKETT. It is just for a survey, to see if they can control the floods. There are 6,000 acres of farm land involved.

Mr. KING. Is this an application for a survey which may involve ultimately the taking over by the Federal Government of some project at an enormous expense?

Mr. SACKETT. Not at all. It involves a small creek that has flooded 6,000 acres, and they want to straighten it out.

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 consider the bill.

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

CLAIMS OF THE NORTHWESTERN BANDS OF SHOSHONE INDIANS

Mr. FRAZIER. I ask unanimous consent to call up the conference report on the disagreeing votes of the two Houses on the amendments of the House to Senate bill 710, and ask that it may be read.

There being no objection, the report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States 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 2, 3, and 4, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: After the words "for the benefit of any" and before the words "of said Indians" insert the words "band or bands," so as to make the amendment read: "Any payment which may have been made by the United States, including gratuities for the benefit of any band or bands of said Indians or for their support and civilization, shall not operate as an estoppel, but may be pleaded as a set-off in said suit"; and the House agree to the same.

LYNN J. FRAZIER,
THOS. D. SCHALL,
HENRY F. ASHURST,
Managers on the part of the Senate.
SCOTT LEAVITT,
W. H. SPOUL,
JOHN M. EVANS,
Managers on the part of the House.

Mr. KING. Mr. President, this is a conference report on a bill which I introduced and which was reported from the Committee on Indian Affairs. A number of amendments were made in the House, and the conferees have agreed upon a report with respect to one item, a limitation of \$25,000.

Since the agreement by the conferees, I am told there has been further discussion and consideration, and they find that the amendment would be somewhat at variance with similar

bills; and I think that the conferees are willing, if the matter may go back to them, to eliminate the item, so as to conform the provisions of this bill with similar measures. I therefore move that the Senate disagree to the report, that the Senate further disagree to the House amendments, and ask a further 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 Presiding Officer appointed Mr. FRAZIER, Mr. SCHALL, and Mr. ASHURST conferees on the part of the Senate at the further conference.

MISSISSIPPI RIVER BRIDGE BETWEEN NEW ORLEANS AND GRETNALAND

Mr. BROUSSARD. I ask unanimous consent for the consideration of the bill (H. R. 16162) to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La. The bill has passed the House and has a favorable report from the Committee on Commerce of the Senate.

Mr. CURTIS. Let it be read.

The bill was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River, between New Orleans and Gretna, La., authorized to be built by George A. Hero and Allen S. Hackett, their successors and assigns, by the act of Congress approved March 2, 1927, heretofore extended by act of Congress approved March 6, 1928, are hereby extended one and three years, respectively, from March 6, 1929.

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

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

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 4257) to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska, and it was signed by the Vice President.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The Senate resumed the consideration of Mr. HARRISON's motion to reconsider the vote by which the Senate refused to pass the bill (S. 1093) to prevent the sale of cotton and grain in future markets.

Mr. SMITH. Mr. President, in answer to the question propounded to me by the Senator from Mississippi, of course, if the Senate ultimately rejects the Caraway bill, and it is determined to have or shows a disposition to have legislation upon the subject, I shall insist, if I have the opportunity—and I shall make the opportunity, if possible—upon having my bill considered, for the reason that it was the result of as patient and hard study as I ever gave any subject in the world. For 90 days I sat every day for two or three hours hearing testimony on every possible angle of the cotton marketing system in America and abroad. I heard men who had connection with every European market and every oriental market, who went into great detail as to the method of buying and selling, the forms of their acceptances, the exchange rules, and the contract system. I sat there for practically 90 days and heard complaints as to what had been done.

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

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. SMITH. I yield.

Mr. HARRISON. Evidently we can not reach a vote on my motion to-night. I ask unanimous consent that my motion may be considered privileged.

Mr. JONES. Mr. President, I could not consent to that.

Mr. HARRISON. Then I will ask that it be made privileged to follow the consideration of the prohibition bill in charge of the Senator from Washington.

The PRESIDING OFFICER. Is there objection?

Mr. COUZENS. I object to that proposal.

The PRESIDING OFFICER. Objection is made.

Mr. HARRISON. Mr. President, a parliamentary inquiry. Is not my motion a privileged motion?

The PRESIDING OFFICER. The privilege expired when the motion was entered.

Mr. FESS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FESS. In case we favorably consider the motion to reconsider the passage of the bill, will the limitation of debate which was to apply after 4 o'clock to-day apply to the measure when it comes before the Senate for further consideration?

The PRESIDING OFFICER. The Chair will hold that the limitation of debate would apply.

Mr. HARRISON. I understood the limitation on debate was to be in force as long as the bill might be before the Senate.

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. KING. That would not apply to discussion on the motion to reconsider, however.

The PRESIDING OFFICER. No; it would not.

Mr. SMITH. Mr. President, I would be glad to have the Chair state his ruling again. Does the Chair hold that there would be a limitation of debate after the Senate decides, if it shall so decide, to reconsider the vote by which the bill was passed? If the Senate shall decide to reconsider as moved by the Senator from Mississippi, is it the ruling of the Chair that that action would carry with it the limitation on debate? In other words, would it restore the status that existed before the reconsideration of the vote on the Caraway bill?

The PRESIDING OFFICER. If the motion to reconsider prevails, then the limitation on debate would apply.

Mr. SMITH. Then, as a matter of course, that would put us in the absurd position that we would have two practically new measures before us for consideration and for a vote, without an opportunity to enable the Senate to know just what would be the effect of either one and with Senators limited to 10 minutes' discussion on them, when the life and death of the entire cotton trade may hang upon what we do.

Mr. HARRISON. Mr. President, at the time of the adoption of the unanimous-consent agreement these amendments, or at least one of them, had been offered. It had been printed and has been on the table for several days.

Mr. SMITH. It had not been offered.

Mr. HARRISON. There is no change in the condition that we were in at that time.

Mr. SMITH. The amendment had not been offered.

Mr. HARRISON. It had been lying on the table.

Mr. GEORGE. Mr. President, the amendment had not been offered. I gave notice in the early part of the discussion that at the proper time I would offer it, and I had it printed in the RECORD for the information of the Senate, but I subsequently gave notice to all Senators interested that I would not offer it because I preferred to vote directly upon the Caraway bill.

Mr. SMITH. That, Mr. President, shows the attitude of those who are not vitally interested in the cotton-marketing question. It is a matter of vital importance to me, and therefore being in the same condition that millions of others are, it is my duty to protect them with all the power I have and to see to it that there shall not be legislation hurried and ill-advisedly passed through this body which may cause the ruin—not the ruin, but which would cause depression and great distress. I think I have a duty here, perhaps, which is unique as compared with that of any other Senator.

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

Mr. SMITH. Certainly.

Mr. COPELAND. What does the Senator consider the duty of the Senate at this time? If he has his way, what would he have the Senate do?

Mr. SMITH. I suggested here this afternoon that we still have two weeks before the end of the session. The general aspects of the cotton market have been discussed. The specific evils to which I have referred, the remedies for which are incorporated in the bill to which I have referred, have not been discussed, but have been recognized by the trade, and remedies therefor have been incorporated in their rules and regulations. If it is the wisdom of the Senate that they should be enacted into law and crystallized into some legislative form, I think we ought to take the two bills, the one passed by the House, the grain futures act, where "grain" is stricken out and "cotton" written in, and the Smith bill, before the committee and work out what we believe will be the proper remedies, incorporate them in a bill, and then bring that bill back before the Senate as the ultimate judgment of those who represent the cotton interests, and ask the Senate to enact such a measure into law. That is the suggestion I have made, and I would carry that out in good faith.

Mr. HEFLIN. Mr. President, to the end that we may vote on the proposition, is not the Senator willing to have the Senate vote as to whether or not it wants to proceed the other way, and if it declines to reconsider as the Senator from Mississippi has moved, then he can take the course he suggested of having the matter referred to the committee.

Mr. CURTIS. Mr. President, may I say to the Senator from South Carolina that we want to have an executive session to-night, and I am wondering if the Senator will not yield to me

to enable me to move that we proceed to the consideration of executive business?

Mr. SMITH. Mr. President, I shall have something further to say on the matter, but I yield now to the Senator from Kansas for that purpose.

Mr. SIMMONS. Mr. President, will the Senator from Kansas yield to me before he offers his motion?

Mr. CURTIS. Certainly.

Mr. SIMMONS. I wish to offer for the RECORD a letter, which I will not ask to have read but merely to have printed in the RECORD. It is from the North Carolina Cotton Growers Cooperative Association, of Raleigh, N. C., opposing the passage of the Caraway bill.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

NORTH CAROLINA COTTON GROWERS COOPERATIVE ASSOCIATION
Raleigh, N. C., February 13, 1929.

Hon. F. M. SIMMONS,
Capitol Building, Washington, D. C.

MY DEAR SENATOR: We received the copy of the Caraway bill, as mentioned in your letter of January 30. I discussed this with my board of directors at our meeting yesterday, and we are of the opinion that this proposed measure is entirely too drastic. Our position is that the exchanges should be regulated under proper control but should not be abolished.

There is, of course, much speculation and gambling on the exchanges, but there is also a large volume of legitimate business transacted through these exchanges that is of vital interest to the producers, merchants, middlemen, manufacturers, and bankers.

We are glad to note that you do not sympathize with the drastic provisions in this bill, and believe that it will be your good judgment to oppose its passage.

Very sincerely yours,

U. B. BLALOCK,
Secretary-Treasurer and General Manager.

Mr. TYSON. Mr. President, a parliamentary inquiry. What will be the status to-morrow morning of the motion of the Senator from Mississippi to reconsider?

The PRESIDING OFFICER. The motion will lie on the table.

Mr. TYSON. It lies on the table and will have to be called up?

The PRESIDING OFFICER. It will have to be called up either by motion or by unanimous consent.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn until 12 o'clock noon to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 20 minutes p. m.) adjourned until to-morrow, Friday, February 15, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 14 (legislative day of February 11), 1929

ASSOCIATE JUDGES OF UNITED STATES COURT OF CUSTOMS APPEALS

Irvine Luther Lenroot, of Wisconsin, to be associate judge of the United States Court of Customs Appeals, vice Orion M. Barber, retired.

FINIS J. GARRETT, of Tennessee, to be associate judge of the United States Court of Customs Appeals vice James F. Smith, deceased.

JUDGE OF SUPREME COURT OF THE DISTRICT OF COLUMBIA

Henry H. Glassie, of Maryland, to be a justice of the Supreme Court of the District of Columbia. (An additional position created by the act approved December 20, 1928.)

UNITED STATES ATTORNEYS

Forrest C. Northcutt, of Colorado, to be United States attorney, district of Colorado, vice George Stephan, term expired.

Hugh B. Woodward, of New Mexico, to be United States attorney, district of New Mexico, vice John W. Wilson, term expired.

John G. Gung'l, of Arizona, to be United States attorney, district of Arizona, vice John B. Wright, whose term expires February 16, 1929.

UNITED STATES MARSHAL

Millard M. Owens, of Florida, to be United States marshal, northern district of Florida. (A reappointment, his term expiring February 16, 1929.)

APPOINTMENTS IN THE REGULAR ARMY

AIR CORPS

To be second lieutenant with rank from February 1, 1929

Private John Clayton Berry, Air Corps.

To be second lieutenants with rank from February 2, 1929

Second Lieut. Robert Edward Lee Pirtle, Air Corps Reserve.
Second Lieut. Wilbur Erickson, Air Corps Reserve.
Second Lieut. Lilburn Dimmitt Fator, Air Corps Reserve.
Second Lieut. Archibald Meyer Keiley, Air Corps Reserve.
Second Lieut. Ralph Orville Brownfield, Air Corps Reserve.
Second Lieut. Joel Edward Mallory, Air Corps Reserve.
Second Lieut. Lindsay Mansfield Bawse, Air Corps Reserve.
Second Lieut. Donald Russell Lyon, Air Corps Reserve.
Second Lieut. Warren Herbert Higgins, Air Corps Reserve.
Second Lieut. Stanley Keith Robinson, Air Corps Reserve.
Second Lieut. Willard Reno Shephard, Air Corps Reserve.
Second Lieut. George Washington Hansen, Air Corps Reserve.
Second Lieut. Minton William Kaye, Air Corps Reserve.
Second Lieut. Aubry Lee Moore, Air Corps Reserve.
Second Lieut. Ronald Roosevelt Walker, Air Corps Reserve.
Second Lieut. Lloyd Harrison Tull, Air Corps Reserve.
Second Lieut. Francis Marion Zeigler, Air Corps Reserve.
First Lieut. Joel George Pitts, Air Corps Reserve.
Second Lieut. Carl Frederick Theisen, Air Corps Reserve.
Second Lieut. Frederic Ernst Blantzberg, Air Corps Reserve.
Second Lieut. Eugene Herbert Rice, Air Corps Reserve.
Second Lieut. Leland Samuel Stranathan, Air Corps Reserve.
Second Lieut. Ernest Keeling Warburton, Air Corps Reserve.
Second Lieut. LeRoy Hudson, Air Corps Reserve.
Second Lieut. Roland Ogden Strand Akre, Air Corps Reserve.
Second Lieut. Paul Ellis Shanahan, Air Corps Reserve.
Second Lieut. Julius Augustus Barr, Air Corps Reserve.
Second Lieut. Roger Vincent Williams, Air Corps Reserve.
Second Lieut. Andrew Fred Solter, Air Corps Reserve.
Second Lieut. Donald Edwin Broughton, Air Corps Reserve.
Second Lieut. Frederick Archibald Pillet, Air Corps Reserve.
Second Lieut. William Hugh McArthur, Air Corps Reserve.
Second Lieut. Reginald Heber, Air Corps Reserve.
Second Lieut. Homer LeRoy Sanders, Air Corps Reserve.
Second Lieut. Draper Frew Henry, Air Corps Reserve.
Second Lieut. Robert Dilger Johnston, Air Corps Reserve.
Second Lieut. Walter Robertson Agee, Air Corps Reserve.
Second Lieut. Charles Harold Earnest, Air Corps Reserve.
Second Lieut. Hansford Wesley Pennington, Air Corps Reserve.

First Lieut. Guy Frost Hix, Air Corps Reserve.

Second Lieut. Donald Wells Buckman, Air Corps Reserve.
Second Lieut. John Arlin Winefordner, Air Corps Reserve.
First Lieut. Murray Clarke Woodbury, Air Corps Reserve.
Second Lieut. Norman Herbert Ives, Air Corps Reserve.
Second Lieut. Paul Bernard Wurtzsmith, Air Corps Reserve.
Second Lieut. Joseph Battersby Duckworth, Air Corps Reserve.

Second Lieut. William Alexander Robert Robertson, Air Corps Reserve.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

SIGNAL CORPS

Capt. Louis Simmons Stickney, Infantry (detailed in Signal Corps), with rank from July 1, 1920.

CHEMICAL WARFARE SERVICE

Capt. George James Burns Fisher, Coast Artillery Corps, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Upton Birnie, jr., Field Artillery, from February 11, 1929.

To be lieutenant colonels

Maj. DeWitt Clinton Jones, Corps of Engineers, from February 11, 1929.

Maj. Francis Bowditch Wilby, Corps of Engineers, from February 11, 1929.

CONFIRMATIONS

*Executive nominations confirmed by the Senate February 14
(legislative day of February 11), 1929*

POSTMASTERS

ALABAMA

Frances A. Brewer, Childersburg.
John H. Lynn, Summerdale.

GEORGIA

Walker M. Cobb, Carrollton.

IDAHO

Edgar H. Taylor, Juliaetta.

ILLINOIS

Otto G. Striegel, Litchfield.
Don A. Spurr, Wilmington.

NEBRASKA

Maurice S. Groat, Inavale.

NEW JERSEY

William G. Wallis, Florence.

WEST VIRGINIA

Thomas E. Clovis, Pennsboro.

WYOMING

Elsie C. Mann, Yoder.

HOUSE OF REPRESENTATIVES

THURSDAY, February 14, 1929

The House met at 12 o'clock noon.

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

Eternal God, our Father, Thou hast smitten through and through with divine longings and made us children of time and eternity. Lift us up, dear Lord, to the spiritual tree of life, which is ever bending above us in heavenly abundance. Here we shall find answer to our yearnings as our souls strike their golden notes of triumph. Oh, blessed is the man who is able to say in the doorway of each morning, "Not my will, but Thine be done." In this humble submission, pardon, grace, and tranquillity are born. Thus, sublime our lives may become in wisdom, unselfishness, and sacrifice, bidding us to greatly live. May they be a perfect inspiration, counting as positive forces on the side of all goodness, and then how wonderful their steady streams of influence shall be. Do Thou let this prayer be verified in Thee. 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 insists upon its amendments to the bill (H. R. 13825) entitled "An act to authorize appropriations for construction at military posts, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3936) entitled "An act to regulate the practice of the healing art to protect the public health in the District of Columbia," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAPPER, Mr. VANDENBERG, and Mr. COPELAND to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the joint resolution (S. J. Res. 182) entitled "Joint resolution for the relief of farmers in the storm and flood stricken areas of southeastern United States."

The message also announced that the Vice President had appointed Mr. WARSON and Mr. SMITH members of the joint select committee on the part of the Senate provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Federal Radio Commission.

The message also announced that the Vice President had appointed Mr. COUZENS and Mr. COPELAND members of the joint select committee on the part of the Senate provided for in the

act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

The message also announced that the Senate had passed the following resolution:

Senate Resolution 328

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of Hon. Frank P. Flint, formerly a Senator from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now take a recess until 12 o'clock to-morrow.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On February 11, 1929:

H. R. 15657. An act to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation; and

H. R. 16208. An act authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the southeast arm of Sandusky Bay at or near Sandusky, Ohio.

On February 12, 1929:

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

On February 13, 1929:

H. R. 11526. An act to authorize the construction of certain naval vessels, and for other purposes;

H. R. 15427. An act authorizing and directing the Secretary of War to lend to the Governor of North Carolina 300 pyramidal tents, complete; 9,000 blankets, olive drab, No. 4; 5,000 pillow-cases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets to be used at the encampment of the United Confederate Veterans to be held at Charlotte, N. C., in June, 1929;

H. R. 13502. An act authorizing the State of Minnesota and the State of Wisconsin to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn.;

H. R. 14146. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a free highway bridge across the Monongahela River, in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 14164. An act granting the consent of Congress to the city of Knoxville, Tenn., to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Henley Street in Knoxville, Knox County, Tenn.;

H. R. 14451. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania";

H. R. 14460. An act authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa;

H. R. 14469. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa.;

H. R. 14481. An act granting the consent of Congress to the Chicago South Shore & South Bend Railroad to construct, maintain, and operate a railroad bridge across the Grand Calumet River at East Chicago, Ind.;

H. R. 14919. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Cedar Street, Youngstown, Mahoning County, Ohio;

H. R. 15072. An act to extend the times for commencing and completing the reconstruction of the bridge across the Grand Calumet River at Burnham Avenue, in Cook County, Ill.;

H. R. 15084. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near Reedsdale Street, in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 15269. An act to extend the times for commencing and completing the construction of a bridge across the Red River at or near Coushatta, La.;

H. R. 15470. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn.; and

H. R. 14800. An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war.

On February 14, 1929:

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

HON. CHARLES R. SKINNER

Mr. SNELL. Mr. Speaker, I desire to present a unanimous-consent request. The Hon. Charles R. Skinner, a former Representative in this House from the State of New York, died at his home in Pierrepont Manor, on July 1, 1928. Mr. Skinner had a long and distinguished career after leaving this House.

I ask unanimous consent that my colleague the gentleman from New York [Mr. CULKIN] may extend his remarks in the RECORD with reference to the life and work of Mr. Skinner.

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

There was no objection.

Mr. CULKIN. Mr. Speaker, ladies, and gentlemen of the House, Charles Rufus Skinner was born at Union Square, Oswego County, N. Y., August 4, 1844, son of Avery and Charlotte Prior (Stebbins) Skinner, and a descendant of worthy New England ancestry. Avery Skinner was a native of New Hampshire, a farmer by occupation, settled in Watertown, N. Y., in 1816, from whence he removed to Oswego County, N. Y., in 1826. He was postmaster at Union Square, which place he settled and named, for 50 years, having been appointed by President John Quincy Adams.

Charles Rufus Skinner was brought up on his father's farm, attended the district school in his native town until his sixteenth year, after which he accepted the position of teacher in a neighboring school, assisted in the work of the post office at Watertown, N. Y., and in various other ways obtained sufficient capital to enable him to pursue his education further. He became a student in the Clinton Liberal Institute, and later in the Mexico Academy, New York, from which he was graduated in 1866, the valedictorian of his class, and during the following year he acted as teacher in the same institution. In December, 1867, he went to New York City and took charge of the agency of the Walter A. Wood Mowing & Reaping Co., but remained only three years, his father being in such ill health that he was obliged to return home to manage the farm. In 1870 he became a resident of Watertown, N. Y., and until 1874 was part owner, business manager, and city editor of the Watertown Daily Times and Reformer. He was a member of the board of education of Watertown from 1875 to 1884; member of the New York Assembly from 1876 to 1881 from Jefferson County, during which time he served as chairman of the committees on public printing and railroads, and as member of the committees on cities, insurance, internal affairs, and so forth. In 1877 he introduced and pushed to its passage the bill prohibiting frequent changes in textbooks in schools, and in 1879 introduced a bill to reduce legislative expenses, and an amendment to the constitution to bring about biennial sessions of the legislature. This resolution passed one legislature, but in the following year was defeated in the senate. This proposition was favored by Governor Cornell in his message of 1882, and urged by Governor Black in 1898. In 1879-80 Mr. Skinner was active in advocating the antidiscrimination freight bill, and the measure for 5-cent fares on the New York elevated railroads. In 1878 he served on a special committee of the assembly to consider and report on the State normal schools.

He was a Member of the Forty-seventh and Forty-eighth Congresses, 1881-1885, representing Jefferson, Lewis, and Herkimer Counties, where he was instrumental in securing the reduction of letter postage from 3 to 2 cents, and was the author of the bill providing for the special-delivery system and the passage of the law giving letter carriers a vacation. He opposed the Chinese restrictive act, urging in a powerful speech that the United States was bound to keep the terms of the treaty made with China; made speeches in favor of prompt action to suppress polygamy, and against the Morrison tariff bill in 1883, and was active in all debates on post-office questions. In 1884 he was appointed to the Board of Visitors at West Point with General Rosecrans, Colonel Waring, and others. In 1885, after his term in Congress expired, he edited the Watertown Daily Republican and served in that capacity until January,

1886, and then for a short time was city editor of the Watertown Daily Times. He was deputy State superintendent of public instruction from 1886 to 1892; supervisor of teachers' institutes and training classes from 1892 to 1895; State superintendent of public instruction from April 7, 1895, to 1904, and was elected president of the National Educational Association at its meeting in Buffalo in 1896. Doctor Skinner's administration as superintendent of public instruction revealed a marked enthusiasm in the cause of popular education; a sincere devotion to its interest and forceful methods of promoting them. He was zealous in upholding the integrity of his department against all assaults upon it, and consistently advocated the placing of all tax-supported schools within its control.

A few of the significant events of his tenure were the proposal of an educational qualification for school commissioners (not perfected); the fixing of the statutory school age at from 5 to 18 years; the observance, in 1895, of the centennial of the law establishing common schools; the act of 1895 requiring the display of the Stars and Stripes upon the schoolhouses of the State; the commemoration of the one hundredth birthday, May 14, 1895, of the great educator, Horace Mann; the judicial decision of the Watervliet case, affirming the power of the State to compel a municipality, or school district, to provide and maintain adequate educational facilities; the satisfactory execution of the compulsory education law, enacted in 1894; and the enlargement of the number of State scholarships in Cornell University from 128 to 150, to conform to the apportionment of assembly districts under the constitution of 1894. While State superintendent, Doctor Skinner, made educational visits and addresses in every county of the State, and in many neighboring States. He served as assistant appraiser of the port of New York from 1906 to 1911; was librarian of the New York Assembly 1913 and 1914; and from 1915 to 1925 was legislative librarian in charge of a library formed by the consolidation of the senate and assembly libraries.

Doctor Skinner was a life member of the New York State Press Association, and had frequently been delegated to represent it in the meetings of the National Editorial Association. He was a member of the Fort Orange Club of Albany, the Republican Club of New York City, the Union League of Brooklyn, and the Thousand Island Club of Alexandria Bay. He was a trustee of St. Lawrence University and of the Albany Home School for the Deaf. He received the degrees—master of arts from Hamilton College, 1889; doctor of laws from Colgate University, 1895; doctor of literature from Tufts College, 1901. He was the author of Commercial Advantages of Watertown, N. Y. (1876); New York Question Book (1890); Arbor Day Manual (1891); Manual of Patriotism for the Schools of New York (1900); and The Bright Side (1909).

Doctor Skinner married, October 16, 1873, at Watertown, N. Y., Elizabeth Baldwin, daughter of David W. and Laura (Merriman) Baldwin, of Watertown. Mrs. Skinner died March 8, 1918.

He died July 1, 1928, at the home of his son, Charles R. Skinner, jr., at Pelham Manor, in his eighty-fourth year, and left him surviving three sons and one daughter, Harold Baldwin, Albert Merriman, Charles Rufus, jr., and Elizabeth Skinner Palmer.

Doctor Skinner was very fond of history; loved everything that was beautiful and good. For years he saved clippings that contained sentiments of the good, beautiful, and substantial things of life, and finally arranged them and had them printed in book form called The Bright Side. He took many trips and always wrote very interesting accounts of the same, which were published in the papers and magazines. Doctor Skinner was very fond of his home life and his family and often said one of the sorrows of his life was that his official duties separated him so much of his time from his home.

Doctor Skinner was intensely loyal to his country, and his book, Manual of Patriotism, and the display of the American flag on or near the public schools evidenced that fact, and he desired that the school children should have the same feeling for their country that he had.

His life was one of great usefulness and he made constructive and substantial contributions to his community, the State, and the Nation during his long and active career.

LIEUT. COMMANDER EDWARD ELLSBERG, LIEUT. HENRY HARTLEY, AND BOATSWAIN RICHARD E. HAWES

Mr. BRITTEN. Mr. Speaker, by direction of the Committee on Naval Affairs, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13795) for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

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

There was no objection.

The Senate amendment was agreed to.

BUREAU OF ORDNANCE, NAVY DEPARTMENT

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5491) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

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

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I understand this is also called up by direction of the Committee on Naval Affairs?

Mr. BRITTEN. The gentleman is correct.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

EXTENSION OF REMARKS

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a statement on the judicial procedure of European countries, by Judge Edward J. Henning, of the southern district of New York.

This is a statement made to the Attorney General of the United States and was sent by the Attorney General to the Committee on the Judiciary of the House. It is a very illuminating statement upon the judicial procedure of foreign countries. I ask that it may be printed in the RECORD, and I hope every Member will take the time to read it.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, that statement has already been inserted in the RECORD in the Senate.

Mr. CHRISTOPHERSON. I did not know that. If it has been printed in the RECORD, I will not press the matter any further.

LEGISLATIVE APPROPRIATION BILL

Mr. WELSH of Pennsylvania. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes; and pending that, I ask unanimous consent that general debate to-day be equally divided between the gentleman from Louisiana and myself.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17053; and pending that, asks unanimous consent that general debate to-day be equally divided between himself and the gentleman from Louisiana [Mr. SANDLIN]. Is there objection?

Mr. TILSON. Mr. Speaker, reserving the right to object, and, of course, I shall not object, I understand this means that such time as is used in general debate to-day will be controlled equally by the gentleman from Pennsylvania [Mr. WELSH] and the gentleman from Louisiana [Mr. SANDLIN]?

Mr. HASTINGS. May I inquire, Mr. Speaker, whether the time used in debate is even up to date? Is the time even on both sides?

Mr. SANDLIN. I will say to the gentleman from Oklahoma, Mr. Speaker, that the gentleman from Louisiana will look after that and see that this side of the House gets such time as it is entitled to.

Mr. HASTINGS. I beg the pardon of the gentleman from Louisiana. I know the gentleman from Louisiana will see to it that this side gets its share of the time, but I was a little afraid that the unanimous-consent request would not take into consideration the time used heretofore, and it would be beyond the power of the gentleman from Louisiana to equalize it.

Mr. SANDLIN. I will say to the gentleman that his fears are not well founded. I have had the matter up with the gentleman from Pennsylvania and can assure the gentleman that this side will have its share of the time.

Mr. HOWARD of Nebraska. Mr. Speaker, reserving the right to object, I am quite well satisfied that the gentleman from Louisiana will take care of his friends in this debate; but what is to happen to a poor fellow who stands in the attitude of declining to beg time from any Member of the House other than the Speaker? That is my situation; and here I

stand, day after day, exercising that almost sublime charity which is mine, and not objecting to unanimous-consent requests for a proceeding which I regard as wicked.

The SPEAKER. Does the gentleman object?

Mr. HOWARD of Nebraska. This is not the time when I want to speak. [Laughter.]

Mr. SANDLIN. Mr. Speaker, I would like to say it is not at all necessary for the gentleman from Nebraska to beg time either from this side or the other side of the House. Either one of us would be delighted to offer him time without even a request if we knew when he wanted it.

Mr. HOWARD of Nebraska. That is very sweet of the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. WELSH]?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17053, the legislative appropriation bill, with Mr. SNELL in the chair.

The Clerk read the title of the bill.

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from Georgia [Mr. BRAND].

Mr. BRAND of Georgia. Mr. Chairman and gentlemen of the committee, when the Banking and Currency Committee of the House had up for consideration the bill of the gentleman from Kansas [Mr. STRONG], Governor Strong, of the Federal Reserve Board Bank in New York, was a witness. This was over a year ago. During the time he was giving his testimony I prepared a few questions that I intended to propound to him. Before having a fair chance to do so he announced that he had an appointment to fill and asked to be excused. He left the committee before the hearings on Mr. STRONG's bill were over and I was thus prevented from submitting the same to him. Subsequently he died, and therefore I lost the opportunity of doing so. The whole country, particularly at this time, is more or less interested in the issue referred to in my interrogatories and therefore I want to read the same before I proceed with my address. The questions are as follows:

(a) Give me the names of the New York banks who discount obligations with the New York Federal Reserve Bank for the purpose of obtaining money to be used for speculative purposes on the major commodities produced by the farmers, such as cotton, corn, wheat, swine, and cattle.

(b) If the New York banks borrow money for such purposes state, if within your knowledge, how often and how much per month during the season of harvesting and marketing such commodities.

(c) At what rate or rates of interest are the loans for such purposes made?

(d) What information do you have or can furnish the committee in regard to other banks borrowing money for such purposes in the Chicago and New Orleans Federal land bank districts?

Answers to these questions may be confined to the last three years, beginning January 1, 1925, including the years 1925, 1926, and 1927.

(e) Why the New York Federal Reserve Bank, the greatest one of the Federal reserve system, did not pay into the Treasury of the United States, during the year 1927, any franchise tax?

(f) Whether or not it is a fact, by the adoption of a certain policy and the skillful manipulation of figures, or otherwise, notwithstanding the banks may make sufficient earnings to require the payment of a franchise tax, it can be made to appear by the powers conferred upon the Federal reserve banks that the earnings were insufficient to authorize such payment.

(g) How many times, and when, during the last 12 months has the rate of interest or the discount rate been changed, and state the reason or purpose the officers of the bank had in mind in making the change.

(h) What effect on the money market and on business, especially on the stock exchanges, when you decrease the rate of discount from 4½ to 4 and when you increase the rate from 4 to 4½?

(i) Who or what class of persons or interests, if any, were benefited by such increases and decreases?

As stated, this was a year ago. Subsequent to the warning given to the New York banks by the Federal board on February 2 of this year, and only thereafter after I introduced a resolution (H. J. Res. 414) to authorize an investigation of the loans made by certain Federal reserve banks, and for other purposes. That joint resolution is as follows:

That after March 4, 1929, those members of the Committee on Banking and Currency of the House of Representatives of the Seventieth Congress who are Members elect to the Seventy-first Congress, or a majority of them, until the meeting of the first regular session of the Seventy-first Congress, are authorized, by subcommittee or otherwise, to investigate—

(1) The amount, rates of interest, and rates of discount of loans made by the Federal reserve banks of New York, Chicago, and New Orleans since January 1, 1925, to brokers and other persons for the purpose of speculating on cotton, tobacco, corn, wheat, swine, or cattle;

(2) The amount, rates of interest, and rates of discount of loans made by the Federal reserve banks of New York, Chicago, and New Orleans since January 1, 1925, to brokers and other persons for the purpose of speculation, and the effect on the amount, rates of interest, and rates of discount on loans for the purpose of producing, harvesting, and marketing cotton, tobacco, corn, wheat, swine, or cattle;

(3) The fluctuations in discount rates of the several Federal reserve banks since January 1, 1925, the reasons for such fluctuations, and the effect of such fluctuations on the price of cotton, tobacco, corn, wheat, swine, and cattle;

(4) The activity of the Federal Reserve Board since January 1, 1925, with a view to determining whether, and in what instances, the policies of such board have had the effect of decreasing the prices of any commodities; and

(5) The amount of Federal taxes paid by the several Federal reserve banks since January 1, 1925, and the reasons for the differences in the yearly amounts paid.

Sec. 2. Such members of such committee are authorized to sit and act at such times and places, to employ such stenographic services to report its hearings, to have such printing and binding done, and to make such expenditures (including expenditures for travel) as they deem necessary. Such expenses shall be paid out of the contingent fund of the House, on vouchers authorized by such members, signed by the person acting as chairman, and approved by the Committee on Accounts.

Mr. CLARKE. Will the gentleman yield?

Mr. BRAND of Georgia. I yield.

Mr. CLARKE. I would like to ask the gentleman whether, in line with the resolution, other figures could not be obtained—for instance, from savings banks that I have particularly in mind in the State of New York, where large sums were withdrawn for investment in Florida and other portions of the United States during the land boom, and whether any accurate figures can be obtained from those banks and the whole picture developed of the savings of the country that go into all the different fields of speculation?

Mr. BRAND of Georgia. Let me say that I read the speech in the Record of the gentleman from New York on this subject last night, and I agree with him fully that the investigation ought to embrace all these operations that he has suggested. [Applause.]

Mr. CLARKE. I thank the distinguished son of Georgia.

Mr. BRAND of Georgia. I am a member of the Banking and Currency Committee, and I have given a good deal of study to this question, and therefore I want to outline a few phases only as to the rights and powers of the Federal Reserve Board.

The questions, among others, which are involved in the resolution (H. J. Res. 414) which I introduced on February 11, may be stated as follows:

What authority of law or what provision of the act establishing the Federal reserve system grants to the Federal Reserve Board the power to adopt a policy similar to the deflation policy of 1920 or the policy involved in the warning which the board on February 2, 1929, promulgated in regard to making excessive loans and maintaining speculative security loans with the aid of Federal reserve credit? I take it that the board in its judgment has the authority to promulgate such policies. I do not question the good faith of the personnel of the board, particularly in regard to the warning of February 2, 1929, and yet I do not believe that the Federal reserve act, legally construed, gives to the board such authority.

In other words, I contend that it was never contemplated by President Wilson when he brought this matter to the attention of Congress that such authority should be conferred upon the Federal Reserve Board. Neither do I believe that it was in the legislative mind, when Congress passed the Federal reserve act, that it was conferring upon the Federal Reserve Board the right to adopt a policy similar to the deflation policy of 1920. I do not believe for an instant that it was ever in the mind of President Wilson or Congress, when this legislation was being considered and was passed by Congress, that authority was being vested in the Federal Reserve Board or power was being granted to the Federal Reserve Board to use the machinery of the act in order to decrease or increase the prices of cotton, tobacco, corn, wheat, swine, cattle, or any other farm commodity. [Applause.] Neither do I understand under what provision of the Federal reserve act the board proclaimed its February 2, 1929, warning, though there may have been ample and sufficient reasons existing for either a voluntary or involuntary cessation of such unprecedented speculation as has been going on in New York for several months, to which the

New York banks as well as the Federal Reserve Bank of New York were parties.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman from Georgia yield?

Mr. BRAND of Georgia. Yes.

Mr. BLACK of Texas. With reference to the board undertaking to prevent its rediscounts being used for speculative purposes, the gentleman realizes that the purpose of the Federal reserve act was to mobilize the reserves of the member banks.

Mr. BRAND of Georgia. Exactly.

Mr. BLACK of Texas. And not for speculative purposes, but for certain purposes defined in the act, to wit, business, agriculture, and industry. Is it not the duty of the board to use all of its powers to prevent its rediscounts being used for speculative purposes instead of for the purposes contemplated by the Federal reserve act?

Mr. BRAND of Georgia. I answer the gentleman in the affirmative. What I mean to say is this: The Federal reserve act had for its purpose, among other things—

the mobilizing of the reserves arising from the deposits made in the member banks throughout the entire Union. The object of mobilizing these reserves was to furnish a basis of credit to be used in taking care of the commercial, industrial, and agricultural conditions in each of the Federal reserve districts.

And when it departs from this fundamental and basic principle it is a usurpation of authority, in my judgment.

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

Mr. BRAND of Georgia. Yes.

Mr. STEAGALL. In connection with the inquiry submitted by the gentleman from Texas [Mr. BLACK] I think I possibly interpret what the gentleman from Georgia [Mr. BRAND] has in mind a little better than has been stated. I do not understand that the gentleman from Georgia objects to the Federal Reserve Board using its powers to promote and carry forward the purposes of the Federal reserve act, and afford credits for agriculture, industry, and commerce; but that the gentleman questions the policy of the Federal Reserve Board in what it has had to say in statements issued to the country similar to the statements issued back in 1920 and also in 1929.

Mr. BRAND of Georgia. That is correct.

Mr. STEAGALL. Although they may be made now for a different purpose, and they operate in a different way.

Mr. BRAND of Georgia. I am going to discuss that phase of the question.

First I want to state that loans on security collateral to members of the New York Stock Exchange on January 31, 1929, totaled \$6,735,164,241. The increase over the previous month was \$295,423,730.

New York institutions loaned \$5,043,292,321 on demand and \$620,499,847 on time, advancing the former by \$233,778,811 and the latter by \$29,215,448.

Demand loans totaled \$5,982,672,410. This is the greatest gain or increase noted for New York banking institutions, and unprecedented in the history of the Nation in regard to the volume of credit and loans for speculative purposes.

I think my contention in respect of this matter is true, for the manifest reason that it never did occur to President Wilson or to Congress that the Federal reserve banks would ever make such excessive loans to persons for purely speculative purposes.

If this act confers such authority upon the Federal Reserve Board, speaking for myself alone, I think this authority ought to be revoked or modified, and in lieu thereof I think it is the duty of Congress to define the powers of the Federal Reserve Board so that the business world, as well as the 12 Federal reserve banks and all banks members of the Federal reserve system, may know how far and to what extent the Federal Reserve Board may act in reference to promulgating such policies. [Applause.]

If the board has authority under any provision of the Federal reserve act to adopt such policies as was adopted in 1920, or to adopt a policy the effect of which would be to decrease or increase the prices of the farmers' commodities, I think it is the solemn duty of Congress to enact legislation sufficient to eliminate such authority. [Applause.]

In this connection I frankly concede that it is essentially important that the Federal Reserve Board be fully authorized to adopt such rules and regulations which will enable the board, if and when necessary, to prohibit the Federal reserve banks from making excessive and exorbitant loans for purely speculative purposes. In other words, authority should be given the board, to be used in a wise and conservative manner, to prohibit member banks of the Federal reserve system from making such loans for purely speculative purposes. In short, Congress should give the board authority to take such effective steps as may be

necessary to curtail loans for speculation or to prevent an excessive amount of the country's credit being absorbed in speculative purposes. However, this authority should be clearly defined so that all persons interested may know the extent of the board's rights and duty.

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

Mr. BRAND of Georgia. Yes.

Mr. CLARKE. Does the gentleman not think, under the construction the Federal Reserve Board have arrogated to themselves of the Federal reserve act, that there is no single body set up by the Congress of the United States that has the power for making not alone millions but billions of dollars that this Federal Reserve Board has?

Mr. BRAND of Georgia. I think the board, according to its construction of the Federal bank act and the manner in which they have exercised it, has more authority and power than any other seven men of any government on the face of the earth. [Applause.] So much power is dangerous and a menace to the people of this Republic.

In addition to this, I think it is the duty of the Federal Reserve Board or the 12 Federal reserve banks themselves to advise Congress and in this way inform the public why there was no payment of any franchise tax on the part of several of the big banks of the Federal reserve system for the years which the record shows none has been paid, and why so little has been paid during these years by these banks which have made payments.

The total gross earnings, expenses, and net earnings of the 12 banks of the Federal reserve system from 1914 to 1926 are as follows:

From 1914 to 1926

Gross earnings for Federal reserve system	\$678,999,660
Total expenses for Federal reserve system	257,144,956
Net earnings for Federal reserve system	421,854,704
Gross earnings for Federal reserve, Atlanta	31,712,460
Total expenses for Federal reserve, Atlanta	12,526,915
Net earnings for Federal reserve, Atlanta	19,185,545
Gross earnings for Federal reserve, Boston	46,012,482
Total expenses for Federal reserve, Boston	17,291,663
Net earnings for Federal reserve, Boston	28,720,819
Gross earnings for Federal reserve, New York	203,663,709
Total expenses for Federal reserve, New York	60,176,457
Net earnings for Federal reserve, New York	143,487,252
Gross earnings for Federal reserve, Philadelphia	49,378,075
Total expenses for Federal reserve, Philadelphia	18,108,861
Net earnings for Federal reserve, Philadelphia	31,269,214
Gross earnings for Federal reserve, Cleveland	56,243,852
Total expenses for Federal reserve, Cleveland	22,787,558
Net earnings for Federal reserve, Cleveland	33,456,294
Gross earnings for Federal reserve, Richmond	32,456,111
Total expenses for Federal reserve, Richmond	15,250,004
Net earnings for Federal reserve, Richmond	19,716,107
Gross earnings for Federal reserve, Chicago	98,084,253
Total expenses for Federal reserve, Chicago	35,493,609
Net earnings for Federal reserve, Chicago	62,590,644
Gross earnings for Federal reserve, St. Louis	29,019,287
Total expenses for Federal reserve, St. Louis	13,812,617
Net earnings for Federal reserve, St. Louis	15,206,670
Gross earnings for Federal reserve, Minneapolis	23,124,687
Total expenses for Federal reserve, Minneapolis	9,688,311
Net earnings for Federal reserve, Minneapolis	13,436,376
Gross earnings for Federal reserve, Kansas City	33,683,079
Total expenses for Federal reserve, Kansas City	16,540,468
Net earnings for Federal reserve, Kansas City	17,142,611
Gross earnings for Federal reserve, Dallas	23,906,756
Total expenses for Federal reserve, Dallas	13,647,708
Net earnings for Federal reserve, Dallas	10,259,048
Gross earnings for Federal reserve, San Francisco	51,191,614
Total expenses for Federal reserve, San Francisco	23,806,490
Net earnings for Federal reserve, San Francisco	27,385,124

Mr. ARENTZ. Will the gentleman state the percentage of profit there, if he has it?

Mr. BRAND of Georgia. I have not those statistics, but it shows that from 1914 until the end of 1927 these 12 banks made \$446,691,220 net, outside of the enormous expense of \$322,928,445 incurred in the administration of the banks.

The gross earnings of these banks from organization down to the end of 1927 was \$769,619,665. The expenses were \$322,928,445, leaving net earnings of \$446,691,220.

The franchise tax paid by the 12 Federal reserve banks into the Treasury of the United States from 1914 to 1925, inclusive, was \$139,173,943.

These 12 banks for the year 1926 only paid \$818,150.

For the year 1927 they paid the insignificant sum of \$249,591, though in 1928 they paid \$2,584,659.

The total franchise tax paid by these banks from 1914 to January 1, 1929, amounts to \$142,826,343.

I especially call your attention to the fact that for the year 1926 the Boston bank paid only \$45,962, the Richmond bank paid \$84,472, the Minneapolis bank paid \$234,381, and the Kansas City bank paid \$453,335.

I also specially direct your attention to the fact that for the year 1926 the following banks did not pay a dollar franchise tax:

New York, Philadelphia, Cleveland, Atlanta, Chicago, St. Louis, Dallas, and San Francisco.

For the year 1927 only 2 banks of the entire 12 banks of the system paid any franchise tax. They were Minneapolis and Kansas City.

FOR THE NEW YEAR 1928

The Richmond bank paid franchise tax of \$673,449.
The Atlanta bank paid franchise tax of \$823,301.
The St. Louis bank paid franchise tax of \$40,293.
The Minneapolis bank paid franchise tax of \$390,151.
The Kansas City bank paid franchise tax of \$365,855.
The Dallas bank paid franchise tax of \$291,610.

While the banks at Boston, New York, Philadelphia, Cleveland, Chicago, and San Francisco did not pay a cent of franchise tax.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDLIN. I yield the gentleman 10 additional minutes.

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

Mr. BRAND of Georgia. Yes.

Mr. WINGO. Will the gentleman tell us when the Federal Reserve Bank of New York last raised its rediscount rate?

Mr. BRAND of Georgia. In my resolution I ask for that information, and likewise information in regard to other times and years the rediscount rate was increased and decreased.

Mr. WINGO. It is public knowledge. It was last July. They have not raised the rate since then.

Mr. BRAND of Georgia. That was the last time they raised it?

Mr. WINGO. Yes; last July. Is it not a fact that the Federal reserve banks have been following the market rate and not forcing the market rate? Is not the Federal reserve discount rate now from 1 to 1½ per cent below the current commercial rate?

Mr. BRAND of Georgia. I want to know why and when they increase the rate from 4 to 4½ per cent and when only the board decreased it from 4½ to 4, or from 5 to 5½, and from 5½ to 5. What is the object in view? Whom are they serving? Not the agricultural classes. What persons—banks or classes of people—gain by decreasing and increasing the discount rate?

Mr. WINGO. Is the gentleman criticizing them because the other day they admonished the banks to observe the law and not let funds out for speculative purposes but to save it for agricultural purposes?

Mr. BRAND of Georgia. They did not ask that it be saved for agricultural purposes.

Mr. WINGO. Oh, I beg the gentleman's pardon.

Mr. BRAND of Georgia. No; they did not. I am not now criticizing the board for that but am deliberately calling attention to the failure to include the country's agricultural interests. I agree they ought to have authority to admonish the banks to obey the law in a wise, conservative way, but before they do so Congress ought to define their rights and powers and let the country know what their rights and powers are before they do it again, so that everybody may have full knowledge of the board's authority and its limitations.

Mr. WINGO. The gentleman ought to know—

Mr. BRAND of Georgia. Well—

Mr. WINGO. That our Committee on Banking and Currency held these hearings over the last 12 months and we had before us Governor Strong, of the Federal Reserve Board, and every member of the Federal Reserve Board, and what was simply repeated the other day was stated publicly three times. What now have they done that has not been proclaimed from the housetops?

Mr. BRAND of Georgia. Why has not the board stopped this wild and reckless use of the credit facilities of the Federal reserve banks?

Mr. WINGO. You will recall I warned them a year ago that they could not stop outside funds not belonging to New York banks from flowing into brokers' loans even if they stopped the New York banks. The truth is that hundreds of country banks are more sinners than New York banks. These country banks have twice as much funds loaned on call in the stock market as have the New York banks.

Mr. BRAND of Georgia. I do not agree with you in that statement at all. I know that the agricultural classes and interests in the South and West have not been considered—

Mr. WINGO. Does the gentleman know of one single bank in an agricultural district that has been denied an eligible rediscount in the last 12 months?

Mr. BRAND of Georgia. When you ask a question you ought to give me time to answer it before you propound another. According to reports among business circles from Macon in my

State, the Macon Bank, Macon, Ga., which failed with over \$9,000,000 on deposit, was not accorded this privilege.

Mr. WINGO. And did not have eligible paper?

Mr. BRAND of Georgia. The bank had thousands of dollars of eligible paper. And a great many people claim that if the Federal Reserve Bank of Atlanta had gone to their assistance at the proper time they would not have failed. Within 60 days after the Macon Bank failed the receiver, appointed by Mr. Pole, and the Comptroller of the Currency have sold thousands and thousands of dollars' worth of the bank's negotiable assets at 100 cents on the dollar.

Mr. RUTHERFORD. They sold three and a half million.

Mr. BRAND of Georgia. I did not know the exact amount. My friend Mr. RUTHERFORD, who represents the county of Bibb, in which Macon is located, verifies my statement. Let me further answer the question of the gentleman from Arkansas, who is as well posted on this subject as any Member of the House and who is the ranking member of the minority of the Banking and Currency Committee of the House.

This warning of February 2, 1929, omits entirely any claim or reference to the agricultural interests of the country. The gentleman who wrote that did not have the agricultural interests in mind or, it seems to me, he would not have omitted the country's agricultural need for credit.

Mr. WINGO. Will the gentleman answer this question?

Mr. BRAND of Georgia. Yes; if I can. The gentleman knows he is an expert—

Mr. WINGO. Does the gentleman know—

Mr. BRAND of Georgia. At cross-questioning.

Mr. WINGO. Does the gentleman know a single country bank in his district that changes its rate daily based upon the rediscount rate of New York? My bank in my home town, when I go to it, charges 10 per cent in advance regardless of the New York rate.

Mr. BRAND of Georgia. We are not guilty of charging usury in my State so far as my personal knowledge goes. The offense of charging usury is odious to the law and has been for centuries.

Mr. WINGO. As I understand the gentleman—

Mr. BRAND of Georgia. The gentleman from Arkansas has already taken up a good deal of my time.

Mr. WINGO. I understand the gentleman was criticizing the board because they were trying to check this speculation, and in the next breath he says he wants them to do something. What does the gentleman want them to do?

Mr. BRAND of Georgia. I have not the time to repeat what I have said upon this subject. If I repeated it, it would not make it any clearer in the gentleman's mind. Besides, I always thought that the Federal reserve act was created not only to prevent panics, among other things, but also to aid struggling banks and, if possible, to keep them going. [Applause.]

On April 10, 1925, I was on a trip to Florida. I stopped at the Federal reserve bank in Atlanta and I asked one of its officers, "What do you think of the condition and what are you going to do for the Georgia National Bank?" His reply was, "We will let the bank have a million dollars if necessary." After two days' stay in Florida I had an attack of asthma and returned to Atlanta and entered the Piedmont Hospital. Four days thereafter, on April 14, my two sons-in-law came to my room and broke the news to me that the Georgia National Bank had failed.

Mr. WINGO. Is that your answer to my question, What do you want the board to do about the call loans in New York?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TAYLOR of Colorado. I yield the gentleman 5 minutes additional time.

Mr. BRAND of Georgia. My position in regard to this matter, as heretofore explained, may not suit the gentleman, but I insist that my resolution and the remarks I have made up to date on this question plainly show what I think ought to be done.

Pursuing the fate of the Georgia National Bank a little further, I may say, as I have been reliably informed, that Governor Wellborn, of the Atlanta Bank, wanted to extend further credit to the Georgia National Bank and to do for it whatever was necessary to prevent a failure of the bank, he being of the opinion that its financial condition authorized it, and that one member of the Federal Reserve Board here in Washington kept him from making effective his purpose. For this reason the bank failed, and as a result men and women, widows and orphans, of all classes of our people, and of both races, lost the earnings of a lifetime. When the Georgia National Bank failed the American State Bank closed its doors, and a branch of this latter bank on Broad Street likewise closed

its doors. In addition to this, several other banks who had been doing business with the Georgia National Bank went on the rocks.

I have always felt, and feel yet, that the Federal Reserve Bank of Atlanta could have safely come to the rescue of the Georgia National Bank and saved it from insolvency. In my judgment, failure to do so was a misconception of the rights of member banks of the Federal reserve system, and if a member of the Federal Reserve Board, as I am informed, who did not know as much about the Georgia National Bank as Governor Wellborn did, disapproved of his recommendation, and by his protest caused the Georgia National Bank to fail, it was an abuse of authority of the Federal Reserve Board. It is as much the board's duty to prevent the failure of banks, where it is reasonably safe to do so, as it is to issue such a warning as was promulgated on February 2, 1929. However, I concede that authority ought to be vested in the Federal Reserve Board by Congress, fully and clearly defined, to take such action as it may deem necessary to put an end to such speculations as have been going on for some time in New York.

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

Mr. BRAND of Georgia. Yes.

Mr. STEAGALL. In reading the gentleman's inquiry I find that it was to apply only to New Orleans, New York, and Chicago. Should not the gentleman's resolution provide for the entire system and not certain banks? If we go into this matter suggested by the gentleman, it would be well to cover the whole field and get the whole picture.

Mr. BRAND of Georgia. I agree with the gentleman; but in my resolution I was dealing with speculation in farm commodities and stocks and bonds particularly, and therefore only named New Orleans, New York, and Chicago.

Mr. STEAGALL. My resolution provides for a much wider range of inquiry.

Mr. BRAND of Georgia. I hope when it gets before our committee the gentleman will amend it and cover all the other nine banks, if the resolution is not sufficient to authorize this.

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

Mr. BRAND of Georgia. Yes.

Mr. WELLER. Does the gentleman hope to stop all kinds of speculation, as well as gambling in stocks?

Mr. BRAND of Georgia. The speculation I am particularly concerned in and want to inquire into is gambling speculation. Gambling denounced by law as such should be stopped by the Federal Reserve Board. Gambling in the meaning of the law called speculation by the speculators, on farm commodities is vicious. Speculation in good faith—that is, buying and selling—with the purpose of delivery is legitimate, whether in stocks and bonds or farm products. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield one minute to the gentleman from Oklahoma [Mr. HASTINGS].

The CHAIRMAN. The gentleman from Oklahoma is recognized for one minute.

Mr. HASTINGS. Mr. Chairman, during my entire service in Congress I have made every possible effort to wind up the affairs of the Five Civilized Tribes in Oklahoma. The last report of the Secretary of the Interior shows that with the exception of a number of suits brought under jurisdictional acts passed by Congress in 1924 the affairs of all of these tribes, with the exception of the sale of the coal and asphalt deposits belonging to the Choctaws and Chickasaws, have been wound up.

I have cooperated in every possible way with the Members of the Oklahoma delegation in Congress and the Department of the Interior in an effort to have these coal and asphalt deposits sold.

We enacted legislation several years ago authorizing the Secretary of the Interior to sell these deposits, subject to certain limitations and restrictions named in the act. Many years ago these deposits were appraised. They have been offered at public sale five times. Only a comparatively small amount of the deposits have been sold.

On January 15, 1929, I pressed the matter of the winding up of the affairs of the Five Civilized Tribes and particularly the sale of the coal and asphalt deposits of the Choctaws and Chickasaws upon the attention of the Secretary of the Interior in a letter reviewing what had been done and urging upon the department the importance and advisability of completely winding up the affairs of these tribes and the disposition of these coal and asphalt deposits. I asked to be informed in what way I could cooperate and be of assistance in this, as the following letter indicates:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 15, 1929.

Hon. ROY O. WEST,

Secretary of the Interior, Washington, D. C.

MY DEAR SIR: I am greatly interested in cooperating in every possible way to assist in winding up the affairs of the Five Civilized Tribes in Oklahoma.

Agreements were entered into between the representatives of the Choctaw and Chickasaw Nations and the commissioners representing the United States on the 23d day of April, 1897, between the representative of the Creek Nation and the commissioners representing the United States on the 27th day of September, 1897, which agreements were approved by Congress on June 28, 1898. An agreement was made with the representatives of the Seminole Nation on the 16th day of December, 1897, which was approved by Congress on July 1, 1898, and an act was passed by Congress July 1, 1902, submitting to the Cherokee people for ratification, an agreement which was approved by the Cherokee people at an election held on August 7, 1902.

All of these agreements and acts of Congress, supplemental treaties, and amendatory acts of Congress, provided for the making of the tribal rolls, the allotment of the tribal lands in severalty, and the disposition of their money, among the enrolled members of the tribes found entitled thereto.

Your attention is invited to the first paragraph on page 69 of the Annual Report of the Secretary of the Interior for the fiscal year ended June 30, 1928, entitled "Five Civilized Tribes in Oklahoma," which reads in part as follows:

"The remaining tribal property (including amounts uncollected from sales of tribal land and minerals) of the Choctaw and Chickasaw Nations is valued at \$10,444,104. The amounts to be collected from Choctaw and Chickasaw tribal property heretofore sold aggregate \$944,754. The present tribal property of the Creek Nation is valued at \$92,050, and that of the Seminole Nation at \$30,000. The amounts to be collected on Creek tribal property heretofore sold aggregate \$27,334. A few small tracts of land belonging to the Cherokee Nation are yet to be disposed of and the sum of \$153 remains to be collected on Cherokee tribal property heretofore sold, otherwise the Cherokee tribal affairs, except pending litigation in the United States Court of Claims, are practically closed."

I would appreciate it if you would furnish me with data showing the various items referred to in the above-estimated values of tribal property undisposed of belonging to the respective tribes. Congress has enacted legislation which would enable the department to completely wind up all of the affairs of the Five Civilized Tribes. If any additional legislation is necessary, I will be glad to cooperate with the other members of the Oklahoma delegation and the department in securing its enactment.

I think that the members of these tribes, and particularly the members of the Choctaw and Chickasaw Tribes, have a right to complain against the delay in the winding up of their affairs. They were the first to make agreements with the commissioners representing the United States in 1897, and this first agreement was ratified by Congress on June 28, 1898, more than 30 years ago. The rolls were completed and closed on or before March 4, 1907, almost 22 years ago. The lands were allotted to the members of these two tribes, and the other members of the other Five Civilized Tribes, and these allotments were completed some 20 years ago. The tribal property referred to as belonging to the Choctaws and Chickasaws in the report above referred to, valued at \$10,444,104, largely consists of coal and asphalt deposits. Legislation has been enacted from time to time looking to the sale of these coal and asphalt deposits.

I am aware of the fact that these deposits have been offered for sale and that bids have not been received on a large part of these deposits submitting offers which the department felt justified in accepting. These deposits were appraised a number of years ago. Since that time oil and gas have been discovered in great areas and used as a fuel substitute for coal. Coal has also been discovered in large areas in public and private lands in many of the Western States, and these discoveries, and financial difficulties, and other reasons assigned by the department from time to time, are urged as excuses for not winding up the affairs of the Choctaw and Chickasaw Tribes.

Under the jurisdictional acts passed in 1924 all of the Five Civilized Tribes have been authorized to institute suits in the Court of Claims, with the right of appeal to the Supreme Court of the United States, on all claims which they may have against the Government of the United States. Many of these suits have already been instituted, and it is the hope of the attorneys representing the tribes that they may be brought to trial and finally disposed of within the next two years. In the meantime the remaining tribal property, including the mineral deposits, belonging to the Choctaws and the Chickasaws should be disposed of.

I wanted to inquire what, if any, effort is being made looking to the disposition of this remaining tribal property and whether anything was done by the department during the past year looking to the disposition of this property? I favor the disposition of the remaining undisposed of tribal property to the very best possible advantage to the tribes, and I have particular reference to the coal and asphalt deposits. I favor

this property being advertised as extensively as possible, using the experience of those familiar with the method of advertising public property for sale, and these deposits offered and sold at a time and under circumstances during the calendar year of 1929, which will insure the bringing of the greatest possible amount to the tribes.

If any additional legislation is necessary to effect this sale, I want to be advised and will be glad to actively cooperate with the department and the other members of the Oklahoma delegation to secure its enactment. I do not believe we are justified in further withholding from sale these mineral deposits because the Government has not received an offer approximating the appraised value, made years ago, before the discovery of large quantities of oil and gas and coal throughout the various Western States.

There were 20,799 enrolled members of the Choctaw Tribe and 6,304 enrolled members of the Chickasaw Tribe. The rolls were completed and closed as of date of March 4, 1907. It is estimated that one-third of the original enrolled members of these tribes have since died. The determination of their heirs is an ever-increasing question. In my judgment, the affairs of all of these tribes, except the suits pending and authorized to be instituted under the jurisdictional acts of 1924, should be wound up during the next fiscal year ending on or before June 30, 1930. I want to inquire particularly what, if any, efforts are being made for the sale of the remaining coal and asphalt deposits belonging to the Choctaw and Chickasaw Tribes, and whether or not the department has in contemplation the sale of these deposits in the near future, and also what, if anything, it is necessary for Congress to do to aid the department in the sale of these deposits, or in any other manner to assist the department in the winding up of the affairs of these tribes.

Very respectfully,

W. W. HASTINGS.

On January 25, 1929, I received a reply from the Secretary of the Interior reviewing the entire matter and inclosing a copy of a draft of a bill suggesting legislation which the department thought would help expedite the sale of these coal and asphalt deposits. The letter reviews the record of what has been done by the department in this matter, and is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, January 25, 1929.

Hon. W. W. HASTINGS,

House of Representatives.

MY DEAR MR. HASTINGS: Reference is made herein to your letter of January 15, 1929, in which you inquire as to the remaining tribal property of the Five Civilized Tribes in Oklahoma and as to what steps are being taken looking to the disposal thereof and the winding up of the tribal affairs.

For your information as to the undisposed-of tribal lands and other property of the Five Civilized Tribes, there are transmitted herewith copies of pages 15 to 22, inclusive, of the annual report of the Five Civilized Tribes Agency for the fiscal year ended June 30, 1928, containing a statement as to the remaining tribal property of said tribes. It appears therefrom that the tribal lands and property of the Cherokee, Creek, and Seminole Nations have, with the exception of a few tracts, been allotted, sold, or otherwise disposed of as provided by law.

Of the undisposed-of property of the Choctaw and Chickasaw Nations, the coal and asphalt deposits in the segregated mineral area of said nations constitute the principal item.

Under the act of Congress approved February 8, 1918 (40 Stat. L. 433), authorizing the Secretary of the Interior to appraise and offer for sale the coal and asphalt mineral deposits in the segregated area of the Choctaw and Chickasaw Nations, said coal and asphalt mineral deposits were offered for sale three times and, out of a total of 517 tracts, but 94 tracts were sold.

Under the act of Congress approved February 22, 1921 (41 Stat. L. 1107), authorizing the Secretary of the Interior to reappraise and offer for sale the remainder of the segregated coal and asphalt mineral deposits, in accordance with the act of February 8, 1918, as to terms and conditions of payments, a sale was held in 1925, at which time 426 tracts were offered for sale and only 4 were sold. The Superintendent for the Five Civilized Tribes in his report relative to the sale last above mentioned states as follows:

"This sale was attended by a very few prospective buyers, although the usual plan of advertising of sales had been used by this office—circulars, descriptive advertisements, and notices posted in post offices, banks, and other public places.

"The coal industry in Oklahoma at the present time is in a very bad condition and with but little prospect for improvement for some time to come. Operators are endeavoring to run their mines with non-union men, and, of course, this is causing more or less trouble with the unions. The falling off in the demand for coal due to the railroads and other industries using oil and gas, which has within the last two years reduced the output at least 50 per cent, has been one of the principal reasons for the depressed conditions existing at the present time.

"Further, a number of prospective purchasers, although responsible in every way, were unable to borrow funds to finance their intended

purchases. A number of these have signified their intentions of making bids upon the mineral tracts desired as soon as financial arrangements can be made.

"It can not be expected that outside operators will come into Oklahoma and purchase mineral tracts with the intentions of opening new mines when they would have to face the unsatisfactory conditions now existing. However, a number of prominent men now operating mines in Oklahoma express their opinions that there were favorable indications of improvement which might come within a reasonable time.

"I do not think there should be a further effort made to offer for sale the coal and asphalt deposits until such time as it would be justified by a decided improvement in the present existing condition."

Subsequently bids from purchasers to buy three separate tracts at the appraised value were accepted.

In view of the conditions which have since existed relative to the coal and asphalt mining industry in Oklahoma, it has not been deemed advisable nor to the best interests of the Choctaw and Chickasaw Nations to offer during the past few years the tracts of the segregated coal and asphalt deposits for sale at public auction.

On September 25, 1928, the Franklin County Coal Co. filed a formal application for a 1-year option on the coal and asphalt deposits underlying certain tracts for the purpose of prospecting for coal and for the right to purchase, within the option period, upon certain terms and conditions set forth in the application the coal and asphalt deposits underlying said particular tracts.

In view of certain legal questions involved, the matter was taken up with the Solicitor for the Department of the Interior. A copy of the solicitor's opinion of November 19, 1928, relative to the matter is inclosed for your information. In view thereof the department declined to grant the application of the Franklin County Coal Co.

In view of the solicitor's opinion, it has been suggested that it might be to the best interests of the Choctaw and Chickasaw Nations if certain legislation might be obtained providing for the sale of the remainder of the segregated coal and asphalt deposits belonging to the Choctaw and Chickasaw Nations and permitting the Secretary of the Interior, in his discretion and under certain circumstances, to offer the tracts at either public auction or private sale at not less than the reappraised value, and to further provide that under certain circumstances he might grant options to purchase and grant to the party to whom such option might be given the right to prospect for coal and asphalt on the tracts covered by the option.

A copy of a draft of a bill setting forth the suggested legislation is inclosed for your further information. It may be said in regard thereto, however, that although the governor of the Chickasaw Nation is inclined to favor legislation along the line of the inclosed draft, the principal chief of the Choctaw Nation is opposed thereto.

It appears from your letter that you favor offering, during the present calendar year, for sale, after extensive advertising, the remaining tribal property of the Five Civilized Tribes, and especially the segregated coal and asphalt deposits belonging to the Choctaw and Chickasaw Nations. In view of your letter, the matter of offering for sale at public auction at an early date said coal and asphalt deposits belonging to the Choctaw and Chickasaw Nations, and other tribal property of the Five Civilized Tribes, will be taken up with C. L. Ellis, district superintendent in charge of the Five Civilized Tribes Agency, and he will be requested to submit a full report in the matter, with his views and recommendations as to what action should be taken. Upon receipt of his report the matter will be carefully considered and such action taken looking to the offering of the tribal property for sale at the earliest practicable date consistent with the best interest of the above-named Indian nations.

Very truly yours,

ROY O. WEST.

I have revised and amended the third section of the bill which I introduced on January 29, 1929 (H. R. 16696) and reintroduced it under the number H. R. 17022, providing for the sale of the remainder of the coal and asphalt deposits of the Choctaw and Chickasaw Tribes. This revised section, in my judgment, affords every possible safeguard to the members of the Choctaw and Chickasaw Tribes which will insure their getting a fair and adequate price for these coal and asphalt deposits, and I welcome any helpful or constructive suggestions which will be beneficial in the sale of these deposits.

Section 1 of the bill authorizes the reappraisal of these deposits and their sale at not less than the reappraised value, to the highest bidder, at public auction, or at private sale at not less than the reappraised value, and in the event there is no sale it permits, for the reasons stated in the Secretary's letter, after the deposits have been twice or more offered for sale at public auction, that the Secretary may grant options for terms of not to exceed six months to prospective purchasers to go upon the land and make tests and borings, in the hope that they may be induced to become interested in the purchase of the areas explored.

The second section makes plain that the Secretary of the Interior is authorized to further reappraise the tracts remaining unsold.

Section 3 authorizes the Secretary of the Interior, after any tract has been duly advertised and has been hereafter three times offered for sale at public auction, and twice hereafter reappraised, which, including the five times heretofore offered at public sale, means that these deposits will have been offered eight times at public sale and a number of times reappraised, including their reappraisal twice after the approval of this act; and remaining unsold, to again readvertise and sell at public auction to the highest bidder, regardless of the last reappraised value of any tract remaining unsold, reserving to the Secretary of the Interior the right to reject any and all bids, and as to any tract sold under this section, at less than the reappraised value, notice must be served upon the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation and an opportunity given for a recommendation by them, and then the sale is to be consummated subject to the final approval of the President of the United States himself.

I want to secure for the members of the Choctaw and Chickasaw Tribes the highest amount possible for these coal and asphalt deposits, and want to throw around their sale every safeguard; and I do not believe that anyone can successfully argue that after these deposits have been eight times offered at public sale over a period of 25 years and a number of times reappraised, with these safeguards, that these deposits will not bring a fair and adequate price. This section contemplates the ultimate sale of these deposits. Every effort is to be made to secure the best possible price. The tribes are protected against the deposits being sold at too low a price; first, by the proviso which is added reserving the right to the Secretary of the Interior to reject any and all bids, and second, the submission of any bid below the reappraised value to the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation for their recommendation; and third, all sales under this section must be finally approved by the President of the United States.

With these safeguards thrown around the sale of these deposits and the final responsibility placed upon the President to protect the Indian wards of the Government, will not every member of the Choctaw and Chickasaw Tribes rest assured that the best price obtainable will be secured by President Hoover, who is a mining engineer by profession, and in addition has had eight years' business experience as Secretary of Commerce?

The revised bill—H. R. 17022—is short, easily understood, and is as follows:

A bill providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to reappraise and sell, at not less than the reappraised value, to the highest bidder at public auction and under such rules, regulations, terms, and conditions as the Secretary of the Interior may prescribe, the remainder of the coal and asphalt deposits, leased or unleased, in the segregated mineral lands in the Choctaw and Chickasaw Nations, Oklahoma, and belonging to said Indian nations: *Provided, however,* That where any tract of said coal and asphalt deposits has been or may be offered for sale at two or more public auctions after due advertisement and no sale thereof was made, the Secretary of the Interior may, in his discretion and under such rules and regulations and on such terms and conditions as he may prescribe, sell such tract at either public auction or by private sale at not less than the reappraised value: *Provided further,* That, in the cases of tracts of the coal and asphalt deposits that have been offered twice or more for sale at public auction and no sale made, the Secretary of the Interior may, in his discretion and under such rules, regulations, terms, and conditions as he may prescribe, grant options for terms of not to exceed six months to purchase such coal and asphalt deposits and renew and extend any such option for an additional term or terms of not to exceed six months, giving and granting the right to make such tests and borings as may be necessary to demonstrate the nature and extent of such mineral deposits.

Sec. 2. The Secretary of the Interior may, in cases where tracts remain unsold and the facts are found to justify, cause further reappraisal to be made of such tracts.

Sec. 3. The Secretary of the Interior may, in his discretion, and under such rules, regulations, terms, and conditions as he may prescribe, in cases where any such tract or tracts of coal or asphalt deposits, after due advertisement, have been three times hereafter offered at public sale, and have been twice hereafter reappraised and remain unsold, cause any such tract or tracts to be readvertised and sold at public sale to the highest bidder, regardless of the last reappraised value of any such tract or tracts: *Provided,* That the Secretary of the Interior shall reserve and have the right to reject any and all bids and all sales under this section shall be subject to the approval of the President, after due notice given and opportunity for recommendation afforded to both the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation: *Provided further,* That the terms of sale shall require full payment to be made, as now provided by law, within five years from date of approval of sale.

During a speech discussing this legislation on February 2, the following colloquy occurred:

Mr. GARBER. Mr. Chairman, will my colleague yield there?

Mr. HASTINGS. I shall be glad to.

Mr. GARBER. Of course, the gentleman recognizes that we esteem him as one of the most capable and efficient representatives of the Indians of Oklahoma. I want to inquire whether or not his bill provides for exploration of the land before the bidding. Would it not be beneficial and advisable to permit an exploration before?

Mr. HASTINGS. If I did not make it clear in my remarks, I will say to my colleague that this bill does provide for that. Section 1 provides that it shall be offered at public sale and sold at not less than the appraised value. It provides for the reappraisal of the deposits. Then it provides that the deposits may be sold at private sale at not less than the appraised value, and it then authorizes the Secretary of the Interior to give permits to prospective purchasers to go on the various tracts and make explorations and such tests as they may see fit, which may be advantageous or helpful to them in deciding upon the amount of their next bid on any tract.

Mr. GARBER. These coal lands and asphalt lands are of great prospective value, are they not?

Mr. HASTINGS. Yes.

Mr. GARBER. And in order to induce outside capital to come into the State and contribute toward the best price, would it not be advisable to permit of exploration before making a bid?

Mr. HASTINGS. The bill authorizes that to be done as provided in section 1.

Mr. HOWARD of Oklahoma. As a matter of fact, the rules and regulations of the Land Office and the Interior Department both permit of making these explorations.

Mr. HASTINGS. The Secretary refers to and incloses an opinion of the Assistant Attorney General of the department, which I have not inserted in the RECORD because of its length, holding that the department did not have that right under existing law, and for that reason asks for this additional authority.

Mr. HOWARD of Oklahoma. How many acres of that land remain unsold?

Mr. HASTINGS. The number of tracts sold and remaining to be sold will be found in the Secretary's reply. His letter states that there were 517 tracts and that of these 94 have been sold.

Most of these tracts consist of 960 acres. Some few contain a less number of acres. Originally the total acreage consisted of 441,107.14 acres, and of this 46,254.56 acres have been sold and conveyed to purchasers, which leaves 394,852.58 acres remaining unsold at the present time. Of the unsold deposits 72,019.11 acres are covered by coal and asphalt mining leases still in force and effect. This leaves 322,833.47 acres of the segregated area unleased and from which no coal or asphalt is being mined and is therefore undeveloped. The mining leases on the area are expiring, and my information is that all will expire on September 25, 1932, and thereafter no royalty will be received for the benefit of the tribes.

What is to be done with these deposits after these leases expire in 1932? If royalty is not received from these leases how are the expenses of the tribal governments and of the schools thereafter to be paid?

As stated in my letter to the Secretary of the Interior the first agreement made between the Choctaw and the Chickasaw Tribes and the United States, providing for the making of the rolls of these tribes, the allotment of their lands, and the winding up of their affairs, was made on April 23, 1897, almost 32 years ago. The rolls were completed and all of their lands allotted more than 20 years ago. Leases were made on a number of tracts covering these coal and asphalt deposits. Many of these leases have expired and all will expire within the next three years. A few years ago large royalties were received from them. The report of the Department of the Interior, under date of January 30, 1929, shows that there was received and placed to the credit of the Choctaw and Chickasaw Tribes, as royalty from coal and asphalt deposits for the fiscal year ending June 30, 1928, \$88,843.81, while the tribal expenses for the same period aggregated \$97,728.26.

This clearly shows that the royalties are falling off and are not sufficient to pay the current tribal expenses.

Three solutions have been proposed for the disposition of these coal and asphalt deposits:

First. That they be sold to the Government of the United States at their appraised value. A bill to this effect has been introduced in the House but was adversely reported upon by the Department of the Interior, and everyone familiar with the situation knows that there is no hope of inducing the Government to buy these deposits inasmuch as within the last few years coal has been developed under large areas of land in the Western States, some of which are public lands still owned by the Government.

Second. It has been suggested that these deposits be sold to the State of Oklahoma. No proposition has been made on behalf of the State to buy them and none is expected to be made. The bill which I have introduced would permit either the Government of the United States or the State of Oklahoma to purchase any or all tracts covering these deposits.

The third and the only sure and practical way to dispose of these deposits is to sell them to the highest bidder after due advertisement and after every effort is made to get the very best possible price for the tribes. These deposits have been offered for sale five times. Only a few tracts have been sold. Within the last few years oil and gas have been discovered under large areas throughout the South and West which come in competition with coal.

Since the final rolls were made it is estimated that more than one-third of the original allottees have died. The question of the determination of their heirs is becoming more complicated each year. The members of these tribes are entitled to have these coal and asphalt deposits sold to the very best advantage and they are entitled to have the proceeds thereof distributed among the enrolled members of the tribes.

In my judgment these deposits are not worth any more than the price for which they can be sold. Of course, I am anxious to get the greatest price possible, but surely everyone must appreciate that after these deposits have been hereafter offered three times at public sale and twice hereafter reappraised, and also offered at private sale, after prospective purchasers have been given the privilege of going upon the land and making tests, that every effort possible has been made to secure for these tribes the value of these deposits. If the members of these tribes had this money distributed among them per capita, it could be utilized to a splendid advantage in the improvement of their other lands, and in that way make them more valuable and productive. If a private estate had been delayed for 32 years in being wound up, the heirs would be entitled to complain against such an unreasonable delay. The members of these tribes are entitled to complain against the delays of Congress and the delays of the Department of the Interior in not taking the responsibility of selling these deposits after every effort has been made to secure for them all that they will bring after every precaution has been taken.

The interests of the members of these two tribes should, of course, be first considered and protected. The cities and towns contiguous to these deposits are vitally interested in their development. It would mean a larger population and more employment.

The counties in which these deposits are found and, in fact, the whole State are interested in having these deposits sold and developed, not only because the population of those sections would be increased but these properties would then be placed upon the tax duplicates and would aid in paying the local, county, and State expenses. Whether looked at from the standpoint of the members of the tribes or the citizenship of the community or from a State standpoint, every effort should be made to dispose of these coal and asphalt deposits.

At best it will require a few years—five or more—to dispose of them. In the meantime suits are being brought under the 1924 jurisdictional act in behalf of these tribes on all claims which they may have against the Government of the United States, and they should be determined within the time the coal and asphalt deposits are disposed of. When determined, and provided these coal and asphalt deposits are sold, the affairs of these two tribes should be completely wound up.

The responsibility is ours to prudently, cautiously, yet steadily, press these matters to their final solution. No one has offered any other solution; in fact, no one presses any solution. I have introduced this bill in the earnest hope that it may be enacted at an early day, believing that it will solve the question and will enable the department to dispose of these deposits, distribute the proceeds among the members of the tribes entitled to them, attract a larger population to the areas covered by these tracts, afford more employment to labor, place these coal and asphalt deposits upon the tax duplicates, and add to the general happiness and prosperity not only of the members of the tribes but the entire citizenship in the several counties in which these deposits are found and of the whole State. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. COLLINS].

The CHAIRMAN. The gentleman from Mississippi is recognized for 10 minutes.

Mr. COLLINS. Mr. Chairman and members of the committee, the Cavalry has often been called the eyes of the Army. This was some years back, for the eyes are now elsewhere. The Air Corps performs this mission now, and the Cavalry, like many other things useful in their time, should now be relegated to the museums. It is out of date, and the sooner we

recognize this reality the better off will be our Government; and were it not for the popularity of horseback riding in social circles, horses in the Army would have gone along with other antiquities.

Permit me to read a timely editorial from the Washington Times of January 28, discussing the Cavalry in the Army:

WE HAVE TANKS—WHY BOTHER WITH CAVALRY?

A caterpillar tractor equipped with heavy guns, fighting men inside of it, protected by thick armor is one of the most powerful and fearful weapons of modern war.

The tank, an American invention, developed here years ago, utilized by Europe in the Great War, can go almost anywhere.

It can cross streams, climb hills, crawl over rocks, traveling safely where horses can not go.

Such a tank as this could plow its way cruelly, remorselessly through 10,000 or 100,000 cavalry, mounted men and horses of the old kind.

The tank will keep going as long as its fuel lasts; horses and their riders could do no more against it than flies could do against cavalry horses.

Having this weapon, why does this country continue to spend money on cavalry and men that ride little horses, offering good targets to machine guns and bombs from the air, soft as putty before the attack of the fighting tank? The answer is simple.

It takes men a long time to change—a long time to adjust themselves to new conditions.

When they first made automobiles they put dashboards in the front, although there were no horses to kick mud against the dashboard.

When they first had steamboats they put sails on them, because they said: "What shall we do in case steam gave out? Of course, we must have sails."

Now they have the airplane, a machine costing \$50,000, able to destroy with one bomb a \$50,000,000 battleship; but they still build battleships.

And, having these tanks, they still equip and maintain cavalry regiments.

And, having airplanes in the air, they will for a while, at least, continue to send out infantry crawling along the ground like caterpillars.

A few gas bombs, able to kill everything within a square mile of where they land would, of course, soon end the infantry nonsense.

Nothing else will end it.

Skulls are thick, habit is strong, military and naval dodos are, many of them, too old to think.

And some of them are interested in the battleship building.

So the public spends hundreds of millions unnecessarily.

I quite heartily agreed with the writer of this editorial when I first read it and I still agree with him and still believe he is right, but in all fairness to those friends who believe differently I shall now submit their main reason why horses are needed in the Army, and I am now going to read their arguments as they appear in the CONGRESSIONAL RECORD of recent date. An eminent Senator, in part, said:

If we cut down the number of horses by one-half it not only discourages and demoralizes the Cavalry itself, but it also discourages the breeding of horses for the creation of this reservoir from which the Army makes its selection in order to obtain the required number of the proper kind of horses.

In other words, gentlemen of the House, we have the Cavalry, and we have two private mounts besides for certain Army officers costing the Government of the United States in the neighborhood of \$750 per year per horse, so that the horse-breeding industry in the country will be encouraged.

Another eminent Senator said on this question "the important reason which should prevail against the House action in cutting down the number of private mounts of Army officers from two to one is that it is a very severe blow at the horse-breeding industry, which needs all the encouragement the Army can give it." There are only 692 horses involved in the House amendment, but it seems sufficiently large to injure seriously the horse-breeding industry, so the Senate put it back in the bill. We now see the reason why we need a Cavalry and why we need to give Army officers two mounts. It is all easy now. It is done to encourage the horse-breeding industry.

In all fairness, however, to the rest of us, those of us who are out of the Army and have not even one horse for our own amusement and that of our families, why make Army officers the favored class? Air Corps officers have mounts supplied to them by our generous Government. I understand Marine Corps officers are also taken care of. Of course, naval officers will follow. Then why exclude Senators and Congressmen if horses are provided merely for the purpose of encouraging the horse-breeding industry. There is excellent excuse for this, anyway, for the Senate Appropriations Committee recently discovered a valuable secret, that Senators, according to Army custom, are ranked

as major generals and Congressmen are ranked as brigadier generals. Is it not about time for these new types of generals to be mounted? Delay is dangerous.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. COLLINS. I yield.

Mr. BLACK of Texas. I recall that in the Army appropriation bill we had a provision which limited these mounts to one for each officer. I also recall that we had a provision in the bill curtailing the procurement activity of the Army, an activity that has been growing quite apace. It is my understanding that the Senate has adopted amendments striking out those provisions, and I am wondering if the conferees will insist on the viewpoint of the House on those matters.

Mr. COLLINS. Well, I can answer the gentleman only as regards my own individual case. I shall do all I can to keep the House amendments in the bill, but as far as being encouraged in the belief that they will stay in the bill it is my prediction that every worth while amendment made by the House will be eliminated and the bill will be finally passed just as the Army officers wish it. Frankly, horses in the Army are worthless. Procurement planning is a scheme to add more officers to the Army now topheavy with them. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield 10 minutes to the Delegate from Hawaii [Mr. Houston].

Mr. HOUSTON of Hawaii. Mr. Chairman, I shall address my remarks to the Hawaiian Sesquicentennial and I ask unanimous consent to extend my remarks by including therein the speeches of the President's special representative, Secretary Davis, Governor Farrington, certain of the foreign delegates, and my own.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. HOUSTON of Hawaii. Mr. Chairman, it is only a matter of 450-odd years since Christopher Columbus penetrated the unknown vastness of the oceans, braving the perils of nature and eventually reaching to this great continent of ours, to his everlasting fame and glory.

Explorers and discoverers have followed in his footsteps, both on land and sea. Recently, that intrepid breed have taken to the air, and who here does not recall the thrill we felt when it was known that our own Lindbergh, alone, had winged his way across the broad Atlantic?

We are too prone to soon forget such exploits when, as time flies by, these extraordinary undertakings are repeated and come to be the everyday occurrence. Those who have not braved the deep in sailing vessels, or even small steamers, can not conceive the perils and dangers that beset the captains when sailing unknown and uncharted seas. Even now, with the seas charted and weather forecasts being sent out twice daily by radio, we hear almost daily of innumerable difficulties besetting those that go down to the seas in ships.

One hundred and fifty years ago this date—February 14, 1779—there died one such captain, one of the band of unafraid whose name, even then, was honored, and who has since been acclaimed and recognized as one of the world's great navigators, discoverers, scientists, and humanitarians—Capt. James Cook, of the Royal Navy.

The life of Capt. James Cook makes a special appeal to us in America. Like so many of our successful men, he was of lowly origin, self-taught, and by his own endeavors rose to a high position and received some recognition for his attainments. We admire such traits because of the qualities of initiative and perseverance which they imply.

This man of the people, a product of that great naval service which has served so to mold the traditions of our own naval service, as commander of an expedition of two small sailing vessels three times circumnavigated the globe. He penetrated into the Arctic Ocean through Bering Straits, exploring the waters of our present Territory of Alaska; he sailed beyond the Antarctic Circle, where our own Commander Byrd is now engaged in completing the work. He was head of an astronomical expedition to observe the transit of Venus. He surveyed the approaches to the Gulf of St. Lawrence and took part in the campaign of General Wolf against Quebec. His services and explorations brought into the fold of the British Empire the continents of Australia and New Zealand. Last, but not least to us of Hawaii, this captain courageous made known to the world the Hawaiian Islands, that glorious Territory in the mid-Pacific—integral part of the United States—whose aspiration it is in the future to be represented in the union of the flag by a new star whose brightness none will surpass.

America can well associate herself with the rest of the world in recognizing the worth of Captain Cook's labors. Besides discovering what is now part of our country, it is worthy to note that his exploring expeditions were carried out during a time

when we were still struggling with the mother country in the War of Independence. Though beset with the tribulations that come to a country under such circumstances, yet the work of this man was of such an outstanding character that Benjamin Franklin, then our minister plenipotentiary from the Congress of the United States to the court of France, found time to address a letter to all captains and commanders of armed ships of the United States of America, then in war with Great Britain, recommending to such commanders that the expedition of Captain Cook, his people, ships, and goods, should be treated with all civility and kindness, and that they should be assisted in their return to England:

To All Captains and Commanders of Armed Ships, Acting by Commission from the Congress of the United States of America, Now in War with Great Britain:

GENTLEMEN: A ship having been fitted out from England before the commencement of this war to make discoveries of new countries in unknown seas, under the conduct of that most celebrated navigator and discoverer, Captain Cook; an undertaking truly laudable in itself, as the increase of geographical knowledge facilitates the communication between distant nations in the exchange of useful products and manufactures and the extension of the arts, whereby the common enjoyments of human life are multiplied and augmented and science of other kinds increased to the benefit of mankind in general. This is, therefore, most earnestly to recommend to every one of you that in case the said ship, which is now expected to be soon in the European seas on her return, should happen to fall into your hands, you would not consider her as an enemy nor suffer any plunder to be made of the effects contained in her, nor obstruct her immediate return to England by retaining her or sending her into any other part of Europe or to America, but that you would treat the said Captain Cook and his people with all civility and kindness, affording them, as common friends to mankind, all the assistance in your power which they may happen to stand in need of. In so doing you will not only gratify the generosity of your own dispositions but there is no doubt of your obtaining the approbation of the Congress and your other American owners.

I have the honor to be, gentlemen, your most obedient, humble servant,

B. FRANKLIN,

Minister Plenipotentiary from the Congress of the United States to the Court of France.

At Passy, near Paris, this 10th day of March, 1779.

In Hawaii Captain Cook died, still in the prime of manhood, and last year as a consequence of an act of the territorial legislature, supported by a joint resolution of this Congress, and with the Secretary of War representing the President, the occasion was marked by ceremonies, memorial of his passing away, and also in commemoration of the rebirth of the Hawaiian Islands and their entrance into the family of nations.

Great Britain was represented by three men-of-war, and delegates from the Empire and the Dominions interested in the explorations of this great man. A monument was dedicated on the island of Kauai at the point where Captain Cook first landed and a tablet was unveiled at the spot where he died. A historical tableau and literary exercises brought the ceremonies to a close in the city of Honolulu.

Time has softened the feelings on one part and the other, so that the angry passions of 150 years ago are replaced by a feeling of friendliness, by that spirit of aloha for which the Hawaiian has come to be so well known. I am hopeful that these ceremonies will have done their little share toward advancing that better understanding between the English-speaking peoples for which we are ever striving. [Applause.]

ADDRESS OF HON. DWIGHT F. DAVIS, SECRETARY OF WAR, AS OFFICIAL REPRESENTATIVE OF THE GOVERNMENT OF THE UNITED STATES AT THE SESQUICENTENNIAL OF THE DISCOVERY OF THE HAWAIIAN ISLANDS, AT HONOLULU, AUGUST 15 TO 20, 1928

Through the commemoration of significant events in our history we dedicate milestones by which we may measure the course of our progress. At the same time we are afforded an opportunity for a retrospection which never fails to serve as an inspiration for further progress.

The importance of the discovery of the Hawaiian Islands has increased with each of the 150 years since Capt. James Cook landed upon these shores. The value of his discovery has been enhanced by succeeding generations of its inhabitants. Consequently, to-day when we commemorate the arrival here of Captain Cook we honor his accomplishment the more if we evaluate the progress of Hawaii and depict the possibilities of its future.

The Government of the United States has commissioned me to come and express to you the congratulations of the Nation upon your accomplishments and to join with you in a celebration of the fortuitous occasion of the introduction of this highly endowed land and people to the acquaintance of the world. The Federal Government does not join in these exercises solely because they are of consequence to the people of an integral part of the United States. The participation

is more intimate. The occasion affords an opportunity for an expression of national appreciation of the good fortune which brought to the attention of mankind these islands which have become an important element of our great Union.

Scientists have depicted the formation of the universe in accordance with the basic natural phenomenon of the attraction between masses. They visualize the action of a cosmic, inherent force which, operating to join innumerable particles, gave permanence to the creation we know to-day. We gain an impression of some similar attraction when we view the years of political progress which led to the union of our States with Hawaii to form the present United States of America. We are conscious that here is an example where peoples gravitated steadily to a peaceful combination much as though they, too, were drawn together by an inherent and irresistible force of nature. The union was accomplished and has been maintained as a normal step in the destinies of those geographical elements which now constitute the United States of America.

Prior to the visit of Captain Cook to these islands two great leaders were engaged in constructive and similar efforts in two distinctly separated parts of our present large domain. On the Atlantic seaboard George Washington was marshaling the scattered forces by which he eventually gained independence and a political entity for our colonies. Here in Hawaii, Kamehameha I was engaged in those lifelong efforts which resulted in political unity. Unknown to the rest of the world he was exhibiting those qualities of leadership and statesmanship which entitle him to high recognition among all great men.

Since those days there have come representatives of many nationalities to join the original inhabitants and settlers in both our island and continental territories. Everywhere there has resulted a considerable fusion of the blood of our founders. However, regardless of the numerous elements which have entered into our society and have influenced our customs, there has been preserved the liberty and unity secured through the efforts of Washington and the first Kamehameha.

Captain Cook found in these beautiful islands a race of stalwart, sport-loving, and lovable people who had developed an aristocracy and many courtly graces. He was received with a remarkable hospitality—a trait which has continued to the present day as an especial characteristic of Hawaiians. Unfortunately, for the first 40 years after 1778 many of the visitors to these shores appeared to have abused their welcome. Not until 1820, with the advent of the missionaries, does there appear to have been much altruism in those who came here either to bargain or to live.

With the arrival of the missionaries there came to these lands an influence which became a most potent factor in their destiny. The record of a majority of those devout men and women constitutes a notable example of constructive service to mankind. They brought from our oldest States on the Atlantic seaboard the good will which ever since has characterized the relations between our peoples. Furthermore, they introduced here their customs and ideals so that, with the passage of time, laws and practices became similar in Hawaii and in our States. Thus to the missionaries more than to any other social group must we give credit for the basic qualities which ultimately occasioned a natural fusion of our population.

It must be a matter of satisfaction to us all that prior to the incorporation of the Territory of Hawaii into the United States our Federal Government had proved repeatedly its friendliness to Hawaii as an independent State and its unwillingness to undertake any form of coercion. Commencing with the negotiations of Capt. Thomas Catsby Jones, United States Navy, in 1826, the relations of the two countries always were based on mutual respect and confidence.

Thus in 1842 the American Government made it clear that it did not desire any exclusive control or advantage and advised the King of Hawaii through his commissioners as to the method of approach to England and France in diplomatic negotiations to secure treaties for the guaranty of independence and neutrality. The action of the United States a year later in expressing disapproval of the occupation of Hawaii by a British naval commander undoubtedly had considerable effect toward recognition of Hawaiian independence by England and France and in their joint agreement in 1843 never to take possession even under a protectorate.

In December, 1849, there was concluded between the United States and Hawaii a treaty of friendship, commerce, navigation, and extradition. Two years later the benevolent Kamehameha III sought the protection of the United States by the preparation of an instrument whereby he might cede his monarchy to the United States should his power be put in jeopardy by any other nation. The attitude of the United States was expressed by Daniel Webster, Secretary of State, as follows:

"The government of the Sandwich Islands ought to be respected; that no power ought to take possession of the islands either as a conquest or for the purpose of colonization; and that no power ought to seek for any undue control over the existing government or any exclusive privileges or preferences in matters of commerce."

From time to time, between 1853 and the accomplishment of annexation in 1898, there arose proposals in both the United States and Hawaii for the unification of the two countries. The long delay in the accom-

plishment of this aim is proof of the sincere intention of our Federal Government to act only in accord with the wishes of the Hawaiian people. Indeed, after the new provisional government of Hawaii in 1893 had raised the American flag and applied for entrance into the United States, President Cleveland appears to have delayed his acquiescence entirely by reason of a concern lest the action of an American naval force had been prejudicial to the success of the rebellion against the Hawaiian monarch. Finally, however, the Spanish-American War carried the Stars and Stripes beyond the North American Continent, and public opinion rapidly consummated the union.

So much for the past. Let us now consider the future.

The frontiers of civilization have moved steadily westward through the ages. With that progress there has occurred a westward displacement of the world center. From Athens to Rome and to London has moved the hub of the world. The Mediterranean gave way in importance to the Atlantic. Now the Pacific Ocean steadily gains as an avenue of world progress.

We have seen these islands steadily increase in prestige with the improvement of transportation and intercommunication between the peoples of the world. First came the replacement of sails by steam power. Then came steady improvement of engines to facilitate travel and improve commerce. As science overcame handicaps the continents were brought closer as regards time which is the true gauge of distance. With each forward step this "Crossroads of the Pacific" received an added incentive to progress.

Were industry and trade the sole reasons for Hawaiian importance, and were the sea the only medium of access to these islands still your dominating position would assure you complete participation in the benefits which appear destined for the countries of the Pacific. However, we find here attractions for other than the industrialist and the trader. You have contrived to enhance the bounteous attractions of nature with a comfort which emanates from excellent hospitality dispensed with a natural and charming cordiality. Hawaii has become a goal for all travelers, and each year in greater numbers they come in quest of recreation and the enjoyment of this beautiful land where are combined the attractions of the Orient and Occident.

Nor do we longer limit our conception of transoceanic travel to ships of the sea. Little more than a year ago two officers of the Army, Lieutenants Maitland and Hegenberger, first negotiated the flight to these islands from San Francisco—a feat in which I take especial pride—since it was undertaken as a military venture under my approval as Secretary of War. Since then, other daring aviators also have proved the practicability of such flights. Quite recently you welcomed the intrepid crew which stopped here on the epochal journey by air from California to Australia. We can not say when or how such travel may become a common practice. We only know that if aviation continues its astounding progress of the past few years, these islands will become one of the most important airports of the world. In any event, the future lies bright before Hawaii.

This celebration has been given an especial importance through the gracious participation of many of those countries which have been associated with the development of the lands of the Pacific and the Hawaiian Islands. Though the exploits and accomplishments of Captain Cook have been of advantage to all nations, they remain a glowing example of the results which have accrued from the far-flung interest and initiative of his own country. Therefore, on this occasion of honor to the services of Captain Cook, we extend our compliments to Great Britain and to Australia and New Zealand. We thank them for their courtesy in sharing with us in these honors to their countrymen who caused their flag to be the first sighted from these shores.

The Government of the United States feels a debt of gratitude to Captain Cook. His introduction of this "Paradise of the Pacific" to the society of nations has proved of inestimable benefit to our Nation. On behalf of the Federal Government, I voice appreciation for this opportunity to participate in these exercises and to express the thankfulness of the Nation for the advent of Hawaii to the knowledge of mankind.

ADDRESS BY GOV. WALLACE R. FARRINGTON, OF HAWAII, AT HONOLULU,
AUGUST 18, 1928

Every period of history has given us men fired with an ambition to break through into the unknown.

Especial honor is given to the comparative few who, as they went out, charted a course so that others might follow. Such leaders have usually made the greatest contributions, and it is noted that with their courage they have possessed a sense of responsibility to others that is quite apart from reckless daring.

Capt. James Cook, the explorer and geographer, in whose honor the representatives of the English-speaking nations are here assembled, had the ambition, the courage, and the capacity for contagious inspiration that qualified him to be a successful leader destined to leave a permanent record. Few men in history have contributed more than he in placing new lands and new opportunities within the grasp of his own and succeeding generations.

In this year 1928, 150 years after Captain Cook and men of his ship's company set foot on these islands, the descendants of the discoverers

and of the discovered join happily in appropriate ceremonies to honor his memory.

The people of Hawaii, through their legislative assembly, elected under universal suffrage, officially requested that the Government of the United States, of which this Territory is an integral part, extend an invitation for the meeting here of the representatives of English-speaking nations and dominions. We are all beneficiaries in the new worlds opened up by Captain Cook. While we unite in the tribute of honor to an heroic figure of the past, we may find in this new inspiration for achievement in the present and for the future.

Captain Cook opened the eyes of the then civilized world to new fields the extent and conditions of which had not been pictured in the visions of even the dreamers. His charting of the hitherto unknown ocean and shore brought to Hawaii's people new counsellors. Barbarism was wiped out. Free scope was given to the normal friendly instincts of the native Hawaiian people. In a remarkably short period Hawaii and the Hawaiians moved into a position where they have exercised a reciprocal influence in fostering a more practical and sincere friendliness among all the peoples of the islands and the lands in and about the Pacific.

Other speakers will sketch the steps in the path of historical events that have brought us to the generally happy conditions of the present time. My pleasant duty and privilege is to extend the welcome, the aloha of Hawaii, on behalf of the citizens and residents of the Territory of Hawaii, and especially of the citizens of native Hawaiian ancestry.

The years immediately following the arrival of Captain Cook were for Hawaii years of upheaval and turmoil. When conditions began to settle down and orderly methods took the place of chaos, it is interesting, and we hope significant, to note the spirit of friendly cooperation that characterized the relations of the Hawaiians and the men and women of the English-speaking nations.

The Hawaiian monarch, Kamehameha I, retained John Young, who helped very materially in the successful battles fought by the King.

As time went on and constitutional government was finally established, the ruler of Hawaii called to his assistance the Hon. Robert C. Wyllie to serve as Minister of Foreign Affairs. Mr. Wyllie was a British subject who accepted Hawaiian citizenship and loyally served his adopted nation. The premier and adviser of equal authority in this period was Dr. Gerrit P. Judd, a citizen of the United States, who linked his fortunes with the Hawaiian Kingdom. He gave the best years of his life in loyal service.

These men were united in their purpose to support and maintain the integrity of the Hawaiians.

About this time the Hawaiian people, moving into the sphere of international relations, adopted a national flag. You see this flag to-day in the Territorial emblem. It is a union of the British and the American flags. The British flag was the first national banner known to the Hawaiians. The union jack was used. The eight stripes of the flag represent the eight principal islands of their kingdom, following the stripes of the flag of the United States representing the thirteen original States.

There is no historical record that this design was ever changed or even the subject of any bitter differences of opinion that are so often reflected in a national emblem.

When the United States accepted the petition of Hawaii for annexation there was no breath of opposition to the adoption of the former national flag as the emblem of the Territory.

All along the course of events that has made history in the Pacific the Hawaiians, the British, and the Americans of the United States have been in hearty accord. Not to suggest that never were there differences of opinion. Residents of these islands 150, 100 years, and 75 years ago were quite human. They were active and vigorous in the expression of their opinions. We honor them for the balanced judgment that finally prevailed and for the good standard established to influence and largely control subsequent events.

In Captain Cook's time the venturesome men were seeking physical worlds to conquer.

To-day our central thought is to discover the most approved routes for arriving at permanent friendly relationships. Having learned through Captain Cook how large is our world, we are engaged in the great adventures involved in learning that the world is big enough for all to live comfortably, with a fair share for each of the reasonable prosperity that assures contentment.

The disaster in Captain Cook's last voyage to Hawaii is not without a guiding thought.

Ignorance and misunderstanding, superstition and fear, shaped the incidents that led up to the death of the great explorer. Looking back, we have a feeling of pity for the benighted people who first deified as their great god Lono, the visitor from the great unknown; then, finding their mistake, destroyed him.

In the perspective of a century and a half we can understand the folly of it all. Looking out upon the future we have reason to highly resolve that the understanding and friendships that have become traditional along the ocean routes of the Pacific shall be emphasized.

The late Lord Bryce, in his *Modern Democracies*, quotes from Disraeli, where a character in one of his novels says, "Few ideas are correct ones, and what are correct no one can ascertain; but with words we govern men."

The "aloha" of Hawaii, the word of friendliness, has had continuing power. Suspicion and intrigue have scored destructive failures.

As the people of Hawaii voice the national greeting of a kind-hearted race, it carries the thought that this meeting and your stay in these islands will be more far-reaching than a mere pleasant memory.

A timely word can control the minds of men. Courage to strike out into new fields in human relationships may well be expressed in a determination to use words and be prompt to perform the deeds that will strengthen old friendships and build new friendships. Profiting by the past, we will exercise the intelligence born of our present-day enlightenment so as to make those friendships permanent landmarks for charting the progress of the new world of our day.

ADDRESS OF C. B. HOFGARD, PRESIDENT OF KAUAI HISTORICAL SOCIETY AND CHAIRMAN OF THE KAUAI COOK CELEBRATION COMMITTEE, AT WAIMEA, KAUAI, AUGUST 17, 1928

Ladies and gentlemen, 150 years ago that illustrious navigator, Capt. James Cook, Royal Navy, who had already made two voyages round the world, sailed from the island of Bolabola, one of the Society Islands, to explore the west coast of the American Continent and to find a passage north of America, which last part of the plan has just been accomplished in our time after numerous unsuccessful attempts.

He sighted Oahu, but on account of unfavorable wind kept sailing northwest and saw Kauai and sailed along the south coast and landed on the beach of Waimea on the 20th of January, 1778.

We hail Captain Cook as the discoverer of Hawaii, although Spanish navigators had a nebulous information of some islands near here. Captain Cook recorded his discoveries and scientifically located Hawaii on this terrestrial globe. He is entitled to all the honor of discovery as much as that other intrepid navigator, Christopher Columbus, who discovered America, although other Europeans had visited America as much as 400 years before his time.

We, the people of Kauai, under the auspices of the Kauai Historical Society, have raised a monument in commemoration of the one hundred and fiftieth anniversary of the discovery, which I as president of the Kauai Historical Society have the honor and pleasure to present to the county of Kauai.

SIR JOSEPH CARRUTHERS, OFFICIAL REPRESENTATIVE OF THE GOVERNMENT OF AUSTRALIA TO THE CAPTAIN COOK SESQUICENTENNIAL CELEBRATION, AT THE SCENE OF THE DEATH OF CAPT. JAMES COOK, KAAWALOA, KEALAKEKUA BAY, HAWAII

We stand to-day on ground sacred to the memory of one of the bravest and best of men, Capt. James Cook, of the Royal Navy of Great Britain. It was on this very spot that his life's blood ebbed away 150 years ago. He died leaving an imperishable name that as the ages roll on shall never be forgotten by those who honor and revere him for those fine qualities of courage, of devotion to duty, and of humanity, as well as for his outstanding ability as a sailor and as a leader of sailors.

When the news of his death was brought to England a public monument was proposed, yet it did not materialize until long years after.

But his closest and best friend, his former commander and patron, the man who knew him most intimately, Sir Hugh Palliser, erected at his own expense at his family seat, Mache Park, Buckinghamshire, a square block of stone surmounted by a globe and inclosed by a neat but simple roofed building. On this monument Palliser caused to be inscribed these words:

"To the memory of Capt. James Cook, the ablest and most renowned navigator this or any other country has ever produced."

That inscription from such a man as Palliser, who rose to the high rank of comptroller of the navy, constitutes the most valuable testimony to his great reputation amongst his contemporaries, who knew him best from actual and long association with him.

Since that time—about 148 years ago—many monuments have been erected, amongst others a very fine one at the Admiralty in London, which I was mainly instrumental in securing as the result of a letter to the London Times which I wrote and published in 1908. Monuments now abound right through the Pacific as well as in England and Australasia to commemorate Captain Cook's great work.

In St. Paul's Cathedral, London, there is a tablet to the memory of Sir Christopher Wren with these words upon it:

"If you seek his monument, look around you."

So if you seek Captain Cook's monument, travel, as I have done, in the Pacific and look around you.

Then you will see the great Continent of Australia, with its 7,000,000 people of one race, who are on the way to found a great and a united nation of happy and prosperous people that will in the course of the present century be in the south Pacific just what the United States are in the north. Next look and see the Dominion of New Zealand, with over 1,000,000 people of the British race, happy, prosperous, and contented. See also the many other islands which he discovered or visited—Samoa, Tonga, the Cook Islands, New Caledonia, and, last but

not least, these beautiful Hawaiian Isles, the outpost of the United States.

Look also at the Pacific States of the United States, which sprang into existence as the direct sequence of Cook's discovery of these islands; and if you look still farther north, see Canada and realize that it was Cook who charted the course for General Wolfe which resulted in the capture of Abrahams Heights and thereby laid the foundation of what is now the Dominion of Canada.

These are the monuments to Cook's life and work, and they are imperishable.

Captain Cook was a most humane man, as witness the fact that in 11 years of exploration in unknown parts where he came in contact with lands having millions of untutored races less than 1 man for each of those 11 years perished as the result of any conflicts. About 10 natives were killed in unavoidable conflicts in 11 years of his voyaging. There has never been, in all the world's history, such a record of peaceful methods of dealing with strange people. Compare that record with the conquest of Southern and Central America and of Mexico by the Spanish. Even in North America there was a trail of almost interminable bloodshed in the early days of colonization and discovery.

Why did Cook leave such a unique record? Simply because he deliberately set himself to the task of avoiding conflicts with the natives, whilst aiming at winning their friendship by peaceful means.

Cook's death would never have occurred in February, 1779, but for the fact that he went ashore on this place, trusting to his ability to gain the good will of the Hawaiians by peaceful means in a period of difficulty. At a critical moment when his men in the boats lying close to here fired a volley into the ranks of the natives menacing him, Cook turned his back on the natives, held up his hands to his officers and men, and ordered them to desist from firing. That very act of humane feeling cost Cook his life, for with his back turned he was clubbed and killed.

I have studied more thoroughly than most living men the whole of the recorded facts, and I unhesitatingly say that the events which led up to the death of Captain Cook on that fatal day were the result of a complete and mutual misunderstanding that suddenly arose. The very action of Cook in striving to avoid bloodshed resulted in the sacrifice of his own life.

Many untrue statements have been made and have passed into current history without justification regarding the events leading up to the death of Captain Cook. I am satisfied that with a more complete and impartial study of the ample evidence available, the memory of Captain Cook will be found to be free from any stain of wrongdoing on his part.

May I say here and now that these proceedings to commemorate the events of 150 years ago with which Captain Cook was associated will be regarded throughout Great Britain, throughout Australia and New Zealand, and in all other parts of the Empire of which I am a humble citizen, as a splendid gesture indicative of the friendship which exists between the people of the United States and those of the British Empire. May that friendship forever continue for the benefit of humanity and as an enduring influence for the peace of the world.

Just now the whole world is being gladdened with the welcome tidings that the nations which compose the British Empire have entered into a bond with the United States of America and with France and Italy to outlaw wars of aggression. Happily that event synchronizes with the one hundred and fiftieth year of Cook's death and with the two hundredth anniversary of his birth.

The spirit of James Cook has largely contributed to that accomplishment inspired as it has been largely by the English-speaking people of the world. My fellow countrymen in Australia are thrilled with a feeling of joy and of fraternity by these celebrations inaugurated by their big brother Jonathan, the United States.

I feel it to be an honor to the young communities of Australia and of New Zealand that we are here associated with the people of the United States and of this Territory in these historic proceedings.

In sending me here as her envoy Australia wished most appropriately to be associated with these proceedings.

Our history comprises three periods:

"First. Cook's discovery of Australia and its first settlement.

"Second. The grant of representatives, institutions, and responsible government.

"Third. The foundation of the United Australian Commonwealth."

Largely because for over 40 years I have served as minister and legislator in the second period and am one of the few surviving founders of our Federal constitution, I was selected and have been appointed as the first envoy under the terms agreed upon at the last imperial conference, which conferred the right on every dominion of direct representation in another country.

Thus, the link is preserved which connects Australia with its first foundation.

Australia was discovered and founded without the shedding of one drop of blood.

The inspiration of Cook's spirit has ever been with us. Loyalty, service, justice, and humanity in all our doings.

As to loyalty, William Charles Wentworth in his poem, *Australia*, wrote:

"And thou, Britannia, shouldst thou cease to ride,
Despotic Empress of old ocean's tide,
May this, thy last-born infant, then arise
To greet with gladness thy parent eyes,
And Australasia float with flag unfurled
A new Britannia in another world."

That spirit of loyalty and service caused us in the hour of peril to send over 400,000 of our sons across the seas to fight for a great cause when 60,000 of our bravest and best made the supreme sacrifice.

The spirit of Cook inspired that loyalty and that service. That spirit is not dead. It will never die.

I may be forgiven perhaps if I single out one man who above all others has nobly wrought to bring about this day. And that man is Governor Farrington, who has played his part as a leader of men from first to last in advocating and accomplishing this good work.

I do not believe that we should allow these proceedings to pass by without reflecting on what is our duty to those fine though simple races in all these Pacific lands. I hope that we shall take stock of the position and endeavor to make provision to save and uplift these races for our honor and credit and for their preservation in happiness and content.

That would perpetuate the spirit of Cook and his consistent sense of humanity to these people.

Our hero, Captain Cook, is dead.

"Life's fitful fever o'er, he sleeps well."

But his spirit lives forevermore. It is for us to remember those sweet lines which so eloquently breathe what is our duty:

"Of those who in the dust do dwell
May there kindly mention be
When the birds that build in the branches tell
Of the planting of the tree."

ADDRESS BY HON. JOHN C. LANE, OF HAWAII, AT THE UNVEILING OF A BRONZE TABLET SET JUST BENEATH THE WATER AT THE SPOT WHERE CAPT. JAMES COOK WAS KILLED, AT KAAWALOA, KEALAKEKUA BAY, ISLAND OF HAWAII, ON FEBRUARY 14, 1779, DELIVERED AT THE SPOT ON AUGUST 18, 1928

Secretary Dwight F. Davis, of the United States War Department, personally representing President Coolidge in the Territory, His Excellency the Governor of Hawaii, Gerald H. Phipps, His Britannic Majesty's consul, other distinguished guests, and fellow citizens, on this hallowed ground 150 years ago, Capt. James Cook, the discoverer of these beautiful islands, met his death here in Kaawaloa, and we are assembled to-day to pay homage and honor to his memory.

Whatever may have been the hard feelings engendered in the past, time has softened and effaced them. To-day we stand near the very spot where he expired, with hearts full of gratitude for the good rendered by him to mankind, and with feelings of appreciation for the knowledge he gave to navigation.

Civilization acclaims him a great discoverer and scientist, and this Territory our benefactor.

His name will always be repeated by the young in schools, and by the old, admired for his achievements as a navigator.

I need not dwell at length with the life of this man, the main speaker of the day, Sir Joseph Carruthers, will furnish us in full. Mine is the honor, as a Hawaiian, to unveil the bronze tablet, and therefore in the name of the Hawaii of old and the Hawaii of to-day, I hereby do perform this honorable duty gladly.

[Here unveil]

Fellow citizens, in removing the old Crown flag of the monarchical days of the Hawaiian Islands from this memorial bronze tablet, I find these words inscribed thereon:

"Near this spot Capt. James Cook, R. N., was killed February 14, 1779."

Let the people of the Territory behold these beautiful and historical surroundings—the world told of the celebration held in these far-distant isles, where the two great powers of our modern age, Great Britain and America, have joined hands on this occasion, and thereby promote feelings of friendship.

From this day henceforth, let the aloha of the Hawaiian race penetrate the soil of this sacred and hallowed spot, and let God lead us all, to do what is right and just, one race to another race, in the affairs of mankind.

REPLY BY COMMODORE G. T. C. P. SWABEY, D. S. O., ROYAL NAVY, TO THE ADDRESS OF WELCOME TO THE VISITORS MADE ON BEHALF OF THE KONA CIVIC CLUB AT KAAWALOA WHEN THE CAPTAIN COOK MONUMENT WAS DECORATED ON SATURDAY, AUGUST 18, 1928

Mr. Secretary, ladies, and gentlemen, standing here on this little bit of British territory, and speaking on behalf of the officers and men of the British warships here assembled for this memorable ceremony, I would like to thank the speaker very much for the words of welcome he has addressed to us.

We of the British Navy are very proud of Captain Cook and of his great achievements and of the high traditions for which he and other great sailors of the past have stood.

It is therefore a matter of great satisfaction to us that it has been found possible to assemble here to-day three British cruisers to do honor to this great occasion—*Cornwall*, representing Great Britain; *Brisbane*, representing the Commonwealth of Australia; and *Dunedin*, representing the Dominion of New Zealand.

We are very proud that this tribute is being paid to a great Englishman and a great sailor by the citizens of the United States of America, and we are very grateful for the invitation which has been extended to us to take part with you in these memorable celebrations.

[From the Honolulu Advertiser, Thursday August 10, 1928]

DELEGATE HOUSTON'S ADDRESS, AUGUST 17

CIVILIZATION IN HAWAII AT TIME OF CAPTAIN COOK'S DISCOVERY

(Following is the address of Delegate VICTOR S. K. HOUSTON at the unveiling of the monument to Captain Cook at Waimea, Kauai, erected by the Kauai Historical Society. The address which will be delivered at 9 o'clock this morning was released for publication in the Advertiser by Delegate HOUSTON before he sailed for Kauai with the sesquicentennial commission last night:)

We are met to celebrate the one hundred and fiftieth anniversary of the discovery of the islands of the Hawaiian group, since erected into a Territory of the United States, and to do honor to the achievement of one of the greatest navigators of the world, the discoverer.

On the 18th of January, 1778, Capt. James Cook, of the Royal Navy, in command of a scientific and exploring expedition, sent out by the British Admiralty, first sighted the island of Oahu, and named the group, of which Oahu was one, the Sandwich Islands.

Captain Cook was one of that hardy race of mariners of which Great Britain has been so prolific. His fame rests not alone upon this one discovery. His is the renown that comes to men invading the deep blue sea and opening up new worlds. His is the glory that rewards application, perseverance, and that stoutheartedness that carries certain men into the unknown. He filled in the blank spaces on the world's map and established a reputation as a scientist that is second only to his position as an explorer.

I could not add to his reputation—it is already so solidly founded. Other speakers during this celebration will make known to us details of his life and character, which it is well in this day we should know. But as a Hawaiian, I believe it will not be out of place if in this short paper I should address myself to the subject of the people whom this great man discovered, and by means of a collection of quotations and extracts from the Reports of the Voyage to show the state of civilization in which they were found.

One hundred and fifty years is but the briefest period in the life history of any people. But into this particular period there has been crowded the development of this people, reaching from its stone age to an assimilation of modern civilization. When Captain Cook arrived they had neither metals nor pottery, no textile of any kind, no written language, and apparently they had been isolated in the midst of the vast Pacific for ages untold.

When into this garden spot—now aptly termed the paradise of the Pacific—there erupted these hardy mariners, product of a gradually developed civilization, thousands of years old, it is not strange that the habits and customs of the Hawaiians should have startled and astonished them. It would be the same had any of us been carried back to the times of the Pharaohs or to that age which appropriately is known in history as the stone age.

As a consequence, the Hawaiians were frequently referred to as savages and barbarians. That they were primitive may be readily granted, but that they were wild, untamed, uncivilized, or uncultured—the equivalent of the word so often used—is simply a statement of comparison rather than of fact. That they were barbarians is equally untenable, for they were not cruel, or brutal, but were, as I hope to show, kindly and hospitable, friendly and frank. If the word is taken in its narrow sense, such as it was used by Greeks to mean non-Hellenes, or as used later by Latins—even now by Italians to mean foreigners in a deprecatory sense—the word is undoubtedly applicable. I like to feel that the terms were rather thoughtlessly applied.

Abraham Fornander, who 50 years ago wrote the "Polynesian Race," said of the Hawaiian, " * * * a people whom none knew till 100 years ago, and whom no one even now recognized as a chip off the same block from which the Hindu, the Iranian, and the Indo-European families are fashioned." He claimed that they were descended from a people that was agnate to, but far older than, the Vedic family of the Aryan race; that it entered into India before these Vedic Aryans; that there it underwent a mixture with the Dravidian race, which, as in the case of the Vedic-Aryan themselves, has permanently affected its complexion; that there also, in greater or less degree; it became moulded to the Cushite-Arabian civilization of that time; it established itself in the Indian Archipelago at an early period, and thence was probably forced into the Pacific.

Fornander assumes the following steps in this later migration:

(a) At the close of the first and during the second century of the present era, the Polynesians left the Asiatic Archipelago and entered the Pacific, establishing themselves on the Fiji groups and thence spreading to the Samoan, Tonga, and other groups eastward and northward.

(b) During the fifth century, Polynesians settled in the Hawaiian Islands and remained there comparatively unknown until—

(c) The eleventh century A. D. when several parties of fresh immigrants from the Marquesas, Society, and Samoan groups arrived at the Hawaiian Islands, and for the space of five or six generations, revived and maintained an active intercourse with the first-named groups.

(d) From the close of this era, about 21 generations ago, Hawaiian history runs isolated from other Polynesian groups till 1778.

Now, if you will kindly bear with me, I will make use of a collection of extracts and quotations from the published reports of the voyage, which will, I hope, give you a picture of the people whose civilization was of no mean order, whose characteristics were marked by kindness and hospitality, and whose capacity and ingenuity was such that in the course of the last 150 years they have been able, to a very large extent, to assimilate and adapt themselves to the revolutionary changes brought about by contact with the rest of the world.

I apologize for the manner of their presentation. The time at my command has been brief. Extracts and quotations may be somewhat mixed, and I may not have been consistent in my spelling of native names. My efforts have been to collate in sequence the varied references to matters not so well known as they are found in the voyage report. I have purposely omitted geographical data and detail reference to matters that are better known through later study, such as the feather cloaks, heiaus, religion, etc.; I have also omitted generally matters that were not the result of direct observation.

Captain Cook and his collaborators were keen observers, and the facts they observed, not always their conclusions, are the most valuable contributions to our knowledge of this race. For the changes in customs and habits came with lightninglike rapidity thereafter, and later students were not always able to make the proper distinction as between the old standards and the new modifications.

I hope that a study of this data will lead to a more sympathetic attitude with respect to this race, to an understanding of the psychology of the people, and to a feeling, perhaps, that after all they were neither savages nor barbarians. The Romans at the time when Christians were pitted against wild beasts in the arena of the Coliseum are not classed as such; then why should our people be so classed because of religious sacrifices. The religious wars in Europe and the burning of witches in New England—many more parallels could be offered to show savagery perhaps in other lands—I simply wish a broader understanding of our people of whose history we feel we have a right to be proud.

GENERAL APPEARANCE

"These people did not exceed the ordinary size and were stoutly made. Their complexion was brown; and there appeared to be little difference in the casts of their color, there was a considerable variation in their features. Most of them had their hair cropped rather short; a few had it tied in a bunch at the top of the head; and others suffered it to flow loose. It seemed to be naturally black; but the generality of them had stained it with some stuff which communicated to it a brownish color. Most of them had pretty long beards. They had no arms about their persons; nor did we observe that they had their ears perforated. Some of them were tattooed on the hands, or near the groin; and the pieces of cloth which were worn by them round their middle were curiously colored with white, black, and red. They seemed to be mild and good natured; and were furnished with no arms of any kind, except small stones, which they had manifestly brought for their own defense; and these they threw into the sea when they found that there was no occasion for them.

"From what continent they originally emigrated, and by what steps they have spread through so vast a space, those who are curious in disquisitions of this nature, may, perhaps, not find it very difficult to conjecture. It has been already observed that they bear strong marks of affinity to some of the Indian tribes that inhabit the Ladrões and Caroline Islands; and the same affinity may again be traced amongst the Battas and the Malays. When these events happened is not so easy to ascertain; it was probably not very late, as they are extremely populous and have no tradition of their own origin but what is perfectly fabulous; whilst on the other hand, the unadulterated state of their general language, and the simplicity which prevails in their customs and manners, seem to indicate that it could not have been at any distant period.

"The inhabitants of the Sandwich Islands are undoubtedly of the same race with those of New Zealand, the Society and Friendly Islands, Easter Islands, and the Marquesas. This fact, which, extraordinary as it is, might be thought sufficiently proved by the striking similarity of their manners and customs and the general resemblance of their person is established beyond all controversy, by the absolute identity of their language.

PHYSICAL APPEARANCE

"The natives of these islands are, in general, above the middle size and well made; they walk very gracefully, run nimbly, and are capable of bearing great fatigue; though, upon the whole, the men are somewhat inferior, in point of strength and activity, to the Friendly Islanders, and the women less delicately limbed than those of Otaheiti. Their complexion is rather darker than that of the Otaheitan, and they are not altogether so handsome a people. However, many of both sexes had fine open countenances; and the women, in particular, had good eyes and teeth, and a sweetness and sensibility of the look, which rendered them very engaging. Their hair is of a brownish-black, and neither uniformly straight, like that of the Indian of America, nor uniformly curling, as amongst the African negroes, but varying in this respect like the hair of Europeans. One striking peculiarity in the features of every part of this great nation—I do not remember to have seen anywhere mentioned—which is that, even in the handsomest faces, there is always a fullness of the nostril, without any flatness of the nose, that distinguishes them from Europeans.

"The inhabitants of Kauai are of the middle size, and in general stoutly made. They are neither remarkable for a beautiful shape nor for striking features. Their visage, particularly that of the women, is sometimes round; but others have it long, nor can it justly be said that they are distinguished, as a nation, by any general cast of countenance. Their complexion is nearly of a nut-brown color; but some individuals are of a darker hue. We have already mentioned the women as being little more delicate than the men in their formation; and we may add, that with few exceptions, they have little claim to those peculiarities that distinguish the sex in most other parts of the world. There is, indeed, a very remarkable equality in the size, color, and figure of the natives of both sexes; upon the whole, however, they are far from being ugly, and have to all appearances few natural deformities of any kind. Their skin is not very soft, but their eyes and teeth are for the most part pretty good. Their hair, in general, is straight; and though its natural color is black, they stain it, as at the Friendly and other islands. We perceived but few instances of corpulence, and these more frequently among the women than the men; but it was principally among the latter that personal defects were observed, though if any of them can lay claims to a share of beauty it appeared to be more conspicuous amongst the young men.

"They are active, vigorous, and most expert swimmers, leaving their canoes upon the most frivolous occasion, diving under them and swimming to others, though at a considerable distance. We have frequently seen women with infants at their breasts, when the surf was so high as to prevent their landing in the canoes, leap overboard and swim to the shore without endangering the little ones.

"They appear to be of a frank and cheerful disposition, and are equally free from the fickle levity which characterizes the inhabitants of Tahiti, and the sedate pose which is observed among those of Tongatabu. They seem to cultivate a sociable intercourse with each other; and except the propensity to thieving, which is as it were, innate in most of the people we have visited in these seas, they are extremely friendly to us. And it does no small credit to their sensibility, without flattering ourselves, that when they saw the different articles of our European manufacture they could not refrain from expressing their astonishment by a mixture of joy and concern that seemed to apply the case as a lesson of humility to ourselves; and on every occasion they appeared to have a proper consciousness of their own inferiority; a behavior that equally exempts their natural character from the ridiculous pride of the more polished * * * or of the ruder natives. * * *

"The inhabitants of these islands differ from those of the Friendly Islands in suffering almost universally their beards to grow. There were, indeed, a few, amongst whom was the old King, that cut it off entirely, and others that wore it upon the upper lip. One peculiar fashion though, they sometimes cut it close on each side of their head to the ears."

"The same superiority which is observed in the persons of the Aliis through the other islands is found also here. Those whom we saw were, without exception, perfectly well formed, whereas the lower sort, besides their general inferiority, are subject to all the variety of make and figure that is seen in the populace of other countries. Instances of deformities are more frequent here than in any of the other islands. While we were cruising off Hawaii two dwarfs came on board, one an old man 4 feet 2 inches high, but exactly proportioned, and the other a woman, nearly of the same height. We afterwards saw three natives, who were humpbacked, and a young man, born without hands or feet. Squinting is also very common among them; and a man, who they said had been born blind, was brought to us to be cured. Besides these particular imperfections they are in general very subject to boils and ulcers, which we attributed to the great quantity of salt which they eat with their flesh and fish. The Aliis are very free from these complaints."

"The chiefs exercise their power over one another in the most haughty and oppressive manner * * *."

"The people of these islands are manifestly divided into three classes; the first are the Alis, or chiefs, of each district, one of whom is superior to the rest, and is called at Hawaii Alii—Taboo and Alii Moi. By the first of these words they express his absolute authority, and by the latter all are obliged to prostrate themselves (or put themselves to sleep, as the word signifies) in his presence. The second class are those who appear to enjoy a right of property without authority. The third class are the Towtows, or servants, who have neither rank nor property."

CHARACTER

"None of the inhabitants we ever met with before in any other island or country were so astonished as these people were upon entering a ship. Their eyes were incessantly roving from one object to another, and the wildness of their looks and features fully indicated their ignorance with respect to everything they saw, and strongly marked to us that they had never, until the present time, been visited by Europeans nor been acquainted with any of our commodities except iron."

They called iron koi or hamaiti, and "on asking them what iron was they immediately answered 'we do not know; you know what it is, and we only understand it as koi or hamaiti.'"

"They were in some respects naturally well bred, or at least fearful of giving offense, asking whether they should sit down, whether they might spit on the deck, etc., * * * at first they endeavored to steal everything or later to take it openly * * *"

"We met with less reserve and suspicion in our intercourse with the people of this island than we had ever experienced among any other tribe of savages. They frequently sent up into the ship the articles they meant to barter, and afterwards came in themselves to traffic on the quarter deck."

The Tahitians, whom we have so often visited, have not that confidence in our integrity. "Whence it may be inferred that those of Hawaii are more faithful in their dealings with each other * * *"

"It is but justice to observe that they never attempted to overreach us in exchanges nor to commit a single theft."

"* * * rather than dispose of them at an undervalue, would carry them to shore again."

"A large village is situated on this point (South Point of Hawaii), many of whose inhabitants thronged off to the ship with hogs and women."

"These people merited our best commendations in their commercial intercourse, never once attempting to cheat us, whether ashore or alongside the ships." At first * * * they thought, that they had a right to everything they could lay their hands upon; but they soon laid aside a conduct which we convinced them they could not persevere in with impunity."

Speaking of the guides that accompanied one of the ship's parties into the interior to obtain timber for repairs, "they bestowed high commendations on their guides, who not only supplied them with provisions but faithfully protected their tools."

"* * * they rise with the sun, and after enjoying the cool of the evening retire to rest a few hours after sunset. The making of canoes and nets forms the occupation of the Alis; the women are employed in manufacturing cloth, and the Towtows are principally engaged in the plantations and fishing."

"* * * notwithstanding the irreparable loss we suffered from the sudden resentment and violence of these peoples, yet in justice to their general conduct it must be acknowledged that they are of the most mild and affectionate disposition, equally remote from the extreme levity and the fickleness of the Tahitians and the distant gravity and reserve of the inhabitants of the Friendly Islands. They appear to live in the utmost harmony and friendship with one another."

During certain parleys a chief came off and told us from the King "that the body was carried up the country, but it should be brought to us the next morning. There appeared a great deal of sincerity in his manner, and being asked if he told a falsehood he locked his two forefingers together, which is understood amongst these islands as the sign of truth, in the use of which they are very scrupulous."

"Their natural capacity seems in no respect below the common standard of mankind." * * * "The eager curiosity with which they attended the armorers and the many expedients they had invented, even before we left the islands, for working iron they had procured from us into such forms as were best adapted to their purposes were strong proofs of docility and ingenuity."

TREATMENT OF WOMEN

"It must, however, be observed that they fall very short of the other islanders in that best test of civilization, the respect paid to their women. Here they are not only deprived of the privileges of eating with the men but the best sort of food is tabooed or forbidden them. They are not allowed to eat pork, turtle, several kinds of fish, and some

species of the plantains; and we are told that a poor girl got a terrible beating for having eaten on board our ship, one of these interdicted articles. In their domestic life they appear to live almost by themselves, and though we did not observe any instance of personal ill treatment, yet it was evident they had little regard or attention paid them."

"The young women were no less kind and engaging; and till they found, notwithstanding our utmost endeavors to prevent it, that they had reason to repent of our acquaintance, attached themselves to us without the least reserve."

"In justice, however, to the sex, it must be observed that these ladies were probably all of the lower class of the people; for I am strongly inclined to believe that, excepting the few whose names are mentioned in the course of our narratives, we did not see any women of rank during our stay amongst them."

CARE OF CHILDREN

"It was pleasing to observe with what affection the women managed their infants, and with what alacrity the men contributed their assistance in such a tender office; thus distinguishing themselves from those savages who consider a wife and child as things rather necessary than desirable or worthy of their regard and esteem."

"The women who had children were remarkable for their tender and constant attention to them, and the men would often lend their assistance in those domestic offices with a willingness that does credit to their feelings."

HOSPITALITY

"He experienced great kindness and civility from the inhabitants in general, but the friendship shown by the priests was constant and unbounded."

At Kealakekua the "party on shore were daily supplied by them (priests) with hogs and vegetables, sufficient for our subsistence, and to spare; and canoes laden with provisions were as regularly sent off to the ships. Nothing was demanded in return, nor was the most distant hint ever given that any compensation was expected." * * * "we had, indeed, less reason to be satisfied with the behavior of the warrior chiefs than with that of the priests. In our intercourse with the former they were always sufficiently attentive to their own interests; * * * the priest who supplied the excursion party with everything is spoken of as follows: "His conduct on this occasion was so delicate and disinterested that even the people he employed were not permitted to accept of the smallest present."

"The great hospitality and kindness with which we were received by them has been already frequently remarked. The old people never failed to receive us with tears of joy; seemed highly gratified with being allowed to touch us, and were constantly making comparison as between themselves and us, with the strongest marks of humility."

GRATITUDE

After Captain Cook's death, and in the fighting that followed, several of the natives were shot in making their escape from the flames; and our people cut off the heads of two of them and brought them on board, and * * * at this time an elderly man was taken prisoner, bound, and sent on board in the same boat with the heads of his two countrymen. I never saw horror so strongly pictured as in the face of this man, nor so violent a transition to extravagant joy as when he was untied and told he might go away in safety. "He showed us he did not lack gratitude, as he frequently afterwards returned with presents of provisions and also did us other services."

GREETINGS

It is not improbable that this [fullness of the nose] may be the effect of their usual mode of saluting, "which is performed by pressing the ends of their noses together."

CEREMONIES

When Captain Cook first landed, "the very instant he stepped on shore the collective body of the natives fell flat on their faces, and remained in that very humble posture till by expressive signs I prevailed upon them to rise; they then brought a great many small pigs, which they presented me with plantain trees * * *"

"The 4th of February being fixed for our departure, Kalaniopuu invited Captain Cook and Mr. King to attend him on the 3d at Kaoo's residence. On our arrival there we saw large quantities of cloth scattered on the ground; abundance of red and yellow feathers fastened to the fibers of coconut husks; and plenty of hatchets and ironware, which had been received from us in barter. Not far from these was deposited an immense quantity of various kinds of vegetables, and at a little distance a large herd of hogs. We supposed at first that the whole was intended as a present for us, but we were informed by Kaireakea that it was a tribute to the King from the inhabitants of that district. And we were no sooner seated than the bundles were brought and laid severally at Kaireakea's feet, and the cloth, feathers, and iron were displayed before him. The King was perfectly satisfied with this mark of duty from his people, and selected about a third of the iron utensils, all of the feathers, and some pieces of cloth; he ordered them to be set aside by themselves, and the remainder of the cloth, hogs, vege-

tables, etc., were afterwards presented to Captain Cook and Mr. King. The value and magnitude of this present far exceeded anything that we had met with."

"Between 10 and 11 o'clock we saw a great number of people descending the hill which is over the beach in a kind of procession, each man carrying a sugar cane or two on his shoulders and breadfruit, taro, and plantains in his hand. They were preceded by two drummers, who, when they came to the waterside, sat down by a white flag and began to beat their drums, while those who had followed them advanced one by one and deposited the presents they had brought and retired in the same order. Soon after Eappo came in sight, in his long feather cloak, bearing something with great solemnity in his hands, and having placed himself on a rock, made signs for a boat to be sent him. Captain Clarke, conjecturing that he had brought the bones of Captain Cook, which proved to be the fact, went himself in the pinnace to receive them, and ordered me to attend him in the cutter. When we arrived at the beach Eappo came into the pinnace and delivered to the captain the bones, wrapped in a large quantity of fine new cloth and covered in a spotted cloak of black and white feathers. He afterwards attended us to the *Resolution*, but could not be prevailed upon to go on board, probably not choosing, from a sense of decency, to be present at the opening of the bundle."

FIGHTING

"Throughout all this group of islands, the villages for the most part are situated near the sea; and the adjacent ground is inclosed with stone walls about 3 feet high. These, we at first imagined, were intended for the division of property; but we now discovered that they served, probably were principally designed, for a defense against invasion. They consist of loose stone, and the inhabitants are very dexterous in shifting them, with great quickness, to such situations as the direction of the attack may require. In the sides of the mountain, which hangs over the bay, they have little holes or caves, of considerable depth, the entrance of which is secured by a fence of the same kind. From behind both these defenses the natives kept perpetually harassing our waterers with stones; * * *"

"* * * and the men were soon clad in their mats, and armed with spears and stones. One of the natives having provided himself with a stone and a long iron spike, advanced toward the captain flourishing his weapon in defiance and threatening to throw the stone. The captain requested him to desist; but the islander repeating his menace, he was highly provoked and fired a load of small shot at him. The man was shielded in his war mat, which the shot could not penetrate; his firing, therefore, served only to irritate and encourage them. Volleys of stones were thrown at the marines; and one of the Aliis attempted the life of Mr. Phillips with his pahoo dagger; by not succeeding in the attempt, he received a blow from him with the butt end of his piece. Captain Cook immediately discharged his second barrel loaded with ball and killed one of the most violent of the assailants. A general attack with stones succeeded * * *. The natives, to our great astonishment, received our fire, with great firmness; and without giving time for the marines to charge again, they rushed in upon them with dreadful shouts and yells * * *"

"After the fighting * * * a small boat, manned by five of our midshipmen, pulled toward the shore where they saw the bodies without any signs of life, lying on the ground; but judging it dangerous * * * they returned to the ships, leaving them in possession of the islanders."

"* * * the men put on their war mats and armed themselves with long spears and daggers. We also observed that since morning, they had thrown up stone breastworks along the beach where Captain Cook had landed; * * * but as soon as we were in reach they began to throw stones at us with slings * * *"

"The bravery of one of these assailants well deserves to be mentioned. For, having returned to carry off his companion amidst the fire of our whole party, a wound which he received made him quit the body and retire; but in a few minutes he again appeared, but again wounded, he was obliged to retreat. At this moment I arrived at the Morae, and saw him return there the third time, bleeding and faint; and being informed of what had happened I forbade the soldiers to fire, and he was suffered to carry off his friend; which he was just able to perform, and then fell down himself and expired."

FLAG OF TRUCE

"* * * And went on with a small boat alone, with a white flag in my hand, which, by a general cry of joy from the natives, I had the satisfaction to find was instantly understood. The women immediately returned from the side of the hill, whither they had retired; the men threw off their mats, and all sat down together by the water side, extending their arms and inviting me to come on shore."

RELIGION

"The religion of these people resembles in most of its features that of the Society and Friendly Islands. * * * Their religious notions are derived from the same source."

"In a bay to the southward of Kealakekua a party of our gentlemen were conducted to a large house, in which they found the black figure of a man, resting on his fingers and toes, with his hand inclined back-

ward, the limbs well formed and exactly proportioned, and the whole beautifully polished. This figure the natives called Maea, and round it were placed 13 others of rude and distorted shapes, which they said were the akua of several deceased chiefs whose names they recounted.

"* * * They likewise gave a place in their houses to many ludicrous and some obscene idols like the *Praipus* of the ancients."

"The temples, idols, sacrifices, and sacred songs all were found similar to those of the Society and Friendly Islands. As to the taboo, the word 'taboo' implies laying restraint upon persons and things. Thus, they say the natives were tabooed, or the bay was tabooed, and so of the rest. This word is also used to express anything sacred or eminent or devoted. Thus the King of Owyhee was Alii Taboo, a human victim—Kanaka Taboo. * * * The women are said to be taboo when they are forbidden to eat certain kinds of meat."

VILLAGES

"Throughout all this group of islands the villages for the most part are situated near the sea, and the adjacent ground is inclosed with stone walls about 3 feet high."

"We passed several villages, some situated near the sea and others farther up country. * * * We saw no wood, but what was up in the interior, except a few trees about the villages, near which we could observe banana plantations and sugar-cane and spots that seemed cultivated for roots."

HOUSES

"The houses are scattered about without the least order. No fortifications. Some are large and commodious, from 40 to 50 feet in length and 20 or 30 feet in breadth. * * * They are well thatched with long grass, which is laid on slender poles. Their figure resembles that of hay stacks. * * * "The entrance is either made in the end or side, and is an oblong hole, extremely low; it is often shut up by a board of planks * * * which serves as a door. * * * No light enters the house except by this opening; and though such close habitations may be a comfortable place for retreat in bad weather, they seem ill adapted to the warm climate of the country. They are kept remarkably clean, and the floors are strewn with dried grass over which mats are spread to sit and sleep on." * * * "The method of living among these people was decent and cleanly." "They had an opportunity of observing the method of living amongst the natives, and it appeared to be decent and cleanly."

ANIMALS

"The only tame or domestic animals that could be found were hogs, dogs, and fowls, which were of the same kind we met with at all the islands of the south Pacific."

"There were also small lizards and some rats, resembling those of every island which we had hitherto visited. The quadrupeds are confined to three sorts—dogs, hogs, and rats. The dogs are of the same species with those of Otaheiti, having short, crooked legs, long backs, and pricked ears. I did not observe any variety in them, except in their skins; some having long and rough hair, and others being quite smooth. They are about the size of a common turnspit; exceedingly sluggish, though perhaps this may be more owing to the manner in which they are treated than to any natural disposition. They are in general fed and left to herd with the hogs; for I do not recollect any instance in which a dog was made a companion in the manner we do in Europe. Indeed, however, the custom of eating them is an insuperable bar to their admission into society. * * * The number of dogs in these islands do not appear to be nearly equal in proportion to those in Otaheiti. But on the other hand, they abound much more in hogs; and the breed is of a larger and weightier kind."

"The birds of these islands are as beautiful as any we have seen during the voyage and are numerous, though not various." The report speaks of a large white pigeon.

"* * * fish and other products of the sea were, to appearance, not various."

FOOD

"The food of the lower class of people consists principally of fish and vegetables; such as yams, sweet potatoes, taro, plantains, sugar-cane, and bread fruit. To these the people of the higher rank add the flesh of hogs and dogs, dressed in the same manner as at the Society Islands. They also eat fowls of the same domestic kind with ours, but they are neither plentiful nor much esteemed by them. Their fish they salt and preserve in gourd shells, not as we at first imagined for the purpose of providing against any temporary scarcity but for the preference they give to salted meats—for we also found that the Aliis used to pickle pieces of pork in the same manner and esteemed it a great delicacy."

"Of animal food they appeared to be in no great want, as they have great numbers of hogs which run without restraint about the houses, and if they eat dogs, which is not altogether improbable, their stock of these deemed very considerable." The quantities of fishing hooks found among them indicated that they procure a tolerable supply of animal food from the sea."

"They bake their vegetables with heated stones; * * * and from the quantity which we saw dressed at one time we imagined that all the inhabitants of the village, or at least a considerable number of people,

joined in the use of a common oven.' * * * 'The only artificial dish we saw was a taro pudding which, though very sour, was devoured with avidity by the natives.'

"They eat off a sort of wooden trencher, and, as far as we are enabled to judge from one instance, the women, if restrained from feeding at the same dish with the men, as is the custom at Tahiti, are at least allowed to eat in the same place near them.

"They are exceedingly cleanly at their meals, and their mode of dressing both their animal and vegetable foods was universally allowed to be greatly superior to ours. The chiefs constantly began their meals with a dose of the extract of pepper root. The women eat apart from the men and are tabooed or forbidden, as has already been mentioned, the use of pork, turtle, and particular kinds of plantains."

AWA

Bad effect amongst the Alis was noticed from the use of awa.

"* * * by many of them still more dreadful effects from the immoderate use of the awa. Those who were the most affected by it had their bodies covered with a white scurf, their eyes red and inflamed, their limbs emaciated, the whole frame trembling and paralytic, accompanied with a disability to raise the head. Though this drug does not appear universally to shorten life, as was evident from the cases of Terreeaboo, Kaoo, and some other chiefs, who were very old men, yet it invariably brings on an early and decrepit old age. It is fortunate that the use of it is one of the peculiar privileges of the chiefs. The young son of Terreeaboo, who was about 12 years old, used to boast of his being admitted to drink awa, and showed us in great triumph a small spot on his side that was growing scaly."

"There is something very singular in the history of this pernicious drug. When Captain Cook first visited the Society Islands it was very little known among them. On his second voyage he found the use of it very prevalent at Ulitea; * * * At Kauai also it is used with great moderation and the chiefs are in consequence a much finer set of men there than in any of the neighboring islands. Our good friends, Kaireekeea and old Kaoo, were persuaded by us to refrain from it; and they recovered amazingly during the short time we afterwards remained in the islands."

ARTS

"In the different manufactures of these people there appears to be an extraordinary degree of ingenuity and neatness. The texture of Kapa is inferior to that of Tongatabu or Tahiti, but in coloring or staining it the inhabitants of Kauai displayed a superiority of taste * * *"

"Their colors, indeed, are not very bright, except the red; but the regularity of the figures and stripes is amazing; * * * pieces are generally 2 by 4 or 5 yards in length, some of them are sewed together. Mats are fabricated with designs. Mats * * * occasionally make a part of their dress; for, when they offered them to sell, they put them on their backs."

Dishes are made of the Kou trees, extremely neat and well polished. Their fans are made of wicker work. Fishing hooks are ingeniously made, some of bone, many of pearl shell, and others of wood, pointed with bone. "The elegant form and polish of which (fishhooks) could not be exceeded by any European artist."

"They polish their stones by constant friction with pumice stone in water; * * * Their adzes were like those of the Society Islands. They have also small instruments composed of a single shark's tooth fixed to the forepart of a dog's jawbone or to a wooden handle.

The business of painting tapa belongs entirely to the women.

Their mats, whether we regard the strength, fineness, or beauty, they certainly excel the world.

Their fishing hooks * * * we found them, upon trial, much superior to our own.

"The gourds which grow to so enormous a size that some of them are capable of containing from 10 to 12 gallons are applied to all manner of domestic purposes; and in order to fit them the better to their respective uses, they have the ingenuity to give them different forms by tying bandages around them during their growth. Thus some of them are of a long cylindrical form as best adapted to contain their fishing tackle; provisions, their puddings, vegetables, etc., which two sorts have neat, close covers, made likewise of the gourd; others again are exactly the shape of a bottle with a long neck, and in these they keep their water. They have likewise a method of scoring them in a heated instrument so as to give them the appearance of being painted in a variety of neat and elegant forms."

DRESS

"The dress of the men consists only of a piece of thick cloth called the malo, about 10 or 12 inches broad, which they pass between the legs and tie around the waist. This is the common dress of all ranks of people. Their mats, some of which are beautifully manufactured, are of various sizes, but mostly about 5 feet long and 4 feet broad. These they throw over their shoulders and bring forward before; but they are seldom used except in time of war, for which purpose they seem better adapted than for ordinary use, being of a thick and cumbersome texture and capable of breaking the blow of a stone or any blunt

weapon. Their feet are generally bare, except when they have occasion to travel over the burnt stones, when they secure them with a sort of sandal made of cords twisted from the fibers of the coconut. Such is the ordinary dress of these islanders; but they have another appropriate for their chiefs and used on ceremonious occasions, consisting of a feather cloak and helmet, which, in point of beauty and magnificence, is perhaps equal to that of any nation in the world. Their cloaks are made of different lengths in proportion to the rank of the wearer, some of them reaching no lower than the middle, others trailing on the ground. The inferior chiefs wear also a short cloak resembling the former, made of the long tail feathers of the cock, the tropic and man-of-war birds, with a broad border of the small red and yellow feathers and a collar of the same."

"These feathered dresses seemed to be exceedingly scarce, being appropriated to persons of the highest rank, and worn by the men only."

"The common dress of the women bears a close resemblance of that of the men. They wrap round the waist a piece of cloth that reaches half way down the thigh, and sometimes in the course of the evening they appeared with loose pieces of fine cloth thrown over their shoulders like the women of Otaheiti. The Pa'u is another dress frequently worn by the younger part of the sex. It is made of the thinnest and finest sort of cloth wrapped several times round the waist and descending to the legs so as to have the appearance of a full short petticoat." Speaking of the feather capes, they say, "* * * even in countries where dress is more particular, might be recognized elegant." They are compared with the thickest and richest velvet. The natives would not at first part with them for anything we offered, asking no less a price than a musket. However, some were afterwards purchased for very large nails.

ORNAMENTS

"Both sexes wear necklaces made of strings of small variegated shells; and an ornament in the form of a handle of a cup, about two inches long and one-half inch broad, made of wood, stone, or ivory, finely polished, which is hung about the hair with fine threads of twisted hair, doubled sometimes a hundredfold. Instead of this ornament some of them wear on their breast a small human figure made of bone suspended in the same manner."

"Their necklaces are made of shells, or of a hard, shining red berry. Besides which they wear wreaths of dried flowers of the India Mallows, another beautiful ornament called the lei, which is generally put about the neck, but is sometimes tied like a garland around the hair, and sometimes worn in both these ways at once. It is a ruff of the thickness of the finger, made in a curious manner of exceedingly small feathers, woven so close together as to form a surface as smooth as that of the richest velvet. The ground was generally of a red color with alternate circles of green, yellow, and black."

"At Kauai some of the women wore little figures of the turtle, neatly formed of wood or ivory, tied on their fingers in the manner we wear rings."

MUSIC

"Their music is of a rude kind, having neither figures nor reeds nor instruments of any other sort that we saw, except drums of various sizes. But their songs, which they sung in parts, and accompanied with a gentle motion of the arms in the same manner as the Friendly Islander, had a very pleasing effect."

GAMES

"They have a game much like our draughts * * * it is much more intricate.

"Besides these games, they frequently amuse themselves with racing matches between the boys and girls; and here again they wager with great spirit."

"Swimming is not only a necessary art, in which both the men and women are more expert than any people we had hitherto seen, but a favorite diversion amongst them * * *. The surf, which breaks on the coast along the bay, extends to the distance of about 150 yards from the shore, within which space the surges of the sea, accumulating from the shallowness of the water, are dashed against the beach with prodigious violence. Whenever * * * the surf is increased into its utmost height, they choose that time for this amusement, which is performed in the following manner: 20 or 30 of the natives, taking each a narrow board rounded at the ends, set out together from the shore. * * * As soon as they have gained by these repeated efforts the smooth water beyond the surf they lay themselves at length on their board and prepare for their return. As the surf consists of a number of waves, of which every third is remarked to be always much larger than the others and to flow higher on shore, the rest breaking in the intermediate space, their object is to place themselves on the summit of the largest surf, by which they are driven along with amazing rapidity toward the shore * * *. Those who succeed in their object of reaching the shore have still the greatest danger to encounter. The coast being guarded by a chain of rocks, with here and there a small opening between them, they are obliged to steer their boards through one of these, or, in case of failure, to quit it before they reach the rocks, and, plunging under the waves, make the best of it back

again * * *. The boldness and address with which we saw them perform these difficult and dangerous maneuvers was altogether astonishing and is scarcely to be credited."

TATTOOING

"The custom of tattooing the body they have in common with the rest of the natives of the South Sea Islands; but it is only at New Zealand and the Sandwich Islands that they tattoo the face. They have a peculiar custom amongst them, the meaning of which we could never learn, that of tattooing the tip of the tongues of the females."

CANOE

All canoes were about 24 feet long, the bottom of a single piece, hollowed out to the thickness of an inch or more, pointed at each end. They seldom exceed a foot and a half in breadth. Those that go single have outriggers which are shaped and fitted with more judgment than any we had before seen. Some are double. Some use a triangular sail, extended to a mast and boom. The ropes are strong and neatly made.

SOME QUESTIONS WITH RESPECT TO CANNIBALISM

"We first tried by many indirect questions, put to each of them apart, to learn in what manner the rest of the bodies had been disposed of, and finding them very constant in one story—that after the flesh had been cut off it was all burned—we at last put the direct question whether they had not eaten some of it. They immediately showed as much horror at the idea as any European would have done, and asked, very naturally, if that was the custom amongst us?"

"These two circumstances considered, it was extremely difficult to draw any certain conclusion from the actions of a people with whose language and customs we were so imperfectly acquainted."

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield 40 minutes to the gentleman from Oklahoma [Mr. GARBER].

Mr. GARBER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GARBER. Mr. Chairman and members of the committee, quite recently I had occasion to address the committee upon the transportation conditions throughout the country, ultimately for the purpose of considering the adequacy of the machinery essential to administration. It is my purpose to approach the consideration of this question with that degree of deliberation essential to the development of constructive relief. Interruptions are invited from any member of the committee which are of a helpful character and which have for their purpose that degree of assistance and constructive thought which the conditions require.

In that brief presentation I called attention to the inadequacy of the machinery of the commission by quoting the criticism of the President of the United States.

As a background for the criticism of the people of the United States we cite the demands of the various organizations representing them.

The Joint Congressional Commission on Agricultural Inquiry in 1921 said:

The transportation rates on many commodities, more especially the products of agriculture, bear a disproportionate relation to the prices of such commodities; there should be immediate reductions in transportation rates applied to farm products and other basic commodities; greater consideration should be given in the future by public rate-making authorities and by the railroads in making of transportation rates to the relative value of commodities and existing and prospective economic conditions. The pyramided per cent advances in rates which have been authorized by the Interstate Commerce Commission or made by the United States Railroad Administration caused the dislocation of long-standing relationships between rates upon agricultural and industrial products, between competitive enterprises and competitive sections of the country.

The United States Chamber of Commerce, November 14, 1923, after lengthy investigation, reported:

It can not be claimed that the railroad freight-rate structure of the United States has ever been organized on a scientific basis, or that it has ever been systematically revised with the purpose of eliminating disparities. The great economic changes incident to and resulting from the war have created additional disparities resulting from horizontal rate changes, from the dislocation of relative price levels, and from increases in labor costs and terminal expenses which have borne with greater weight on some classes of traffic than others. This situation renders a readjustment of relative freight rates of great immediate importance.

The preliminary report of the agricultural conference, January 28, 1925, states:

By reason of the horizontal changes in freight rates during recent years and of greater depression of agricultural products than those of other products during the same period, the raw products of agriculture

are now bearing a relatively excessive cost for transportation. * * * The conference does wish to emphasize at this time its conviction that while adequate service is essential, the welfare of agriculture also demands an early and thorough revision of the freight-rate structure to relieve the raw products of agriculture and livestock from their disproportionate share of transportation costs.

In his message of December, 1923, President Coolidge said:

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

In speaking of agriculture, he said:

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

In his testimony before the House Interstate and Foreign Commerce Committee on the effect of the horizontal increases in dislocating the rate structure and increasing the burdens upon the basic farm products, Commissioner Esch, then chairman of the commission, said:

Horizontal increases resulted in maladjustments because the same percentage of increase applied to the low as well as to the high-priced articles, and the lower-priced articles were less able to sustain that increase than were the high-priced articles. * * * I think that these maladjustments due to horizontal increases have been mitigated to the extent of the 10 per cent horizontal reduction which was made July 1, 1922.

From the very inception of these demands for a reorganization of the rate structure the commission was clothed with initiatory power to revise and readjust rates on its own motion. In fact, Congress made it mandatory on the commission to relieve the commerce of such inequitable conditions.

Section 15 (1) as amended by the transportation act of 1920 provides:

That whenever, after full hearing, upon a complaint made as provided in section 13 of this act, or after full hearing under an order for investigation and hearing made by the commission on its own initiative, either in extension of any pending complaint or without any complaint whatever, the commission shall be of opinion that any individual or joint rate, fare, or charge whatsoever demanded, charged, or collected by any common carrier or carriers subject to this act for the transportation of persons or property or for the transmission of messages as defined in the first section of this act, or that any individual or joint classification, regulation, or practice whatsoever of such carrier or carriers subject to the provisions of this act, is or will be unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, the commission is hereby authorized and empowered to determine and prescribe what will be the just and reasonable individual or joint rate, fare, or charge, or rates, fares, or charges, to be thereafter observed in such case, or the maximum or minimum, or maximum and minimum, to be charged—

And so forth. Paragraph 3 of the same section provides:

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

Paragraph 2 of section 15 A provides:

In the exercise of its power to prescribe just and reasonable rates the commission shall initiate, modify, establish, or adjust such rates so that carriers as a whole (or as a whole in each of such rate groups or territories as the commission may from time to time designate) will, under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment, earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation.

Thus we see that the failure and neglect of the commission to act was not caused by a lack of authority or the neglect of Congress. In fact, Congress said that the commission "shall initiate, modify, establish, or adjust such rates." Yet in the face of repeated demands it failed to act. Its failure became so marked that President Coolidge, in his message to Congress in 1923, said:

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

In his message of 1924 he said:

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

Its continued neglect to act prompted Congress to enact an additional mandate to the commission in 1925 as an emergency measure to reduce the charges against farm products and relieve agriculture. At that time the farmers of the country were in sore and desperate straits. They needed every encouragement and assistance possible. The prices of farm products were low and the rates were extremely high, so high as to absorb all the profits from their production. Here was a method of relief approved by all the farm conferences, the national commerce organization, the President of the United States, and the Congress. And yet more than four years have elapsed without any compliance with the demands of the country and the Congress. It shows such an imperviousness to public sentiment and the imperative needs of agriculture as to prompt the inquiry at once as to its competency to administer.

It is an independent commission. It has no driving head. It is lacking in systematic organization essential to concentration and driving power sufficient to get results. The annual election of a president for one year only, in order that the honor may be passed around among its membership, completely divests it of a driving force at the head essential to the adoption of a policy and the concentration of organized systematic effort for the administration essential for the equitable apportionment of the charges against commerce. Centralized here in Washington, its members move and live and have their being in a railroad atmosphere. Railroad lawyers are constantly before it with their contentions and their arguments and representations. The voice of the country is seldom heard. The breath of the country atmosphere rarely permeates it. Instead of acting as an administrative body for the people, to administer for the people as Congress created it, it now acts as a court, assumes a judicial attitude, and requires the unorganized public to bring cases to it for its disposition.

Confirmatory of this attitude is the testimony given before the House Interstate and Foreign Commerce Committee by W. V. Hardie, Director of the Bureau of Traffic of the Interstate Commerce Commission, who has been such since the organization of the bureau in 1920. In reply to an inquiry as to what an investigation of the rate structure would reveal, he said:

Well, there are, of course, a great many maladjustments of rates as between points. I consider those of much more importance than those between commodities. For example, you will find such discrepancies as one fellow paying 50 per cent more for the same service right in the same territory. Those have been found in this investigation in southern territory which has just been in progress and where the commission is trying to lay down a new plan of rates there that will remove those discrepancies.

In his testimony before the House Interstate and Foreign Commerce Committee, Mr. Hardie said:

Of course, I want to point out that the commission to some extent is, or at least considers itself to be, in the same category as a court. The court may know of a great many evils and things that are extant, but it, to a large measure, considers those that are brought before it in the form of suits, and to a considerable extent that is the way the commission has felt that Congress intended it to function under the interstate commerce act—that anybody who felt that the rates were unreasonable or otherwise in violation of that law was given a court to come to and present his troubles and try to have them corrected, and the commission has been dealing with approximately 1,100 formal cases, as well as a great many others that are adjusted through negotiation—that is my specialty to do that—the commission has been dealing with those as people have complained about them, and naturally it has felt, and, I think, with a good deal of justice, that the ones the people complain about are the ones that must be hurting the worst. Those are the ones we have been directing our attention to primarily.

The discussion through interruptions developed great inconsistencies in the rate structure inconceivable, incomprehensible, unexplainable, inexcusable, and indefensible. It was not my purpose to go into the rates at that time, because I thought the evidence was so overwhelming as to the vicious discriminations filling the rate structure that it needed no authority to be cited or evidence to be adduced to show what everyone concedes and the imperative necessity for reorganization. The ultimate purpose of the presentation was to present a plan to create adequate machinery so as to afford one of the major remedies to assist the farmers of this country.

Farm relief involves not less than three major remedies, viz: First, the preservation of our home markets for our home farmers and the exclusion of foreign products; second, the stabilization of prices of farm products through orderly marketing; and third, a reorganization of the freight-rate structure for the purpose of opening the roads not only to our domestic markets but to the markets of the world where our exportable surpluses must be disposed of. In all of the controversy and in all of the discussion of the farm problem during the last four years this phase of the question has not been presented, viz, the relationship of transportation to the sale of our exportable surpluses in the foreign market. How to dispose of the exportable surpluses of the major farm products in the most economical way with the least loss and the greatest profit, and thus protect the domestic price against the depressing influences of the world price is the most important and difficult factor in the solution of what is called the farm problem.

As a major premise for pursuing that investigation you will have to admit, first, that one of the essential steps in the solution of this proposition is open roads to the markets or roads that are as open to our farmers as they are to the farmers of any competitive country. [Applause.] The farmers of the Middle West and Southwest are under this handicap, a handicap or disadvantage of 7.3 per cent per bushel on wheat going into the markets of Liverpool, and all other exportable surpluses are under the same handicap in the same proportion. How can you expect the American farmer to compete with his competitors in Canada, in the Argentine, in Australia, and in India with the disadvantage of 7.3 per cent per bushel greater transportation costs to the world's market?

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Oklahoma.

Mr. HOWARD of Oklahoma. Has the gentleman comparative figures as to the distance they haul wheat in Canada for the same price that they haul wheat in the United States?

Mr. GARBER. I have such figures, and I will be glad to insert them in the Record. The inquiry is very material and pertinent in the consideration of this question and shows the keen appreciation of the gentleman from Oklahoma. The cost of transportation in Canada is at least 50 per cent less than it is in the United States for the same products.

Mr. McKEOWN. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman.

Mr. McKEOWN. Is there any difference in the freight rate as to wheat transported from Canada through the United States as compared with wheat raised in the United States?

Mr. GARBER. The Canadian wheat only finds a market in the United States, practically, for milling-in-bond purposes. Our 42-cent tariff on wheat is sufficient to protect us against Canadian competition.

Mr. KNUTSON. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Minnesota.

Mr. KNUTSON. All the Canadian wheat that comes into this country is not milled in bond. Much of it goes into domestic flour on account of its high protein content.

Mr. GARBER. Is that after paying the tariff of 42 cents a bushel?

Mr. KNUTSON. I think so.

Mr. GARBER. Then we ought to raise the tariff on wheat. My investigation of the question was not sufficiently in detail to reach that conclusion, but it was sufficient to reach the conclusion that the major portion of Canadian wheat in this country is for milling-in-bond purposes and is then sent on its way to Cuba to take advantage of our preferential market there.

Mr. KNUTSON. Is it not a fact, if the gentleman will yield further, that Canadian wheat milled in bond in the United States has practically displaced in the Cuban market flour made from American wheat?

Mr. GARBER. Yes; absolutely; in the Cuban market. We have purchased our preferential market in Cuba, how? By giving them a preferential in our market, and the milling in bond of Canadian wheat is taking advantage of our preferential market in Cuba because it is admitted there upon the same terms, and as a consequence, as the gentleman has just said, it is displacing 40,000,000 bushels of wheat annually produced by our farmers which could be sold in the form of flour in our preferential market in Cuba.

How shall we proceed to reduce the cost of transportation so as to put our farmers upon an equality in the Liverpool market with the farmers of Canada, Argentina, Australia, and India for cotton as well as wheat? You members of the committee know just as well as I do there is only one way, and that is to reduce the charges on the transportation of the major farm products.

Mr. HASTINGS. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman.

Mr. HASTINGS. Before we get away from this matter of bringing wheat in from Canada and milling it in bond and then exporting it to Cuba, I wonder if the gentleman himself has detailed information as to whether the preferential right to export wheat to Cuba is given to the Canadian wheat milled in bond in the United States?

Mr. KNUTSON. Yes.

Mr. GARBER. That is the interpretation of our treaty and laws by Cuba, and it is being admitted into that market.

Mr. HASTINGS. The general import duty on wheat is 42 cents a bushel, but on wheat milled in bond, what do they pay?

Mr. KNUTSON. Nothing.

Mr. GARBER. Nothing.

Mr. HASTINGS. Then, as I understand, they get around the import duty by bringing it over here and milling it in bond, as you call it, and then exporting it to Cuba?

Mr. GARBER. Yes.

Mr. KNUTSON. If I may interrupt a moment—and Canadian wheat, milled in the United States in bond, goes into Cuba exactly on the same footing as flour made from American wheat.

Mr. HASTINGS. Just one more question. My recollection from looking it up the other day is that we imported about 18,500,000 bushels of wheat from Canada and we exported a little more than 37,000,000 bushels. I want to know if this wheat that is milled in bond is included in this report of the amount imported, namely, a little more than 18,500,000 bushels.

Mr. GARBER. I think not; no.

Mr. HASTINGS. You think it is not included?

Mr. GARBER. I think not.

Mr. HASTINGS. Then the wheat that is milled in bond is in addition?

Mr. GARBER. That is in addition and is separate and apart from that to which the gentleman refers.

Mr. KNUTSON. The 18,000,000 bushels is imported for domestic use on account of its high protein content.

Mr. GARBER. At the request of farm organizations and milling organizations, I introduced a bill to amend our present tariff laws so as to give the producers of wheat in this country our preferential market in Cuba, to which they are entitled and for which we have paid in giving sugar a preferential rate into this country from Cuba.

Mr. McKEOWN. Will the gentleman yield for a question there?

Mr. GARBER. I yield to the gentleman from Oklahoma.

Mr. McKEOWN. The traveling public who have been so much interested in the repeal of the Pullman surcharges, which amount to some \$35,000,000 a year, have been told that the reason they can get no relief is because the rates are to be reduced on the products of the farmers. Does the gentleman know anything about that proposition?

Mr. GARBER. I realize and appreciate and recall, since the gentleman has suggested it, that that has been a controversial question in Congress and in the country for several years; and the roads take the position that if they have to reduce the Pullman surcharges they will be unable to reduce rates. Is not that correct?

Mr. McKEOWN. Yes.

Mr. GARBER. I think before I get through with this hurried presentation I will be able to show every member of this committee that the roads in the Middle West and Southwest could easily reduce their rates on farm products more than 7.3 per cent and still enjoy a net per cent exceeding the 5½ per cent allowed by law; and if I prove to you that the roads would be able to do this, then what objection could anyone have to a reduction of the rates on farm products to the Gulf ports for export in order to put our farmers upon an equality with competing farmers in the markets of the world?

Mr. KNUTSON. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Following out the statement of the gentleman, is it not a fact that several of the northwestern roads made application to the Interstate Commerce Commission for permission to reduce the rates on farm products and were refused such permission?

Mr. GARBER. I think that is the case in several instances; but, mind you, the rates in Minnesota are the most favorable on farm products of any State in the Union. The rates in the Middle West and the Southwest are 60 per cent higher on farm products than the rates in Minnesota, and they are in the same rate-making district. Give us the Minnesota rates and we will be able to put farm products in Liverpool on an equality with every other country in the world. That is all we are asking for.

Now, in order that we may properly appreciate the importance of the equality of rates to the Liverpool market, I want to read

you a short excerpt from a speech delivered by the Secretary of Commerce at that time, now the President elect—

Mr. CONNALLY of Texas. What is the gentleman's name? [Laughter.]

Mr. GARBER. It seems to me that the results of the late election disclosed a wide acquaintance throughout the country with the President elect. [Applause.]

Here is what he said, and I read it for the purpose of showing the mental grasp that he has on the farm problems and that his analysis is not of a hazy, indefinite, uncertain character.

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

Mr. GARBER. I will yield to the gentleman from Oklahoma.

Mr. HASTINGS. My colleague has made a startling statement, and I am sure that it must be correct; but I want to emphasize it by asking this question: The gentleman says that the rates on farm products in Minnesota are 60 per cent less per ton-mile for farm products than anywhere throughout the Southwest.

Mr. GARBER. Yes; I made that statement.

Mr. KNUTSON. May I interrupt the gentleman? Is it not a fact that when Minnesota products cross the State line they become interstate and subject to interstate rates? We do not have any better interstate rates than any other section. The gentleman is talking about intrastate rates.

Mr. GARBER. Yes; in Minnesota, for 50 miles, 100 pounds, the rate is 8 cents; Kansas, 10 cents; Oklahoma and Texas, 11 cents. In Minnesota, 100 miles, the scale is 12 cents; Kansas, 13 cents; Oklahoma, 15 cents. In Minnesota, 500 miles, 19½ cents; Oklahoma and Texas, 33 cents.

Mr. JONES. What does the gentleman say the scale is in Texas?

Mr. GARBER. For 500 miles, the Minnesota rate for 100 pounds is 19½ cents; Kansas, 24½ cents; Oklahoma and Texas, 33 cents.

Mr. HUDSPETH. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman.

Mr. HUDSPETH. The gentleman has given considerable study to the rate question, and I have enjoyed his statement. The question was asked a few minutes ago about this surcharge. Six years ago when we had this matter of repealing the Pullman surcharge up I voted against it, on the ground that if we did not repeal it the freight rates would be reduced. To-day, on a shipment of cattle for a distance of 200 miles the rate is three times what it was 10 years ago. Does the gentleman know of any effort having been made to reduce freight rates since the time that we took up the matter of repealing the surcharge on Pullman fares? The claim was made at that time—and I had petitions from farmers asking that it be not repealed—that if we did not repeal it the freight rates would be reduced. Has there been any effort made to reduce freight rates?

Mr. GARBER. That opens up a big field for discussion.

Mr. HUDSPETH. I have petitions from farmers now coming in asking that we do not repeal the surcharge so that they may get a reduction of freight rates.

Mr. RAYBURN. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Texas.

Mr. RAYBURN. I want to say that I engaged in the argument against the repealing of the surcharge, but it was not on the theory that there would be a reduction of freight rates. It was made on the theory that if we did repeal the surcharge it would increase freight rates.

Mr. HUDSPETH. I take issue with my colleague; I have petitions on my desk saying that if we did not repeal the surcharge that the freight rates would be reduced.

Mr. RAYBURN. I was talking about the argument a few years ago.

Mr. HUDSPETH. That was made at that time to me by farm organizations, and that caused me to change my vote. I intended to vote to repeal it, but I voted against repealing it.

Mr. GARBER. I think it may be fair to state that the argument was used and presented to every Member of the House.

Mr. JONES. I call the gentleman's attention in that connection to the fact that just about that time we passed the so-called Hoch resolution, which directed the Interstate Commerce Commission to investigate the question of reducing those rates. The argument was made frequently that we could not expect favorable action on the Hoch resolution to reduce rates on farm products if we repealed the Pullman surcharge.

Mr. GARBER. I think the gentleman is correct, that a fair statement of the proposition is that the argument was used that if we reduced the Pullman surcharge it would at least minimize

our chances of securing a reorganization of the rate structure on farm products to such a degree as to almost prevent it.

Mr. HOWARD of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. GARBER. Yes.

Mr. HOWARD of Oklahoma. The gentleman started a while ago to tell us about a bill that he introduced, and the effects of it. Will the gentleman take time now to tell us of that bill and the present status of it?

Mr. GARBER. It was not my purpose to call attention to that measure; but just briefly and hurriedly, in passing, the bill prohibits Canadian or any other imported wheat milled in bond from receiving the preferential duties in Cuba. In other words, it recognizes that our preferential treaty with Cuba was purchased by us through additional cost to all of the consumers of sugar in this country and that we are entitled to that market, our farmers are entitled to it.

Mr. HOWARD of Oklahoma. Will the gentleman explain the status of his bill and whether there is opportunity to pass it or not?

Mr. GARBER. The bill has been referred to the House Committee on Ways and Means, and from the wide response received throughout the entire West and Southwest I believe that it will receive favorable consideration from the committee at the proper time. When enacted, it will insure to our wheat growers an additional home market for about 40,000,000 bushels of wheat, and that will help solve the problem in farm relief of the exportable surplus. What did the President elect say when he was Secretary of Commerce in regard to the exportable surplus? I read from his speech:

I can possibly make this problem of economic shifts more clear by example. A great part of agriculture which competes with our farmers lies to a considerable degree in Argentina, Australia, eastern Europe, and India. Those agricultural areas are all nearer seaboard and their ocean rates to the common markets remain the same as pre-war, while our rail rates to seaboard on wheat, for instance, have increased about 8 to 18 cents per bushel.

Therefore foreign farmers reach European markets at a less cost in proportion to pre-war than can our mid-west American farmer. In actual figures the competing farmers from the Argentine, for instance, have felt an increase in rates of only 2 cents per bushel.

I believe there is general agreement that the cost of transportation is a deduction from the price the farmer receives at the world's markets—and, besides that, the price at which he realizes his surplus in foreign and seaboard markets makes the price of his whole product at home so that the effect of increased transportation rates to these markets is far greater than the bare amount as applied to exports only.

It is an enormous sum when applied to our crops, and is one of the contributing causes of the farmer's postwar difficulties.

You see the mental grasp of the proposition exhibited by our President elect that it not only has to do with the price of the exportable surplus disposed of but reflects back to the domestic market and depresses the price of the whole crop. That is the proposition, and that is what he lays down in this speech from which I am quoting.

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

Mr. GARBER. The gentleman from Minnesota is recognized for his thorough knowledge of farm questions and his high ability as a member of this committee. I gladly yield.

Mr. KNUTSON. It is generally agreed that we are selling our wheat now at the world markets, and will continue to do so as long as we have a surplus. With the completion of the Hudson Bay Railroad, we may look for a further reduction in the world market price for wheat. Does not the gentleman think that the enormous amount of wheat being brought from western Canada nearer to the seaboard will have that effect?

Mr. GARBER. Yes.

Mr. KNUTSON. And the building of the new railroad up there will work further injury on our wheat farmers.

Mr. GARBER. The gentleman is right. So that the necessity for a reduction of the charge against farm products becomes imperatively necessary to enable our farmers to sell their surplus products in the world's markets in competition with the increased production.

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

Mr. GARBER. Yes.

Mr. MORGAN. From the standpoint of transportation for export, there is not much prospect of any relief to the farmer except through the development of the St. Lawrence waterway, is there?

Mr. GARBER. In view of the interminable and inexcusable delay, almost to the extent of refusing to administer, I am willing to say that the gentleman is right in his suggestion.

Mr. HOWARD of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. GARBER. Yes.

Mr. HOWARD of Oklahoma. Along the line of the suggestion made by the gentleman about the development of the St. Lawrence waterway, does not the gentleman's statement take into the farm-relief matter the development of our inland waterways?

Mr. GARBER. I do; but it is going to take 25 years to materialize on the inland-waterway situation.

Mr. HOWARD of Oklahoma. I spoke of the St. Lawrence waterway.

Mr. GARBER. The gentleman from Oklahoma is right. We favor the program, but it is a long-time one. The farmers have waited now for a period of seven years for a reorganization of the rate structure, which every authority has said was imperative and necessary.

Mr. MORGAN. Will the gentleman yield again?

Mr. GARBER. I will.

Mr. MORGAN. Is it possible to reduce the rate structure in favor of agriculture without preferential rates?

Mr. GARBER. Yes. I will answer the gentleman's question right now. The reason is this: In 1920 there was imposed upon the commerce of the country horizontal increases on an average of 33½ per cent, and those increases fell with crushing effect on farm products, because the major farm products move in carload commodity lots with the long haul, so that the increase was just as great upon a bushel of wheat selling for \$1 as it was upon a silk gown selling for \$50. That is why we say that the rate structure should be reorganized, that it was displaced by these horizontal increases which so inequitably increased the transportation burdens against farm products.

Mr. MORGAN. The benefits farmers could receive out of the readjustment of the rate structure will be principally on the export business.

Mr. GARBER. No; not necessarily.

Mr. KNUTSON. On interstate business.

Mr. GARBER. The major benefit of the reduction of the rate upon the export surplus in the Liverpool market to an equality with that of the producers of other countries will be to secure to our farmers the full benefits of protection in the domestic market.

Mr. ALLEN. Will the gentleman yield?

Mr. GARBER. I will.

Mr. ALLEN. I desire to ask this question with reference to this very important subject which the gentleman has so well presented this morning.

Mr. GARBER. I thank the gentleman.

Mr. ALLEN. What is the attitude of our Interstate Commerce Commission that has cost this Government so many millions of dollars and is considered an important arm of our Government? Can the gentleman give us a little information along that line?

Mr. GARBER. I shall be very glad, indeed, to address myself to the very pertinent question of the gentleman from Illinois. In face of the repeated demands for a reorganization of the rate structure for freight to reduce the charges against farm products, the delay of the commission for a period of six years in affording the farmers such relief can only be construed as an attitude of indifference to their needs. In the five years' delay since President Coolidge called its attention to the necessity of relieving farm products from the burdens of horizontal increases, and since the four years has elapsed since Congress, by special mandate, ordered the commission to act, the lack of administration by the commission, either from its indifference or inadequacy of machinery, clearly appears.

Mr. KNUTSON. Will the gentleman yield?

Mr. GARBER. I will.

Mr. KNUTSON. Carrying the thought expressed by the gentleman from Illinois, is it not a fact that the Interstate Commerce Commission has invariably refused the requests made by railroads for a reduction of rates—for instance, coal from the southeastern territory and wheat from the northwestern territory?

Mr. GARBER. That may be true. But you must recognize that the commission must have the right and power to fix minimum rates as well as maximum rates in order to preserve a rate level equitable to every section of the country.

Mr. KNUTSON. The thought is that the commission, on the whole, has not been favorable to the reduction of rates.

Mr. GARBER. It required less than six months to impose the horizontal increases to help the roads; more than six years have elapsed without material reductions to help the farmers.

Mr. MORGAN. Did the gentleman read in the press this morning of waterways as one of the five propositions for legislation which the President elect mentions? Do you agree with him as to the waterways?

Mr. GARBER. Yes; as a material number on a long-time program.

Mr. MORGAN. Waterways as one of the main benefits we will derive from the readjustment of rates? I mean the inland and St. Lawrence waterways.

Mr. GARBER. That is a long-time program for agriculture. We must have assistance in the disposition of the exportable farm surplus now.

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

Mr. GARBER. I yield.

Mr. ALLEN. You have in mind a remedy for the present?

Mr. GARBER. Yes; a remedy for the present; and God knows the farmers of this country, after waiting for seven or eight years, are entitled to it. [Applause.]

Mr. MORGAN. Mr. Chairman, will the gentleman yield again?

Mr. GARBER. Yes.

Mr. MORGAN. I came in late and did not hear all the gentleman's remarks. Has the gentleman dealt with this question of a specific remedy in the readjustment of the rate structure?

Mr. GARBER. I am just about to present such remedy.

Mr. MORGAN. What does the gentleman propose as an immediate means of relief?

Mr. GARBER. The present system is wrong. It is a make-shift. It is exercising legislative power never delegated by Congress. It is not giving the people the quality of service demanded. The examiners may be good fellows, alright, but there is a vast difference between good fellows and good judges.

The system is not representative, responsible, nor efficient in the public interest. It is too slow, tortuous, painful, costly, unwieldy, and cumbersome, trailing along too far behind in its administration to afford relief when needed anywhere, any time during this generation or the next. Its service is of value only to those interested in the preservation of existing conditions. It is doing that work well.

The power to fix rates is equivalent to the power to tax the rail commerce of the country. Rates on commerce determine its flow; they determine the amount of profit or loss to the producer, whether an industry or section of country shall flourish or languish, shall prosper or perish.

With a commission exercising the power to levy this tax, every section of the country is entitled to have its equal representation on its membership. The law should be amended so as—

(a) To require the President in all future appointments to fill vacancies on the commission with due regard for such representation.

(b) To effect a reorganization of the commission. Its administration should be decentralized. Its membership of 11 is too large to act collectively. The commission should redelegate its power to any individual member subject to review on appeal by a division of five members.

(c) To require the commission, through one of its members, to hold annual sessions at convenient places in each of the four group rate-making districts of the country.

With the power of the commission thus delegated and exercised by one of its members, the holding of such annual sessions would provide a convenient tribunal for the hearing of complaints and their prompt disposition for the people of every section of the country. Instead of compelling litigants to come to Washington, it would provide an agency in their midst for their convenience. Such procedure would require a commissioner to hear the evidence in person and supervise the proceedings so as to bring into the record all the evidence of which the case was susceptible. It would provide the process of the elimination of cases through appeal, the same as we now have in civil procedure, and relieve the congestion in the appellate division at Washington. It would more than double the efficiency of the commission. It would be representative and more satisfactory to the people. It would restore their confidence in its sincerity and efficiency. In time it would enable the appellate division to currently administer its duties as the Supreme Court now administers and enjoy in equal degree the confidence, the respect, and appreciation of the country.

Mr. MORGAN. That is outside the realm of the Interstate Commerce Commission.

Mr. GARBER. No; it would not be. Commissioner Esch, in his testimony before the House Committee on Interstate and Foreign Commerce, said that the horizontal increases dislocated the rate structure and put the burden on agricultural products. I want to read to you what Secretary Hoover said on that question. Secretary Hoover said, in substance:

It tore our rate structure to pieces.

I read from his testimony, given before the House Committee on Interstate and Foreign Commerce:

The net result is that we have entirely torn our rate structure to pieces in this country by virtue of what we have done in the last eight years.

He further says that it is a "hodgepodge." There is no consistency in it.

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

Mr. GARBER. I ask for additional time.

Mr. WELSH of Pennsylvania. How much more time would the gentleman like to have to complete his argument?

Mr. GARBER. Twenty minutes.

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield 20 additional minutes to the gentleman from Oklahoma.

Mr. GARBER. I thank the gentleman from Pennsylvania for his courtesy.

The rate structure is made up of rates, made by whom? Why, by the railroads in the competitive days when they fixed the rates and took the rebates and the refunds and fixed their preferentials and differentials and their discriminations and exercised such authority so oppressively and arbitrarily that they shocked the people of the country into action which resulted in wresting the control of rate making from the roads. There has never been a reorganization of the rate structure.

Mr. McKEOWN. Mr. Chairman, will my colleague yield?

Mr. GARBER. Yes.

Mr. McKEOWN. Before the gentleman goes into that, I want to ask him a question for information. Can the gentleman, as a member of the committee, tell us why, in the shipment of hogs to market, the hogs shipped by railroad always bring a higher price than the same class of hogs shipped by truck? In the market in Oklahoma City there was 40 cents difference between railroad-hauled and truck-hauled hogs. Why is that?

Mr. GARBER. I would be glad to have the gentleman from Oklahoma give us such information.

Mr. McKEOWN. I do not know why it is, but I know hogs shipped by railroad bring a higher price than those shipped by truck. It is the same with milk. They will pay more for milk shipped in by train than by delivery wagons.

Mr. GARBER. That is probably one of the practices of the market. If it is so, it is to be deplored.

Mr. MORGAN. Mr. Chairman, will the gentleman yield for one more question?

Mr. GARBER. Yes.

Mr. MORGAN. Have you investigated the disadvantages we suffer in the Liverpool market on wheat and flour?

Mr. GARBER. I have. I made the statement here to-day that the mid-west and southwest farmers are at a disadvantage of 7.3 per cent on every bushel of wheat delivered in the Liverpool market, and on every other basic farm commodity in proportion. The roads in the Middle West and Southwest are the Atchison, Topeka & Santa Fe system; the Chicago, Burlington & Quincy system; Chicago, Rock Island & Pacific system; the St. Louis & San Francisco system; the Missouri, Kansas & Texas system; the Missouri Pacific system; Kansas City Southern system; Midland Valley; Houston & Texas Central; Texas & Brazos Valley; and Kansas City, Mexico & Orient system. Miles operated, 56,488.6.

Now, then, these roads originate farm products in the Middle West and Southwest and carry them to export ports of Galveston and New Orleans.

I will insert a table comparing the Oklahoma, Kansas, and Nebraska rates with the Canadian rates.

Mr. MORGAN. Is that for export?

Mr. GARBER. For export; yes.

Comparison of rates on wheat from producing points in United States hard winter wheat producing territory to Galveston for export, with Canadian pass rates for like distances

From	To Galveston			
	Route	Miles	Present rate	Canadian rate
NEBRASKA				
Lincoln.....	4	1,009	42.5	23
Tecumseh.....	3	1,131	42.5	25
York.....	3	1,132	48.0	25
Fairmont.....	3	1,123	48.5	25
Beatrice.....	4	969	46.0	23
Thompson.....	3	1,093	47.5	24
Superior.....	1	933	50.0	23
Hastings.....	2	1,145	51.0	25
Alma.....	3	1,210	51.0	26
Holdrege.....	3	1,217	51.0	26
McCook.....	3	1,282	53.0	26
Total.....		12,244	531.0	271
Average.....		1,113	48.3	25

Comparison of rates on wheat from producing points in United States hard winter wheat producing territory to Galveston for export, with Canadian pass rates for like distances—Continued

From	To Galveston			
	Route	Miles	Present rate	Canadian rate
KANSAS				
Marysville.....	4	932	43.5	23
Belleville.....	4	996	47.0	23
Smith Center.....	7	1,039	48.0	24
Norton.....	7	1,103	49.0	24
Colby.....	5	1,064	50.0	24
Concordia.....	1	893	47.0	22
Downs.....	6	1,413	47.5	30
Lenora.....	6	1,498	48.0	31
Horton.....	1	951	42.5	23
Topeka.....	1	851	42.5	21
Manhattan.....	4	903	43.5	22
Salina.....	1	860	45.0	22
Hays.....	5	963	48.0	23
Emporia.....	1	769	44.5	20
Marion.....	1	770	44.5	20
McPherson.....	1	807	45.0	20
Great Bend.....	1	831	45.0	21
Scott City.....	1	951	46.0	23
Eureka.....	1	767	44.0	20
Wichita.....	1	722	44.0	19
Kingman.....	1	756	44.5	20
Hutchinson.....	1	779	44.5	20
Pratt.....	1	791	45.0	20
Dodge City.....	1	900	47.0	22
Coolidge.....	1	1,016	47.5	24
Winfield.....	1	684	43.0	18
Arkansas City.....	1	672	43.0	18
Rago.....	1	739	44.0	19
Kiowa.....	1	700	44.0	18
Englewood.....	1	814	46.0	20
Liberal.....	7	1,084	47.5	24
Total.....		28,038	1,405.5	678
Average.....		904	45.3	22
OKLAHOMA				
Elk City.....	9	673	35.0	18
Texola.....	10	712	36.0	19
Alva.....	8	694	36.0	18
Woodward.....	8	822	36.0	21
Shattuck.....	8	806	36.0	20
Ponca City.....	8	646	36.0	18
Oklahoma City.....	8	551	33.0	17
Medford.....	8	689	36.0	18
Enid.....	8	639	35.0	18
Cherokee.....	8	680	36.0	18
Clinton.....	9	645	35.0	18
Total.....		7,557	390.0	203
Average.....		687	35.0	18.5

It will be observed from this table that the wheat rates to Galveston from 11 points in Nebraska are 192.2 per cent of rates for similar distances in Canada; that the rates charged from 31 representative points in Kansas are 205.9 per cent of rates charged for similar service in Canada; while from 11 representative points in Oklahoma, the rates are 189.2 per cent of the Canadian rates, making an export rate to Liverpool of 31 cents per bushel for wheat. Taking Kansas, for example, the effect of this situation is to make an average rate of 27 plus cents a bushel for the railroad service to Galveston, and the average rate from the Gulf ports to Liverpool or other North European ports is taken as 11 cents.

Mr. BROWNE. Will the gentleman yield?

Mr. GARBER. I yield.

Mr. BROWNE. Does the gentleman think the lower Canadian rates are caused by the fact that the Canadian National Railroads are owned and operated by the Government, and that those lower rates compelled the Canadian Pacific to lower its rates?

Mr. GARBER. I think so; yes. I think that is true. The Interstate Commerce Commission voluntarily published a brief to show that our roads could not compete with the Canadian roads and the reasons given were, first, because of taxes, second, because of land subsidies, and third, because of less labor costs, all of which were absolutely untenable.

But I have not the time to enter into a discussion of that proposition. I want now to call your attention to these figures. The freight revenue for 1926 on these roads totaled \$826,362,834; the operating revenue totaled \$1,077,188,914; the net operating revenue was \$225,146,036; and the income necessary to give the legal return of 5% per cent under the Interstate Commerce Commission's valuation was \$187,230,819. The excess income above that fair return on these roads was \$38,915,217, or a rate of earning upon the Interstate Commerce Commission's valuation of 6.91 per cent. We export 50,000,000 bushels of wheat from the Mid West and Southwest an-

nually. Reduce the freight rates to the extent of 7.3 per cent per bushel and you have open roads to the Liverpool market, an equality in that market for our own farmers without jeopardy to a net return of 5% per cent to the roads.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. GARBER. Yes.

Mr. SUMMERS of Washington. The Hoch-Smith resolution was passed, I believe, in 1925.

Mr. GARBER. That has been four years ago—but no relief. Now, then, in view of the continued failure to act upon this, the most important question in this country, what conclusion can you reach? I reach the conclusion that it is because of the inefficiency of the commission, probably caused by lack of adequate machinery. The commission is overloaded; its machinery has broken down to the extent that it is inefficient for the purposes for which it was created. [Applause.]

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Washington.

Mr. SUMMERS of Washington. Does the gentleman have in mind or has he looked into the bill which I introduced on February 5 for the purpose of speeding up the work of the Interstate Commerce Commission? We had in mind, in trying to secure this legislation, relief of congestion at the top in the Interstate Commerce Commission, so as to permit single members or delegated employees to pass on minor cases, so the commission might speed up the work on the big and important decisions that they must render. In the Pacific Northwest we have had hearings, and very extensive hearings, and we are very anxious to get results out there the same as the gentleman is in the Southwest.

Mr. GARBER. Have you not received results in the Northwest?

Mr. SUMMERS of Washington. We have not.

Mr. GARBER. And the Hoch-Smith resolution passed more than four years ago, and the farm demand having been made as long as seven years ago?

Mr. SUMMERS of Washington. Has the gentleman in mind a Senate bill which proposes to repeal the Hoch-Smith resolution and further gum up the machinery? I think we had better look into that somewhat.

Mr. GARBER. I recall there is such a bill pending.

Mr. HASTINGS. Will the gentleman yield further?

Mr. GARBER. I yield to the gentleman from Oklahoma.

Mr. HASTINGS. What I gather from the very splendid address my colleague has made is that we are not so much in need of additional legislation as we are of a more sympathetic administration and a more expeditious administration of the affairs under the Interstate Commerce Commission.

Mr. GARBER. That is true, but I have reached the conclusion we can not secure that without additional legislation setting up machinery.

Mr. HASTINGS. The gentleman means additional machinery?

Mr. GARBER. Yes; additional machinery and decentralizing the administration that we now have.

In reply to the gentleman from Washington [Mr. SUMMERS] I am going to take up the question of machinery, because I have prolonged this discussion too much now.

The gentleman's suggestion includes this inquiry: Would I favor a delegation of power to employees? Is not that correct?

Mr. SUMMERS of Washington. In certain cases.

Mr. GARBER. Yes; in certain cases, a delegation of power to employees.

Mr. SUMMERS of Washington. But subject to review always by the commission or subject to appeal.

Mr. GARBER. Yes; that means, does it not, a delegation of the power of decision.

Mr. SUMMERS of Washington. Certainly.

Mr. GARBER. The power of decision in controversial matters.

Mr. SUMMERS of Washington. Yes; it might be as to whether the freight charge had been right on a single car from one town to another town 50 miles down the road.

Mr. GARBER. Yes; but in controversial matters.

Mr. SUMMERS of Washington. Where the whole commission should not be involved.

Mr. GARBER. And that would involve the exercise of what power? It would involve the exercise of the power with which the Constitution clothes you as a Member of the House, the legislative power of this country. Now, do you want me to say that I am willing to delegate such power to employees, unknown, to exercise the power that the people have clothed the Members of this House with? I hesitate to accede to such a request.

The CHAIRMAN (Mr. HOCH). The time of the gentleman from Oklahoma has again expired.

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield 15 additional minutes to the gentleman from Oklahoma.

Mr. GARBER. I hesitate to accede to that request.

Mr. SUMMERS of Washington. Will the gentleman permit me to say that if the commission is to hold hearings and decide on every question, big and little, we are going to have worse congestion all the time, because things are piling up down there all the while, and this is an effort to get decisions in important cases.

Mr. GARBER. There is not any question about the purpose of the gentleman from Washington. It is a purpose that is to be commended and supported by everyone, but as to whether or not the remedy, the machinery the gentleman sets up, is sufficient, I am loathe to say without further investigation.

Mr. SUMMERS of Washington. I believe on further investigation the gentleman will think well of this effort.

Mr. GARBER. Now, here is the machinery that I set up to expedite the administration of the commission. It requests authority to delegate the power of the commission to an individual member, subject to review on appeal. I have introduced a bill which grants such authority; it authorizes the commission to delegate its power to an individual member of the commission, subject to review on appeal.

I go further than that and I make it compulsory on the commission to hold annual sessions in each one of the four group rate-making districts through one of its members exercising the power of the commission, subject to review on appeal.

What would this do? It would set up a convenient tribunal, convenient to the people for the administration of their complaints. Why should the people of the Pacific coast be compelled to travel 3,000 miles or more to present a complaint for a rate violation? Why should not the Congress exercise its function and perform its duty in setting up machinery convenient to the people?

Mr. MILLER. Would it interrupt the gentleman if I asked a question?

Mr. GARBER. I yield to the gentleman from Washington.

Mr. MILLER. Is it the gentleman's idea that the decisions of these members of the commission that hold regional hearings shall go into effect immediately, subject to subsequent review?

Mr. GARBER. Yes; just like other decisions—

Mr. MILLER. They would go into effect immediately?

Mr. GARBER. Yes; the gentleman is right. Now, what would this machinery do? This machinery would take four members of the commission and put one in each of the group rate-making districts in the country, leaving seven members here at Washington. It would put one of the commissioners in each of the four group rate-making districts, require annual sessions to be held, and make their decisions subject to review on appeal.

Mr. ARNOLD. Will the gentleman yield?

Mr. GARBER. I yield.

Mr. ARNOLD. Is it the gentleman's idea that the members in Washington would be purely an appellate tribunal, without any original jurisdiction?

Mr. GARBER. It would have both original and appellate jurisdiction for all purposes.

Mr. ARNOLD. And that tribunal would prepare the general policy to be followed by the regional districts?

Mr. GARBER. It would. The commission is too large. It should be reorganized. Four members should hold annual sessions, one in each of the group rate-making districts of the country, leaving seven here at the Capital, five of whom would be sufficient to act as an appellate division, in addition to exercising original jurisdiction, leaving the other two members to conduct and supervise the work in valuations and the other more important fields of commission activities. Such would give us the machinery. It would double the capacity of the commission. It would be more satisfactory; it would be more representative of the people; it would be more responsible; it would be more efficient in administration.

Mr. SUMMERS of Washington. Does the gentleman mean that one commissioner should sit or that four should sit?

Mr. GARBER. One should sit in each district, exercising the power of the commission, subject to review on appeal. [Applause.]

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

Mr. WELSH of Pennsylvania. Mr. Chairman, I now yield to the gentleman from Vermont [Mr. Gibson].

Mr. GIBSON. Mr. Chairman, the gentleman from Massachusetts [Mr. DALLINGER] during the general debate on the naval appropriation bill made a clear statement of the present parliamentary situation of the so-called retirement bill, S. 1727.

It was only just and fair to the members of the Committee on the Civil Service, who labored long and faithfully on the proposed legislation, that the statement should be made.

Restated briefly, the facts are as follows: Hearings were held by the committee, the bill was reported favorably by unanimous vote; it took the usual course; the Rules Committee granted a rule, and the rule which was reported is still pending. The chairman of the Rules Committee can call the measure up for action by the House.

It is not my purpose to criticize any Member of the House for taking such action as his good judgment dictates, but here is a matter in which a controlling number of the Members are vitally interested. I am backed by a large majority in begging the chairman of the Rules Committee to permit a vote on this proposal. The question of the passage of this legislation has been before the House for practically the whole session.

Retirement for civil employees of the Government is not a new idea. It has been in successful operation for years by some of the leading governments of the world, and on a more liberal basis than is here proposed. It is in use by several of the States, by leading municipalities, such as Boston, New York City, Chicago, Philadelphia, and San Francisco; by banking and other business enterprises, and with much more liberality of provisions than have even been suggested for our Government employees.

The first law for our classified civil-service employees was passed in 1920. It was liberalized in 1926 by increasing the maximum annuity from \$720 to \$1,000 and raising the average annuity from \$540 to \$733. The contribution of the employees was increased from 2½ to 3½ per cent, which, in fact, paid the increased cost by reason of the benefits under the last amendment and reduced the Government's cost \$29,000 annually, a questionable liberalization.

But this was not enough and not entirely fair to those who have spent the better portion of their lives in the Government service and until unfit to earn a livelihood in other work.

The United States Civil Service Commission in its last report recommended optional retirement after 30 years' service at 60 years of age. The commission well said it would make the system "flexible and humane" and cure abuses now existing.

The bill as reported by the committee offers optional retirement, cuts the optional ages by two years, increases the maximum annuity from \$1,000 to \$1,200 and the average annuity to about \$820.

It is urged that these changes would add to the cost to an extent that the Government could not afford it. This argument is based on estimates of actuaries who have been consistently wrong. When the act was first passed we were told that the fund would be exhausted in 10 or 12 years. The fact is that it has risen to over a hundred million dollars, only nineteen million of which has been appropriated by the Congress. This fund (except as to the nineteen million just referred to, has come from contributions of the employees. The fund has not only taken care of all demands upon it but has actually accumulated a surplus of \$83,000,000 aside from the Government contribution.

There is, of course, a theoretical liability upon the Treasury. The present ratio of normal cost is estimated at 3.98 per cent of the pay roll, of which the employees now contribute 3.50 per cent. The balance of 0.48 per cent rests on the Government. Under the proposed amendments the normal cost to the Government would be increased to 1.18 per cent, a small amount when compared with the benefits to be derived by the Government and its employees.

There is another element of cost that is sometimes misunderstood and that is the "accrued liability." When the law went into effect in 1920 employees then in the service and due to retire before the expiration of 30 years were not able to pay over the whole period. In the beginning this cost, 3.70 per cent of the pay roll, must be borne by the Government. This cost constantly decreases, as the employees contribute in increasing periods before retirement.

All of the cost, however, is offset by increased efficiency through the turnover in personnel. Mr. McCoy, the Government actuary, estimated this efficiency saving at 5 per cent, and Doctor Brown, of the Bureau of Efficiency, estimated the saving at slightly more than 6 per cent. Balancing this against the cost resting on the Government, it will be seen that the Government is the gainer through the operation of a liberalized retirement system.

Stated in another way, under the present law the Government pays 3.70 per cent on the pay roll for the accrued liability because of the fact that none of the employees have been able to pay into the fund for 30 years. This liability constantly decreases for 30 years when the normal cost alone prevails.

As an offset the Government saves more than 5 per cent because of increased efficiency caused by retiring an old man and employing a young man in his place. This is an investment that grows better every day, because after 30 years only the normal cost will prevail, of which the Government pays less than 0.50 per cent, while the employees pay 3½ per cent.

Under S. 1727 the Government would pay 1.18 per cent and the employees 3½ per cent of the normal cost, while the saving to the Government continues to the end of time. This is the entire proposition of cost before the House in the pending bill.

A majority of the Members of the House have expressed themselves as favorable to the legislation, and yet we are unable to get action. The functions of the House as a body representing the people are involved. The legislation is urgently demanded. I ask the leaders to permit the proposed legislation to come to a vote that we may all pass upon it in the light of our best judgment and not be compelled to go back to our people and explain that it is possible in their legislative body for a small group to prevent the consideration of legislation.

It is not in a spirit of criticism that the attention of the House is called to this matter, but in the interest of orderly legislation. We who are in favor of the bill are bound to do whatsoever we can to secure favorable action.

A petition addressed to the Speaker, the majority leader, and the chairman of the Rules Committee and the members of the steering committee and signed by more than 250 Members of the House has been signed, asking for consideration of the bill at this session.

Again we beg of the leaders an opportunity to pass judgment on this proposed legislation.

Mr. SANDLIN. Mr. Chairman, I yield 25 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Chairman and members of the committee, the subject that I am going to discuss is quite different from the full and able speech which has just been rendered by the distinguished Member [Mr. GARBER], who has just preceded me and which I found very interesting. I might say in passing that I have listened to the gentleman on two different occasions and his profound knowledge of the subject that he has discussed has made a marked impression upon me.

One of the most important questions remaining to be determined before this session of Congress is over is what action will be taken from the repeal, deference, or going into operation of the national-origins clause of the immigration law of 1924. The interest in this question is not confined to any one section of our country; neither is it confined to any one of the so-called nationals that constitute our inhabitants. The action of Congress on this question is being watched closely.

At the outset it must be borne in mind that the controversy over the national-origins clause of the immigration act has been misrepresented so as to be made to appear a controversy over increasing or decreasing numerically the number of immigrants that can come to this country. This misrepresentation is very unfortunate because it gives a false statement of facts. The repeal of the national-origins clause has nothing to do with the question of the number of people that shall be permitted to come here each year. The effort to repeal the national-origins clause has been characterized as an attack upon the immigration law of 1924. It is nothing of the kind. It is, in fact, an effort to prevent the law from being ridiculous.

The national-origins clause is a part of the immigration law of 1924. Nobody seems to know its real parenthood, although one John B. Trevor, of New York City, who was a captain in the Intelligence Department of the Army, detailed in New York City during the war, appears to claim the credit for it.

I have heard that the Ku-Klux Klan claims the credit for conceiving it and securing its adoption as an amendment to the immigration law. I am satisfied, however, that their only knowledge of it was after its adoption in the Senate in 1924, as an amendment to the bill that passed the House, and that thereafter the Ku-Klux Klan used it as a means of trying to carry out its purposes by attracting additional members to its ranks. It seems rather hard for me to believe that anything that such an organization might sponsor would receive the favorable consideration of either or both branches of Congress.

It appears from the records of the hearings of the House Committee on Immigration and Naturalization which reported the 1924 immigration law that the national-origins clause received little, if any, consideration from the committee. It is quite probable—and so far as I can find it is a fact—that it was not presented to the committee for consideration. In any event, when the bill was reported to the House it was not a part thereof, and during debate an amendment was offered in the House which included in substance the provisions of the

present law. The amendment was rejected. The House later passed the bill, and while under consideration in the Senate Senator REED of Pennsylvania moved the amendment which inserted the present national-origins clause into the bill. Upon its return to the House it was sent to conference, and the House conferees recommended the adoption of the amendment, which action was taken. Whether or not it is correct, I am informed this amendment was reluctantly accepted by the House in order that the whole bill might not fail of passage.

As I have said before, this is to my mind one of the most important questions that confront us to-day, particularly in view of the fact that we have only a few weeks left in this session of Congress, and during which period it is essential that some affirmative action be taken in order to prevent the operation of this particular clause. To prevent its operation affirmative action must be taken by Congress. There are two ways in which we can take affirmative action, and when I say we, of course I refer to both branches of Congress. One is by joint resolution deferring its operation and the other is by enacting necessary legislation to repeal its provisions. The other procedure that we may employ is the passive, inactive negative, do-nothing method, as a result of which, in accordance with the ruling given by the Attorney General, as I understand it, the President of the United States is compelled on or before April 1 of this year to proclaim the provisions of this clause to be in operation. This means that the quotas established thereunder by the President's commission will become operative July 1, 1929.

That President's commission to which I refer was made up of the Secretary of State, the Secretary of Labor, and the Secretary of Commerce (now President-elect Hoover), and they in turn each appointed two members of their respective departments as a joint committee to make a more thorough investigation of the matter.

I realize that men have different opinions and different views on this question. I appreciate the fact they have the right to entertain their views if they are honestly arrived at, and naturally every Member of this House arrives at honest views, so far as my opinion is concerned. I do not use the above language with the intent that you might infer that I have any feeling to the contrary, because you, like myself, are actuated by a desire to render that degree of public service in this body which you feel the best interests of the country demand and which is in accordance with your conscience. [Applause.]

I also considered it my duty to vote as my conscience dictated on any matters which came before any legislative body of which I was a member, and the question of party affiliation never influenced me unless a party principle or responsibility was involved. In that case I followed, and will follow, the principles enunciated by the Democratic Party, because the incorporation of them into law will be for the best interests of the people.

It is my belief that a public servant should represent all elements and political creeds in his district. So, in approaching this question, let me say that I recognize that men in both political parties differ and differ honestly.

I am going to try to impress upon you the fact that the basis of the determination, as provided in the national-origins clause, so-called, is almost impossible of ascertainment. It is left to the field of conjecture.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. McCORMACK. I will.

Mr. DICKSTEIN. Is it not a fact you have to go back 300 years to determine the statistics as to national origin?

Mr. McCORMACK. Yes.

Mr. DICKSTEIN. And is it not a fact we have not the statistics available?

Mr. McCORMACK. Exactly. That is in part correct. The basis prescribed by this clause for the establishing of quotas of countries affected has as its object a definite purpose which is unfair and discriminatory, and a reflection upon elements of past immigrants, now Americans, some for many generations, that have contributed so much toward the building up and progress of our country. The basis for computation is also uncertain and leaves the calculation, whichever it may be, to the field of conjecture. The clause provided a method of calculation which is incapable of ascertainment without resort to guesswork. Any such basis is bound to result in quotas which will be discriminatory, if not insulting, in their character. A careful examination of testimony presented to different committees, also books written by some of the proponents, and addresses made on different occasions by some of them justify the assertion that the underlying motive is un-American.

If we are going to establish an immigration policy, let it be definite. Let it be certain. The expression of the principle should be definite and certain, whether it be a closed immigra-

tion policy, a restrictive immigration policy, or a partially restrictive policy as set forth in the 1924 act.

Let it be definite and certain, but not left to uncertainty; and let both branches of Congress determine with certainty not only the expression of the principle we believe in, but with certainty as to the quotas the different quota countries shall be entitled to. Not only does Congress, by permitting the national-origins clause to go into operation, evade the duty of making the quotas themselves, but it passes the responsibility to the President's commission, composed of three Secretaries, and they in turn pass it on to Doctor Hill and his associates.

I might say at this time that I intend to follow the suggestion made by Governor Smith in his statement after the last election, in which he urged the Democratic Members of Congress to support President-elect Hoover during his term of office on all legislation that relates to the general welfare and progress of the people.

Mr. DENISON. Mr. Chairman, will the gentleman yield there?

Mr. McCORMACK. Yes.

Mr. DENISON. I hope at some not distant time the gentleman will inform the House what the fundamental principles of the Democratic Party are.

Mr. McCORMACK. I think those fundamental principles are so well known that the average man knows them, but I shall be glad to enlighten the gentleman out in the lobby some time.

The first indication of the unreliability and uncertainty of the basis of determination as provided in the national-origins clause was the postponement of its operation until July 1, 1927, in order that the quotas might be established. In order to regulate immigration up to the going into effect of the national-origins clause it was provided in the 1924 act—

that the annual quota of any nationality shall be 2 per cent of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be 100.

This, like the national-origins clause, only governed quota countries. The practical operation of the present law meant that 164,000 immigrants constituted 2 per cent of our foreign-born population as of 1890, and were allotted among the several European countries in accordance with the terms of this provision. Whether one believes in the policy of restrictive immigration or not, there is no question but what the original provision is at least definite and certain in its theory and operation. While the national-origins clause is certain as to the number of immigrants admissible each year from Europe, which is 153,000, every other provision thereof is unreliable, uncertain, and therefore inequitable.

This would be particularly so in its operation, if it ever goes into effect. I want to call to the attention of the Members that in accordance with the provisions of the national-origins clause the Secretaries of State, Commerce, and Labor, as a joint board, each appointed two representatives to try and perform the impossible task therein provided. It is fair to infer from all correspondence made by them that they approached this task with the realization of its difficulty of approximate ascertainment, and the fact that, in the main, they would have to rely upon conjecture. The results have clearly shown that to be the fact. Their work has been tirelessly and unselfishly rendered and yet their reports and findings are the strongest evidence of the human impossibility of performing such a task. In their report on December 16, 1926, will be found the following:

We have found our task by no means simple, but we are carrying it out by methods which we believe to be statistically correct, utilizing the data that are available in accordance with what seems to us to be the intent and meaning of the law. We have not completed our work, but the figures which we are submitting for your information, though provisional and subject to revision, indicate approximately what the final results will be.

What stronger evidence of uncertainty?

Accompanying this report were the quotas which they had determined in accordance with the law, and which, while not complete and subject to revision, indicate approximately what the final results will be. These are not my words, but the words of Doctor Hill and his associates.

Thereafter, the operation of the law was deferred until July 1, 1928, and on February 27, 1928, other quotas were recommended by Doctor Hill and his associates. Having in mind the statement above quoted from report of 1927, that the 1927 quotas "indicated approximately what the final results will be," a comparison of these two quotas is very interesting and convincing as showing further the grave uncertainty of the basis of determination.

Country or area	1 National- origin quotas submitted Feb. 27, 1928	2 National- origin quotas submitted Jan. 7, 1927	3 Present quotas, based on 1890 for- eign-born population
Armenia.....	100		124
Australia, including Papua, etc.....	100	100	121
Austria.....	1,639	1,486	785
Belgium.....	1,328	410	512
Czechoslovakia.....	2,726	2,248	3,073
Danzig, Free City of.....	137	122	228
Denmark.....	1,234	1,044	2,789
Estonia.....	100	109	124
Finland.....	588	559	471
France.....	3,308	3,837	3,954
Germany.....	24,908	23,428	51,227
Great Britain, Northern Ireland.....	65,894	78,039	34,007
Greece.....	312	367	100
Hungary.....	1,181	967	473
Irish Free State.....	17,427	13,862	28,567
Italy, including Rhodes, etc.....	5,989	6,081	3,845
Latvia.....	243	184	142
Lithuania.....	492	494	344
Netherlands.....	3,083	2,421	1,648
Norway.....	2,403	2,267	6,453
Poland.....	6,090	4,978	5,982
Portugal.....	457	290	503
Rumania.....	311	516	603
Russia, European and Asiatic.....	3,540	4,781	2,248
Spain.....	305	674	131
Sweden.....	3,399	3,259	9,561
Switzerland.....	1,614	1,198	2,081
Syria and the Lebanon (French).....	125	100	100
Turkey.....	233	233	100
Yugoslavia.....	739	777	671
Total.....	¹ 153,685	¹ 153,541	¹ 164,647

¹ Including 37 minimum quotas of 100 each.

As a further indication of the uncertainty that existed in the minds of the President's commission, I quote a letter to the President under date of January 3, 1927:

JANUARY 3, 1927.

The President,

The White House.

MY DEAR MR. PRESIDENT: Pursuant to the provisions of sections 11 and 12 of the immigration act of 1924, we have the honor to transmit herewith the report of the subcommittee appointed by us for the purpose of determining the quota of each nationality in accordance with the provisions of said sections.

The report of the subcommittee is self-explanatory, and, while it is stated to be a preliminary report, yet it is believed that further investigation will not substantially alter the conclusions arrived at.

Although this is the best information we have been able to secure, we wish to call attention to the reservations made by the committee and to state that in our opinion the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purposes intended. We therefore can not assume responsibility for such conclusions under these circumstances.

Yours faithfully,

FRANK B. KELLOGG,
Secretary of State,
Department of State.
HERBERT HOOVER,
Secretary of Commerce,
Department of Commerce.
JAMES J. DAVIS,
Secretary of Labor,
Department of Labor.

Furthermore, on February 25, 1928, the President's commission in transmitting the 1928 quotas above referred to said:

We wish it clear that neither we individually nor collectively are expressing any opinion on the merits or demerits of this system of arriving at the quotas. We are simply transmitting the calculations made by the departmental committee in accordance with the act.

An analysis of the report of Doctor Hill and his associates, dated December 16, 1926, showing the manner upon which calculations were determined is further evidence of the impossibility of a fair determination, particularly in determining what portion of our white population of 1920 is derived from the "old native stock" of 1790. The records of immigration giving the number of immigrants arriving annually from each foreign country from 1820 to 1920 was in part relied upon. It is a well-known fact that a good portion of those who came from southern Ireland, Scotland, Wales, and Ulster came on vessels that started from an English port and were listed as emigrating from England. This was particularly true prior to 1870. In the case of Scotland, Wales, and Ulster it makes no differ-

ence, because their quotas under this law will be combined into one, but this situation seriously affects the quota that southern Ireland would be entitled to. Such a situation is further evidence of the grave uncertainty of a determination that will not be discriminatory.

The above immigration quotas were printed for the House Committee on Immigration and Naturalization, and column No. 1 is the report for 1923, column 2 the report for 1927, both made by Doctor Hill and his associates, and column 3 is the quotas under the present law.

Columns 1 and 2 relate to the national origins clause and the marked difference between them in the short period of one year seems to me to be inescapable evidence of the uncertainty of ascertainment.

A comparison will show that under the quotas that will be established if the national origins clause goes into effect that Germany will be reduced from 51,227 to 24,908; Irish Free State from 28,567 to 17,427; Norway from 6,453 to 2,403; Sweden from 9,561 to 3,399; Switzerland from 2,081 to 1,614; Denmark from 2,789 to 1,234; France from 3,954 to 3,308; while Great Britain and northern Ireland will be increased from 34,007 to 65,894; Austria from 785 to 1,639; Belgium from 512 to 1,328; Hungary from 473 to 1,181; Italy from 3,845 to 5,989; Netherlands from 1,648 to 3,083; Russia from 2,248 to 3,540. These are the most important changes that will occur. As I have said before the strongest evidence of uncertainty is the difference between the report of 1927 and 1923.

Another year has gone by since the last computation was submitted and which will be the quotas if the national origins

clause goes into effect. It is fair to assume that if a report had been made this year by Doctor Hill and his associates that further changes would have been noted.

In passing, I want it clearly understood that I have the greatest of admiration for Doctor Hill and his associates. They are performing what must be to them an unpleasant task, because of its impossibility of performance. They have performed their work unselfishly and tirelessly. They are simply trying to carry out the law. It is clear from their reports, so far as I am concerned, that they realize that the records are so lacking that they had to rely upon conjecture.

It is significant that the only census taken in the United States prior to 1850 was that of 1790. In the 1790 census only the heads of families were reported, and there was no indication of the land of their nativity or of their ancestors.

Doctor Hill and his associates deemed that they would have to depend in the main upon the sounding of names to determine nativity, and he frankly admitted in the House hearings held in 1927 that names may indicate origin from any one of two or more countries. He further said that in the event of the names having an origin from England or Scotland or Ireland the probabilities were that because of the predominance of the English of foreign birth and descent at that time the census takers designated them as being of English descent.

The census of 1790 showed the white population of the then 17 States was 3,172,444. The following figures show in detail the population of the several States, with an estimate of the strength of the various nationals therein, which, so far as I can ascertain, is based upon guesswork:

White population in 1790 as classified by nationality in Chapter IX of A Century of Population Growth, published by the Bureau of the Census in 1909

Nationality as indicated by name	United States		Maine		New Hampshire		Vermont		Massachusetts		Rhode Island	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
All nationalities	3,172,444	100.0	96,107	100.0	141,112	100.0	85,072	100.0	373,187	100.0	64,670	100.0
English	2,605,699	82.1	89,515	93.1	132,726	94.1	81,149	95.4	354,528	95.0	62,079	96.0
Scotch	221,562	7.0	4,154	4.3	6,648	4.7	2,562	3.0	13,435	3.6	1,976	3.1
Irish	61,534	1.9	1,334	1.4	1,346	1.0	597	.7	3,732	1.0	469	.7
Dutch	78,959	2.5	279	.3	153	.1	428	.5	373	.1	19	(¹)
French	17,619	.6	115	.1	142	.1	153	.3	746	.2	88	.1
German	176,407	5.6	436	.5			35	(¹)	75	(¹)	33	.1
Hebrew	1,243	(¹)	44	(¹)					67	(¹)	9	(¹)
All other	9,421	.3	230	.2	97	.1	148	.2	231	.1	7	(¹)

Nationality as indicated by name	Connecticut		New York		New Jersey		Pennsylvania		Delaware		Maryland	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
All nationalities	232,236	100.0	314,366	100.0	169,954	100.0	423,373	100.0	46,310	100.0	208,649	100.0
English	223,437	96.2	245,901	78.2	98,620	58.0	249,656	59.0	39,966	86.3	175,265	84.0
Scotch	6,425	2.8	10,034	3.2	13,156	7.7	49,567	11.7	3,473	7.5	13,562	6.5
Irish	1,580	.7	2,525	.8	12,099	7.1	8,614	2.0	1,306	3.9	5,008	2.4
Dutch	268	.1	50,600	16.1	21,581	12.7	2,623	.6	463	1.0	209	.1
French	512	.2	2,424	.8	3,565	2.1	2,341	.6	232	.5	1,460	.7
German	4	(¹)	1,103	.4	15,678	9.2	110,357	26.1	185	.4	12,310	5.9
Hebrew	5	(¹)	385	.1	(¹)		21	(¹)	(¹)		626	.3
All other	6	(¹)	1,394	.4	5,255	3.1	194	(¹)	185	.4	209	.1

Nationality as indicated by name	Virginia		North Carolina		South Carolina		Georgia		Kentucky		Tennessee	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
All nationalities	442,117	100.0	289,181	100.0	140,178	100.0	52,886	100.0	61,133	100.0	31,913	100.0
English	375,799	85.0	240,309	83.1	115,480	82.4	43,948	83.1	50,802	83.1	26,519	83.1
Scotch	31,391	7.1	32,388	11.2	16,447	11.7	5,923	11.2	6,847	11.2	3,574	11.2
Irish	8,842	2.0	6,651	2.3	3,576	2.6	1,216	2.3	1,406	2.3	734	2.3
Dutch	884	.2	578	.2	219	.2	106	.2	122	.2	64	.2
French	2,653	.6	868	.3	1,882	1.3	159	.3	183	.3	96	.3
German	21,664	4.9	8,067	2.8	2,343	1.7	1,481	2.8	1,712	2.8	894	2.8
Hebrew			1	(¹)	85	.1	(¹)		(¹)		(¹)	
All other	884	.2	289	.1	146	.1	53	.1	61	.1	32	.1

¹ Less than one-tenth of 1 per cent.

² Included in "All other."

As one indication of the uncertainty of relying on the 1790 census I may mention that it does not take into consideration the size of the families and that some nationalities are quite prone to more productivity than others.

In determining the quotas under the national origins clause the white population of 1920, numbering about 94,000,000, were divided into two groups, one called "old native stock" and the other "immigrant stock." The census of 1790 was taken as the basis for determining what portion of our population in 1920 were descended from the population of 1790. It was determined that 41,000,000 persons in the United States in 1920 were descendants of the "old native stock." Bearing the fact in mind that all persons who arrived here since 1790, or their descendants, are described as "immigrant stock," and looking

through the roll of the Members of Congress it is apparent to me that 80 per cent of our membership fall within that class.

When you consider that the first decennial census taken in the United States, outside of the one in 1790, was in 1850; that there are no official records prior to 1790, together with the loss, in the Ellis Island fire in 1896, of records of immigrations that flowed through the great city of New York from 1820 on, the destruction of many historical records by the British, when they occupied the city of Washington in the War of 1812, together with many other matters of consideration, we can then realize the impossibility of establishing quotas which will not be discriminatory to some of our nationals.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?
Mr. McCORMACK. Yes.

Mr. DICKSTEIN. Is it not a fact that Doctor Hill testified before the Committee on Immigration that he could only go back about 100 years?

Mr. McCORMACK. My impression is that Doctor Hill testified that the United States decennial censuses could only go back to 1850; that the records of the ports of entry go back only to about 1820; that is, the immigrants coming into different ports of entry, as distinguished from the facts revealed in the decennial censuses. My observation and study further show that thousands and thousands of immigrants coming from Germany, from Ireland, from Scotland, and from other places were compelled to come over on ships owned by English interests and they were listed as English citizens.

That is not submitted as criticism, but as a piece of evidence. Everything based on conjecture is bound to be discriminatory and offensive to some of our nationals. We are not an English, or an Irish, or a German, or a French nation. We do not want any element to predominate. We are an American Nation. We may have a great feeling of fondness and regard for the land of our forbears, as we should, but above every other consideration we are Americans. The history of the recent war has evidenced the fact that Americanism means the same thing to all of our citizens, irrespective of their national origin—that is, love of flag, country, and that upon which everything that we possess governmentally stands, the Constitution of the United States.

We want Americans. We want the immigrants who come over here—the same as my forbears did two generations ago—to be filled with a love of our institutions. To a certain extent, undoubtedly, they will come here seeking material gain, but in the main they look up to this Government of ours as a land of opportunity. I recognize that conditions might change our immigration policy. That necessity might arise some day when we might consider the advisability of a change, but if we are going to have a change, let it be definite and certain, not only in principle but definite and certain in practice.

Now, Mr. Chairman and members of the committee, the fact that this uncertainty exists is further evidenced by the report made by the President's commission, comprised, as I said before, of the Secretary of State, the Secretary of Labor, and the Secretary of Commerce—the then Secretary of Commerce, President-elect Hoover. Not only that, but President-elect Hoover in his acceptance speech said he favored the repeal of the national-origins clause. He recognized the impossibility of human determination in accordance with the basis provided in that law. He recognized the offensiveness of it, and he recognized that this was not bringing into effect in America a new policy with reference to the restriction of immigration, because we have it now. We have it now in the act of 1924. Two per cent of the foreign-born population as of 1890 means approximately 164,000 immigrants who are entitled to admission from quota countries in Europe each year, and in turn the number to which each country is entitled is simply a matter of mathematics. That can be arrived at. It is a definite and certain enunciation of a principle, and it naturally follows that there is a definite and certain determination of the quotas.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. DICKSTEIN. Can the gentleman tell the House how this national origins was determined, based upon what figures, what the present quota is as based on the act of 1924, and what would be the quota of all nationals under the national-origins clause? Has the gentleman those figures?

Mr. McCORMACK. As I understand it, the present law permits one hundred and sixty-four thousand and a few odd hundred to come in each year, while the national-origins clause authorizes one hundred and fifty-three and some few hundreds to come in each year. Am I correct?

Mr. DICKSTEIN. That is correct.

Mr. McCORMACK. While the national-origins clause provides a maximum of 150,000, it also provides in addition that certain countries which had no quota before or whose computation would be less than 100, are entitled to the admission of a minimum of 100, and that is the reason why it comes to approximately 153,000.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. ROBSION of Kentucky. As I understand it, the gentleman is opposed to the national-origins provision of the present law?

Mr. McCORMACK. Precisely.

Mr. ROBSION of Kentucky. Does the gentleman favor the quota based on the 1890 census? The present law is based on the 1890 census, as I understand.

Mr. McCORMACK. Yes; and that is definite and certain.

Mr. ROBSION of Kentucky. Does the gentleman favor the 1890 census as a basis, or some other census—the 1910 census or the 1920 census?

Mr. McCORMACK. To be frank with the gentleman, his question goes into something that I did not intend to discuss, and I am equally frank in saying that I am rapidly approaching a mental state where I realize that through necessity we must close this open door and bring about some kind of a restriction. Whether that should be based on the 1910 census or the 1890 census is just a question of policy, based upon the necessity.

I can see where conditions might change; where in the years to come through depletion in our population, because of some great catastrophe, for example—and population increases either by a greater number of births than deaths or by an increase in immigration over emigration; that is the only means through which an increase in population takes place—and I can see where a principle applicable to one period might of necessity be changed when applied to conditions in a different period.

Mr. ROBSION of Kentucky. We are legislating for this period.

Mr. McCORMACK. I have no objection to the present quota, based on the 1890 census.

Mr. GARBER. Will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. GARBER. The proposed change would greatly facilitate the administration of the law, would it not?

Mr. McCORMACK. Does the gentleman refer to the national-origins clause?

Mr. GARBER. Yes.

Mr. McCORMACK. I do not think so.

Mr. GARBER. I mean that the proposed change to a definite basis would greatly facilitate the administration of the law.

Mr. McCORMACK. The gentleman means the law as it exists at present?

Mr. GARBER. Yes.

Mr. McCORMACK. I agree with the gentleman. Now, bearing on that, may I call attention to a statement made by the Commissioner General of Immigration in his annual report for 1925, page 29:

The bureau feels that the present method of ascertaining the quotas is far more satisfactory than the proposed determination by national origin; that it has the advantages of simplicity and certainty. It is of the opinion that the proposed change will lead to great confusion and result in complexities, and accordingly it is recommended that the pertinent portions of section 11, providing for this revision of the quotas as they now stand, be rescinded.

I am now coming back to 1790. One interesting phase of the evidence about the 1790 census, where it showed a little over 3,000,000 in the 17 States, was in the State of Pennsylvania, as indicating the uncertainty of the 41,000,000 being even approximately a fair estimate of the descendants of the inhabitants as shown in that census.

I do not want to depend upon memory, so let me quote verbatim from the extract which I have here.

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

Mr. SANDLIN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. McCORMACK. In an article written in 1789, as to the immigration into Pennsylvania in the period around 1749, it was said by the writer that—

In the summer of the year 1749, 25 sail of large vessels arrived with German passengers alone, which brought about 12,000 souls, some of the ships about 600 each; and in several other years near the same number of these people arrived annually.

This is for only a limited period around 1746, and it is fair to assume that some came before and some came afterwards, and yet according to the 1790 census there were only 110,000 Germans in the State of Pennsylvania.

But let us go a step further:

And in some years nearly as many annually from Ireland.

Yet in 1790 there was only an estimated population of 8,000 in the State of Pennsylvania of either Irish birth or Irish descent.

This is some evidence indicating the uncertainty we have in the records prior to 1790. We have absolutely none from 1790 to 1820, and from 1820 our records of ports of entry are entirely unreliable, first, because of giving their birth in the wrong country, in some cases because of necessity; and, second, because the records in the city of New York were destroyed in the Ellis Island fire in 1896. Furthermore, many historical records of the colonial days were destroyed when the British occupied the city of Washington during the War of 1812.

All of these things have brought about an air of uncertainty so that the basis for the determination of national origins is inadvisable, unwise, inequitable, bound to be discriminatory because in the main it is left to the field of conjecture.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. DICKSTEIN. Under the present quota law Ireland receives a quota of 28,000, but under the national origins law, if it takes effect, Ireland only gets 8,000, thereby losing 20,000.

Mr. McCORMACK. I think there have been two corrections made since that estimate.

Mr. DICKSTEIN. Is there anything the gentleman can find from his investigation to show how they base that loss, upon what percentage and how far they have gone back?

Mr. McCORMACK. That basis of 8,330 was an estimate given by Captain Trevor, who, I understand, is the parent of this idea, although the Ku-Klux Klan claims the credit for it.

Mr. DICKSTEIN. The parent of this piece of legislation is Mr. REED. The House never passed it at all.

Mr. McCORMACK. Yes; in the Senate it was an amendment offered by Senator REED of Pennsylvania, and right there let me say that if this law goes into effect it is those of German birth and descent and those of Irish birth and descent in Pennsylvania that in the main can take the blame.

Mr. DICKSTEIN. May I ask the gentleman another question? Senator REED takes the credit for it, but he borrowed it from Senator Lodge. Does the gentleman know that?

Mr. McCORMACK. Yes; this Captain Trevor consulted Senator Lodge first, who took him to Senator REED.

Mr. DICKSTEIN. You will find the date given in the hearing as March 6, 1924.

Mr. McCORMACK. There is just one more reference I might make. During the past few days a representative of the American Legion unfortunately made a reference with which I am not in accord. I am sorry he made this reference, because I am a member of the Legion and the two other members of my family, two younger brothers, who constitute the whole family, are also members of the Legion. This representative made a statement which is offensive to all of our citizens, and I hope sincerely that the Legion members throughout the country who might be offended by it will not go to the unwise direction of resigning their membership.

The American Legion is a great body. It is a much-needed body, the same as the Veterans of Foreign Wars, which is another one of our great veterans' organizations, as well as all of the minor organizations which have as their foundation purposes consistent with the progress of our country in establishing traditions which the future generations will be proud of; but in this particular respect, by stating that the Legion is in favor of the national-origins provision, they have taken a position which, if a referendum were submitted to the members of the Legion, would undoubtedly amaze the Members of Congress as to the vote to the contrary in the Legion.

Mr. CONNERY. Will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. CONNERY. May I say to my colleague that I have just received three telegrams from three Legion posts in Lawrence, Peabody, and Lynn, Mass., saying that the sentiments which the representatives of the Legion gave before the committee are not in accord with the sentiment of the membership of those posts?

Mr. McCORMACK. I thank the gentleman for his observation. May I say at this time that Mr. CONNERY recently displayed the finest act of courage that I have ever seen on the part of any legislator when he voted for the reapportionment bill. I hope that his constituents appreciate his type of representation.

May I add, the danger of this, Mr. Chairman, is that we are going back 300 years and making you and me, who are Americans, and consider ourselves Americans, take a position which would destroy the assimilation which all elements and all races have undergone during the past 300 years, and making not only the foreign born of 1920 take a position on this but every one of us, no matter what the origin of our common ancestors who first came to America may have been?

But going back to the American Legion, it has taken a position on quotas. When they take a position favoring the underlying principle of the national-origins clause, they take a position upon the quotas, and when they do that they make a mistake and they exceed the purposes of their organization.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. SCHAFER. Will the gentleman yield?

Mr. McCORMACK. I will.

Mr. SCHAFER. Has the American Legion in convention assembled gone on record in favor of the national-origins scheme for determining the immigration quotas?

Mr. McCORMACK. I understand they have, yes; but it was very peculiarly worded:

Therefore be it resolved by the American Legion in convention assembled, That we favor and recommend continuance of the method of restriction upon immigration—

That is a primary part, and they may have the right to do that. They could go on record in favor of closed or open or restricted immigration. I do not dispute their authority to do that; but then the resolution continues:

That we favor and recommend continuance of the method of restriction upon immigration in the 1924 immigration law with its fundamental national-origins provision, so that American citizenship and economic prosperity may be maintained at the highest possible level.

And in a statement to the Senate Committee on Immigration they said:

We emphatically uphold the theory underlying the national-origins provision, which is that immigration quotas based upon entire population of the Nation is not only the fairest method for selecting immigrants, but is the most certain method—

Mark this language—

the most certain method of maintaining in the future the blend of population and the racial mixtures as they exist in America to-day.

In convention assembled they went on record in favor of that because it was the best means "by which prosperity may be maintained at the present time," the resolution read.

It must be borne distinctly in mind that the quotas can not be disassociated from the principle itself. The going into effect of the clause automatically established the quotas, and when the Legion takes a position on the principle they take a position on the quotas established thereunder.

What those quotas will be are a matter of record. Furthermore, the representative said that it was a question between patriotism and slackerism. I also deny such a question is involved. In support of this argument he cited the number of aliens that claimed exemption in the late war. In the first place, the figures do not present the facts correctly. In the second place, the only inferences to draw therefrom is that the nationals of those countries which will receive a reduced quota by the operation of the national origins were the slackers in the late war. This is not only vicious and unwarranted but false. Such an argument is an attack not only on those foreign born who were here in 1917-18 but upon all generations of Americans of the same blood or descent. Let us see who they are that will suffer by the operation of the national-origins clause and then we can see what elements of our citizenry were insidiously offended and insulted by this argument.

The French, Swiss, Swedish, Norwegians, Danish, Irish, and Germans. All elements representing our best blood, the equal of any other and second to none. In every great crisis their descendants have proven their love for our flag and our institutions of government as set forth in the Constitution. In the Revolutionary War their representation was outstanding, particularly the Irish and the Germans, and the French Government showed its friendship in a way that occupies one of the foremost pages in our history. Are they slackers? Some may think so, but history records otherwise. During the Civil War alone the Irish and the Germans in the service outnumbered the whole army of the South, and each element, as we are compelled to refer to them under this law, had more men in service than any other element of our citizenry. And, yes; after the war was over, and when the men of the South had laid down their arms, and after the death of the great President, which was an unfortunate event for the South at that time, an unthinking North imposed conditions upon the South that were unbearable and inhuman. In the dark days of the carpet-bagging period of the days of reconstruction following the war the only voice raised in Congress for the South were the Representatives in Congress from the city of New York, all of Irish descent, and Charles Francis Adams, of Massachusetts. It was their voices that finally brought about some degree of reason.

Mr. SCHAFER. Will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. SCHAFER. Then the American Legion did not go on record in favor of the national-origins clause?

Mr. McCORMACK. All I know is what it says in this statement, and from that I draw certain inferences. The gentleman's inferences are as good as mine. I am going to rely on my inference and I do not think the gentleman and I will have any dispute. May I further say to the gentleman that the great agricultural districts of the country have been brought to their

present high level by that class of immigrants which the national-origins scheme will discriminate against, and I hope it will be brought to a higher state by the enactment of legislation which will be carrying out the platforms of both parties.

Mr. SCHAFER. I will state that the people of the great State of Wisconsin are absolutely opposed to the national-origins clause, and so are the members of the American Legion in my State. I am not talking about the few officers who may claim to speak for the Legion. The national-origins clause should be repealed. The gentleman is making a fine argument for its repeal.

Mr. MCCORMACK. Some argument has been advanced on the question of certain nationals failing to assimilate. What is the best test of assimilation? To me it is what percentage of immigrants from different countries indicate their permanence and love for America by becoming a citizen. The records of the census of 1920 are interesting in this respect. I will simply read it and allow you to draw your own conclusions:

The census of 1920 shows that the foreign born from England proper, who were here when that census was taken and who were naturalized, is 64.8; Scotland, 65.6; Wales, 73.5; Ireland, 72.3; Norway, 67.3; Sweden, 69.5; Denmark, 69.6; Netherlands, which has a marked gain, 58.1; Belgium, which has a gain, 55.3; Switzerland, 64.9; France, 60.1; Germany, 73.3; Canada, French, 47.0; Canada, others, 58; and other countries, ranging from 44.7 down to 8.9, every one of the latter of which, under national origins, will gain, with the exception of Rumania.

The argument has also been advanced by certain people that America must maintain a British ascendancy in order that our institutions of Government might be preserved. They say that the operation of the national-origins clause will bring that situation about. Since when has the United States had to depend upon any other country for its existence? The last time that history records that we were a dependency of England was prior to 1776. Yorktown, with its victory, brought about the consummation of our independence. In that conflict for independence, 10,000 men of Irish blood served from Massachusetts alone. Those of German descent, particularly from Pennsylvania, showed their love for the cause of freedom. Likewise, those of Swiss, Swedish, French, Scotch, and other nationalities, rendered yeoman service. No one excelled the other. They fought inspired.

We can not deny, and would not want to deny it, that those of English blood and extraction have contributed in every way in the settling of the Colonies, in the War for Independence, and in building up our country and protecting it in time of danger, but we should not discriminate against others who have likewise done their duty.

The operation of the national-origins clause is an affirmative statement by the Congress of the United States that the continuity of our Government is dependent upon England. Such a declaration of subservience should be abhorrent to all who consider themselves Americans.

Mr. Chairman, both parties through their standard bearers in the recent campaign went on record as favoring the repeal of the national-origins clause. Between now and March 4 action will have to be taken in order to prevent its operation. While both parties have responsibilities, the party in the majority will be directly responsible for this iniquitous, discriminatory law unless proper action is taken to repeal or defer its operation. [Applause from both sides of the aisle.]

I have received the following telegrams from American Legion posts:

SOUTH BOSTON, MASS., February 14, 1929.

Hon. JOHN W. MCCORMACK,

House of Representatives, Washington, D. C.:

Post opposed to statement of Legion representatives. Do not know of any slackers in this district of nationals mentioned. District predominantly Irish. Exceeded quota in every instance. * * *

COLUMBIA POST, No. 51,

AMERICAN LEGION, SOUTH BOSTON, MASS.

JAMES F. VAUGHN, Commander.

BOSTON, MASS., February 11, 1929.

Hon. JOHN W. MCCORMACK,

Congressman, Washington, D. C.:

Michael J. Perkins Post, American Legion, resents any individual attempting to represent the thought of the American Legion when he says that our neighbors in Europe, whether they be Scandinavian, Jews, English, Greek, Polish, or Irish, are alien slackers. Fortunately our allies and ourselves united as one people * * *

JOHN J. LYDON, Commander.

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from New Mexico [Mr. MORROW].

Mr. MORROW. Mr. Chairman, ladies and gentlemen of the House, the Indian problem has been a problem in the United States since the inception of the Government. The Indians were here when the white man first discovered America. It is true that the Indian was the first owner and that he was in control of a large part of the American Continent when the white settlements commenced upon the shores of America.

The Indian may have been mistreated by the white men, but in the conquest and settlement, in the civilization of any country, it appears that the world has always developed and passed through the same stages to bring about a real civilization. The Indian is entitled to proper and just consideration at the hands of this Government.

Much criticism is raised as to the manner in which the Indian has been and is being treated by the Bureau of Indian Affairs of the Interior Department.

An article appeared from the pen of Vera Connelly in the February number of Good Housekeeping Magazine. This article, entitled "The Cry of a Broken People," was placed in the RECORD on the Senate side. The article reflects upon the treatment of the Indians in various States; specific charges are made against two Indian boarding schools in the State of New Mexico, namely the Albuquerque and the Santa Fe Indian Schools.

The Santa Fe Indian School has 500 boarding-school students, and the Albuquerque Indian School has from 800 to 875 students. Let me give you a picture of the equipment in the two schools:

Statistical statement, Albuquerque Indian School

Fiscal year 1928:	
Value of school plant (real property) (revised 1928).....	\$517,804
Number of buildings.....	47
Employees.....	62
Total salaries.....	\$91,427
Capacity.....	850
Number appropriated for.....	825
Per capita allowance.....	\$225
Average attendance.....	847
Per capita cost.....	\$197
Area of school land, acres.....	154
Area of school land, acres cultivated.....	100
Value of agricultural products.....	\$22,705
Value of other school products.....	\$7,339
Indian moneys, proceeds of labor (school earnings) expended.....	\$1,503
Fiscal year 1929:	
Attendance, Sept. 30, 1928.....	864
Average attendance for October.....	895

SUPPORT

The Albuquerque School, of New Mexico, is located in the very heart of the Indian country, convenient to all Pueblos, to the Navajos, the Apache, Hopi, and Zuni Tribes.

The school has a capacity increased from 850 to 900. The average attendance for the past year was 847. The school offers work through the twelfth grade, and industrial training is given in all grades above the third. The school grounds cover 154 acres. One hundred acres are cultivated, 24 acres are in pasture land, corrals, and ditches, and 30 acres are in the school campus.

A dairy herd of 86 cows produces milk for the pupils. An average of 60 cows produce milk at one time. It is the intention to increase this herd to 110 or 120 in order that each pupil may have 1 quart of milk daily, and to produce milk for the new hospital, with a capacity for 110. During the fiscal year 1928 the following was produced on the school farm:

Forage for stock.....	\$3,500.00
Garden and dairy products.....	16,500.00
Total.....	20,000.00
Expenditure made for use at school for forage, garden, and seed.....	8,629.50

Statistical statement of the Santa Fe Indian School

Fiscal year 1928:	
Value of school plant (real property) (revised 1928).....	\$309,217
Number of buildings.....	41
Employees.....	43
Total salaries.....	\$59,320
Capacity.....	500
Number appropriated for.....	450
Per capita allowance.....	\$225
Average attendance.....	490
Per capita cost.....	\$197
Area of school land (acres).....	128
Area of school land (acres cultivated).....	58
Value of agricultural products.....	\$7,400
Value of other school products.....	\$717
Indian moneys, proceeds of labor (school earnings) expended.....	\$1,000
Fiscal year 1929:	
Attendance, September 30, 1928.....	478
Average attendance for October.....	491

SUPPORT

The Santa Fe nonreservation boarding school, located in north central New Mexico, has a capacity for 500 pupils and carries work through the ninth grade. The total enrollment for the past year was 540. The average daily attendance was 490. The school farm comprises

a total area of 117 acres. About 58 acres are under cultivation. Ten more acres could be used for garden purposes.

This school maintains nine fairly good cows, which average \$4,500 worth of milk per year. Because of the dry climate in this locality it is thought more economical to depend on purchased milk than to increase the present dairy herd.

	1930	1929	1928
Superintendent's salary.....	\$3,000.00	\$2,800.00	\$2,750.00
Drayage.....	250.00	200.00	308.79
Repairs and improvements.....	11,750.00	11,500.00	9,261.44
Total.....	15,000.00	14,500.00	12,320.23

Besides these two schools, the following Indian schools are maintained in New Mexico:

	Students
Mescalero School.....	150
Jicarilla School.....	150
Charles H. Burke School.....	600
Shiprock School.....	400
Zuni Pueblo.....	150

It is the policy of the Bureau of Indian Affairs to place children in the boarding schools when they have reached the sixth grade, and to keep them there until they finish from the ninth to the twelfth grade. A child, from 6 years of age (with but few exceptions, when they are sent to the boarding schools at such early age) are sent to day schools, and come home at night; they go to the day school until they have reached the sixth grade.

The Government has expended vast sums of money in the erection of modern, well-equipped school buildings and dormitories. All modern conveniences, heat, lights, water, sanitary facilities, outdoor swimming pools, and so forth, are provided. The subcommittee of the House Appropriations Committee, in charge of Interior Department items, consisting of Mr. CRAMTON, of Michigan; Mr. FRENCH, of Idaho; and Mr. TAYLOR, of Colorado, visited many of these schools in 1926, and especially the schools at Albuquerque and Santa Fe. I accompanied this committee. These schools were found modern and well equipped. The students were in splendid physical and mental condition. Great progress is being made by the Indian school pupils both in their physical appearance and in educational advancement.

The principal of the Albuquerque Indian School states that about three years ago, when they were seeking an instructor in music, but two parties qualified were found in Albuquerque who had the proper music degree; one of the two was Mary Young Nesbitt, an Indian girl. She is now instructor of music in the Indian school, having under her charge 32 Indian girls in piano and as many in voice. During the celebration of Armistice Day in Albuquerque the Indian school band furnished the music which led the parade. This shows conclusively that this school is modern in every way.

The Government has spent hundreds of thousands of dollars in establishing these boarding and day schools in many of the Indian reservations of the State. The Albuquerque, Santa Fe, and Charles H. Burke Schools are examples. Great advancement is being made in the education of the Indian children. It has long been determined that the taking of the boys and girls, especially after they reach the sixth grade, from the day school and putting them in boarding schools tends to lift them from their Indian habits to adopt the manner and method of living of the white boy and girl. In this education we are fitting them for their future success in life.

The Government spends upon each one of these students, during the period they are in school, \$225 per school year.

In order that this matter may be brought directly before you, to refute the charges made, it is necessary to get some idea of what really is occurring to the American Indian.

For many years the Indian population was decreasing, and it was said that within a short time the race would disappear. Since modern methods were established, to take care of the Indian child in infancy and teaching the Indian mother proper care and treatment at childbirth, the Indian population has been increasing. To-day perhaps there are more Indians in the United States than at the time Columbus discovered America.

The Navajo population in New Mexico is increasing, and certainly the Navajos are not a poverty stricken people. The Navajos in Arizona and New Mexico have immense herds of sheep and cattle; it is said that they have something like a million and a half head of sheep and goats; more sheep on their reservation than there is in possession of all the New England States and some of the Middle Atlantic States combined.

Note the resources of the Navajos, New Mexico and Arizona:

Eastern Navajos:	
Sheep.....	110,000
Goats.....	50,000
Head of cattle.....	1,500
Individual income from this source last year.....	\$375,000
From sale of blankets and silverware.....	\$60,000
In salaries and wages.....	\$30,000
Northern Navajos:	
Sheep.....	122,500
Goats.....	40,000
Cattle.....	5,000
Income last year.....	\$525,200
In crops.....	\$50,000
In blankets and native handiwork.....	\$85,000
In salaries and wages.....	\$150,000
Southern Navajos:	
Sheep.....	400,000
Cattle.....	35,000
Income last year.....	\$800,000
Sale of blankets.....	\$159,860
For 2,000,000 pounds of pinon nuts.....	\$103,812
For Government wages.....	\$111,340
From outside sources.....	\$240,000
Western Navajos:	
Sheep.....	300,000
Goats.....	40,000
Cattle.....	5,000
Income last year over.....	\$100,000
In crops.....	\$30,000
From sale of blankets and other native products.....	\$149,500
In salaries and wages.....	\$50,000

New Mexico has an Indian population of nearly 25,000. This includes some 10,766 Pueblo Indians; that peaceful tribe which became a part of the United States at the time of the treaty of Guadalupe Hidalgo; by that treaty the lands then in the possession of the Pueblo Indians went with them. It is true that their lands have been encroached upon, that they have intermarried with the whites, and much land has been absorbed in that way. But they still possess large tracts of valuable land, some irrigated and some timber and mineral land.

By the working of the Pueblo Indian Board restitution is being made for land that has passed from the Indians and settlement in money is being made where the land can not be reacquired. So the Government is not unjust in dealing with the Pueblo Indians.

The Navajos were the warlike Indians who kept the United States and Mexico in turmoil for more than a century. They were finally subdued and placed on the Navajo Reservation, comprising some 13,350,000 acres of land in Arizona, New Mexico, and Utah. The Navajos have become industrious and are rapidly changing their habits and becoming more Americanized. This is especially true of the younger Indian generation; the boys educated in the industrial Indian schools, like the Charles H. Burke School at Fort Wingate, N. Mex. It is said that boys going out from this school immediately request the building of more modern homes for their families in place of the crude hogan occupied by the Navajos for so many years.

The Navajos become good laborers on the railroads; they go into the railroad shops and learn the trade; they also work in the sugar and cotton fields. The Navajo population in New Mexico is now 10,709.

The Mescalero Apaches are also found in New Mexico. They are also making progress; they have large numbers of sheep and goats, and have one of the finest timber districts in New Mexico. The Apaches in New Mexico number 1,311.

We also have a few Utes on a small reservation in New Mexico. Most of the Utes are in southern Colorado. In New Mexico we have but few Utes.

The people of the State of New Mexico are pleased with the manner in which the department has handled the Indian situation in that State. They appreciate the cooperation given in the effort to give the Pueblo Indians what they are entitled to in land and education. This same cooperation has been given with the Navajo and Apache Tribes. The Assistant Commissioner of Indian Affairs, Mr. Meritt, has made personal investigations and has helped a great deal in the development of the Indians. He has been prompt to recommend action in granting the Indians more land to protect their watershed; also the granting of more lands for grazing purposes. The bureau has been prompt in settling quarrels between tribes and has adjusted land-title controversies among the Indians themselves. The Taos Pueblo Indians received a grant of land last year to protect their watershed. Various other grants of land have been made to the Indians since I have been a Member of Congress.

It is always a pleasure to assist in these matters when one knows that they will benefit the Indians. It is true that selfish interests wish to crowd the Indians out; but the Indian in the Southwest is being rehabilitated. It is not my purpose at this time to interfere with Indian management in any other State; I speak for the New Mexico Indian schools only. I represent

that State and I am familiar with the conditions existing in the Indian schools of the State.

I believe I can truthfully say that the Indian boarding schools at Albuquerque and Santa Fe are well conducted and that they are among the leading Indian schools in the way of management and equipment in the United States. Of course, there is always some complaint. But this is true also of the ordinary large family in our country; there are always complaints among members of the family. The Indians, due to their tribal and other conditions, are largely considered in the nature of a big family, and some members of the family will complain of the treatment given them by the white men. But you find this condition among the whites; some are always complaining against the Government, its methods, and its laws and opportunities.

To bring the matter more clearly before you I desire to insert here some matters which have been brought to my attention. One is an article written by Mrs. Isis L. Harrington, principal of the Albuquerque Indian School, which is entitled "Lo, the Poor Taxpayer." Mrs. Harrington compares the Indian population with the white people:

LO, THE POOR TAXPAYER

ALBUQUERQUE, February 4.—The population of New Mexico consists of whites and Indians. The white population is town and rural. The Indian population is village and rural.

The whites enjoy the protection of our Government by accepting the responsibilities of citizenship along with the heavy taxation that accompanies it. The Indians enjoy the protection of our Government without the responsibility of citizenship and taxation.

Taxes and rents must be paid by the bulk of white citizens, whether they eat or not. Taxes and rents are vague terms to the majority of Indians of the Southwest.

The Mexican sheep raiser raises his sheep, conforms to Federal and State laws of sanitation for them at his own expense. The Indian sheep raiser raises his sheep.

The Mexican sheep raiser rides a burro. The Navajo sheep raiser drives an automobile.

The Mexican sheep raiser sells his wool and sheep to pay his lease bill and heavy taxes, stinting himself to eke out an existence for his family till next shearing time. The Indian sheep raiser sells his sheep and wool. What he does with the money is his own business.

The white parent must provide a school for his child, feed, clothe, and equip him with books, and keep him in school for a certain length of time. The Indian parent may send his child to a school provided for him by the Government, where all equipment is furnished and transportation paid.

Hundreds of New Mexico rural school children whose parents are taxpayers have never seen a bathtub, kitchen sink, or inside toilet. It would be hard to find as many Indian school children not perfectly familiar with all three in the entire United States.

Many rural school children in New Mexico count it a great treat when the county agent puts on a show of lantern slides depicting the life cycle of germs, bacteria, and plant fungi, or when the forest ranger by the same means shows how forests are protected. Many Indian schools have their own motion-picture machines, showing the same high-class pictures one sees in the city. The Albuquerque Indian school children have motion pictures every alternate Saturday night. Lantern slides bore them dreadfully.

The public-school child who can furnish his instrument, music, and instructor has a chance at some musical training. The Indian school child needs but the willingness. Three years ago, I am told, but two persons in Albuquerque and vicinity had degrees in music. One was an Indian girl, Mary Young Nesbit, instructor at the Albuquerque Indian school, instructing 32 girls in piano and as many in voice. Mr. Taxpayer, did you notice your large family of none-too-well-clothed and fed fellows adoringly following the Indian school boy band in the Armistice Day parade? Some day it will dawn upon those little chaps just how they got that way.

* Mrs. White Citizen, when your baby is due where will you go? Who will pay the bill? In the Albuquerque Indian school hospital a month or so ago I visited the maternity ward to see two young mothers, both former students, and their two healthy baby boys. Mothers and babies had received the best of professional care from a first-class physician and two registered nurses. When these two young Indian mothers—Mrs. Maggie Howard Wilson and Mrs. Lulu Hathorn Tsyitee—were strong again they returned to their homes, both in Albuquerque. There was no charge. All were glad to have them come. They are following the teaching of the old school in which both finished second-year high.

And Mrs. Taxpayer, where did your daughters go for a job after finishing high school? Girls from the Albuquerque Indian high school are making good in positions paying from \$1,080 to \$1,200 per year. And your son. Maybe he had to drop out when he finished the eighth grade.

Now, Mr. Sick White Man, are you paying to bask in the glorious sun of New Mexico in an expensive sanatorium or are some of you tucked off in a mountain cabin chasing the cure? Or have you a ragged scrap of canvas stretched from the side of a discarded freight car under the

shade of which you lie on a cast-off Army cot with a few poor cooking utensils in which you prepare whatever food you caught? The Government has provided sanatoria in the Southwest for tubercular Indians, and each year is building more.

Mrs. Taxpayer, is it a problem for you to dispose of the left overs from your table or do your youngsters rush to the cupboard as soon as they return from school and clean it out before you can say "scat"? And do you have all the good, fresh meat your boys can eat at least once a day? At the Indian school at Albuquerque it is a difficult problem to dispose of the left overs. Twelve large dish pans, heaping full, after the noon meal. And one poor boy didn't have enough to eat.

And, Mrs. Taxpayer, do you ever have to chastise your children? If not, then why do you complain so numerous and vehemently to superintendents of Indian schools when his students prowl about your premises, break your window panes, or run down your car with his truck? The big complaint about educated Indians is from their disobedience and lack of responsibility. Not long ago, after an Indian boy had driven his truck broadside into a woman's sedan, he was asked by an officer: "Why did you do that?"

It is said the boy answered without the shadow of a smile: "She was driving a Dodge. I thought she would dodge."

At Indian schools there is as little discipline as possible. Government employees are much more charitable and lenient with Indian children than they are with whites. So are you.

If you think the Government does not protect the Indian just try to collect a debt off him. If you feel that he isn't protected by Uncle Sam, let him run into your car with his. If you think the noncitizen Indian is subject to the same laws you are, try to get a court to try him.

Mr. Taxpayer, when investigating the schools and hospitals you are providing for the Indians, see that every school and hospital of every kind in your entire State receives the very same thorough investigation. Then, and not till then, will there be a basis for a judgment of any value.

The Indian is as noble, self-reliant a race as you will find. Pablo Abeita, the sage of Isleta, gave an excellent statement of his problem. The Indian is deluged with a brand new civilization and must be given a chance to fit himself to his new surroundings.

Mr. Taxpayer, you must do that. You are willing to do it. But, are you going to pay for every frill and fad foisted upon the Indian's unwilling shoulders by sob sisters, sentimentalists, sensationalists, and parlor bolsheviks who, while they might be the first to decry its plight, would certainly be the last to get right down and work for his real good as do Government workers—both Indian and white—in the field and in Washington?

The Indian himself is beginning to see a bit of what is going on behind the smoke screen let down in the name of his welfare by those whose main object is to keep the Indian down while they pillage and exploit him. Those forces can not get at him freely until the Government steps aside. Taxpayers and citizens, both white and Indians, you are the Government.

(MRS.) ISIS L. HARRINGTON,

Principal United States Indian School, Albuquerque, N. Mex.

Now note the report made on the Santa Fe Indian School. This investigation was made by a committee consisting of Gov. R. C. Dillon, Dana Johnson, editor of the Santa Fe New Mexican, and Dr. George Luckett, director of public health. Their report, in part, was as follows:

Food was found to be abundant, clean, and of good variety. Check of individual weight charts shows steady gain in weights. Clothing was found adequate, warm, and of good quality. Pupils receive hospital care from resident physicians and trained nurses.

DISEASE UNDER CONTROL

New building under construction will afford improved modern hospitalization. Disease is apparently under good control. There are now 42 cases of trachoma, which the physicians and nurses say is a decrease of 25 per cent during the present school year, and the number represents 8 per cent of the enrollment. The physicians report that all precautions are being taken to prevent spread of the disease. There is one tubercular case this year, the physicians said, and that patient was removed to a hospital at Laguna.

No jails could be found, and the superintendent and disciplinarians say that pupils are never locked up.

Sleeping accommodations appear clean and adequate, with the exception of some crowding in two rooms of the girls' dormitory.

CHILDREN HAPPY

We found no evidence of overworked pupils.

Cleanliness, sanitation, ventilation, and general living conditions were found to be good. None of the children made complaints, and they appeared to be contented, normal, happy, and healthy.

Let me read you a letter written by one of the Indian students at the Albuquerque Indian School. The letter is written in English characteristic of the Indian boy learning the language:

INDIANS WELL TREATED

[EDITOR'S NOTE.—The following letter, written by Huskie J. Burnside, Albuquerque Indian School student, takes issue with reports recently published in Good Housekeeping magazine that Indian School students are not well treated.]

EDITOR TRIBUNE:

I never been mistreated since I came to U. S. Government school. I'll try to explain myself how I was to be treated since I have been in roll the United States Government Indian School.

My the first I went to school in the Navajos Reservation boarding school at the Fort Defiance, Ariz. It was the eleven years ago now, since that time all the teachers and all the boss they surely treat me just fine like my own mother.

Because I am always obey my school rules and regulation when I was attending a school at the Ft. Defiance. After when I finished third, and the same time my brother Isidore Burnside he written a letter to me from the Albuquerque Indian School.

As he said in that letter, "brother this is the best school I ever attending now, so you can come to this school after when you finished six grade," said he.

VERY ANXIOUS

But I didn't finish six grade, because I was very anxious to to Albuquerque Indian School. Just as soon when the school start in September the first in the year of 1921. I asked my mother and father if I could go to the Albuquerque Indian School and also I have explain about that letter I got from my brother Isidore.

After a while my mother, father and the rest of my folks they are agree with me to go to Albuquerque Indian School. At the same time my father said to me before I leave to Albuquerque, Mr. R. Perry he is good man and he is one of my the first friend at the Ft. Defiance the time when he was superintendent at the fort.

Also he said, "Mr. Perry he use to treat me nice when I was Indian policeman at the Ft. Defiance," he said.

I don't see why some of the people they said the American Indian are mistreated and also they said Santa Fe boarding school and Albuquerque Indian School childrens are hungry.

OWN HARD LUCK

Maybe they mean some of boys and girls they are sleeping in and too lazy to get up in the morning on account of that they miss their breakfast by their own hard luck and then they will started to work from 7.30 to 11.30 o'clock.

If they are on time for breakfast formation they wont be hungry at all. Not only breakfast formation, as also church and school and daily formation.

As you all know, the person who are disobey the United States Government rules should be punishment like a man. Just the same as we do here at the Albuquerque Indian School. Of course some of the boys and girls they are usually disobey the rules of the school regulations. So we are the Indian childrens have to be punished by the disciplinarian and matron in order to training our mind for the next generation.

I came to this school here in the year 1921, Sept. 9. From there on up to this time I don't seeing anything wrong here at the Indian School. We always have plenty of food to eat by three time a day, and we have plenty clothing to wear.

We are the Indian boys have plenty a shop equipment, such as auto mechanics, engineer, tailor, blacksmith, carpenter, shoe and harness, and the same way in line of girls department, and they have place to learning such as home economy, nursery, sewing and laundry.

PLENTY OF EQUIPMENT

All of these different department they have plenty of equipment to work with and plenty of machines each of these department.

The same way in gym. We have all kinds of athlete equipment here in Albuquerque Indian School, such as basket ball, baseball, football and boxing outfit, etc. All these equipment take charge by Mr. J. E. Jones, and also teach us how to use it.

I think Albuquerque Indian school is the best school, better than any other Indian service. I tell why, because Albuquerque Indian School they are built me to be a man, and they are the ones development my mind and how to act and how to be a gentleman, and how to be polite and etc.

A. I. S. is the best school that's why I have been stay here for eight years now.

HUSKIE J. BURNSIDE.

Editorially, the State Tribune, a newspaper published daily in Albuquerque, said as follows:

POOR STUFF

John Collier, secretary of the Indian Defense Association, has issued a battery of heated charges since New Mexico became actively interested in a story to effect that Indian students in this State are being starved, maltreated, and poorly fed.

Collier has said:

That the governor's investigating committee was a whitewash at instigation of the Indian Bureau.

That the Hugh A. Carlisle Post of the American Legion is under influence of the Indian Bureau.

That middle Rio Grande conservancy is for exclusive benefit of the non-Indian settlers.

To which we say:

Let the Senate investigating committee come to New Mexico and learn for itself whether New Mexico is misrepresenting current conditions at Indian schools here. In hearings before that committee in Washington there has so far been no complaint of schools in this State. They have, in fact, been upheld as models for the service.

We have seen no statement from John Collier broadcasting this fact to the world. Yet it is one phase of the picture, a rather vital phase, we should say.

If the Hugh A. Carlisle Post is under influence of the Indian Bureau, then that influence has been so subtly exerted that few if any legionnaire has realized it.

Mr. Collier has amazing occult powers if at Washington he can read a simple telegram and determine therefrom that the sender and all his associates are webbed in the tentacles of the Indian Bureau.

The local Legion commander asked the editor of Good Housekeeping whether he would carry another article in event a Legion committee was able to disprove charges about New Mexico schools.

On the strength of this wire Mr. Collier broadcast to the world that the Legion is in cahoots with those who are stamping the Indian underground.

Mr. Collier has likewise broadcast a charge that middle Rio Grande conservancy does not benefit the Indian, that it is unfair. Congress has heard this charge several times, has investigated it, and disapproved it.

Anyone with a grain of cerebral tissue knows that tripling the area of fertile land of any people will benefit that people.

Cost of reclamation for Indians will be adjusted in the form of liens only on newly reclaimed lands, the liens never enforceable so long as the property remains in hands of the Indian.

That is the sort of arrangement that Mr. Collier is fighting. Why does he object to an economic project that promises to increase the wealth of his Indian wards; to heighten their comfort and prosperity; to help make them truly independent?

So far as New Mexico is concerned the facts are obscured by activities of two sets of extremists—those who declare smugly that the Indian is being too well treated and those who rant in season and out that the Indian is being slaughtered spiritually, economically, and physically.

The Indian will never secure justice from the covetous or from the professional uplifter. The public will never learn the truth from either of these groups. Unfortunately both of them are active.

We hope the Senate Indian Committee, in which we have confidence, will do a thorough job of investigating.

After reading these reports we ask, Why this attack upon the Department of the Interior and particularly why the attack on the manner in which the Indian children are treated in the boarding schools of my State? The motive for these attacks is questioned. The statements therein made have been treated as false by the committees investigating conditions in the State of New Mexico. [Applause.]

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Chairman and gentlemen of the committee, I rise to reply to the distinguished gentleman from Massachusetts [Mr. McCORMACK], who spoke to us so entertainingly a few moments ago upon the question of the national-origins clause of the immigration law. This question has been before a committee in the other branch of Congress for consideration, and the newspapers of this morning say that yesterday that committee made its report, and the committee stood about as follows: Seven members of the committee were opposed to the Nye resolution and four were in favor of it. What is the Nye resolution? The Nye resolution is a resolution providing for another postponement of the national-origins clause. In 1924 the immigration law was passed, carrying with it the national-origins clause. In 1926 the Congress postponed the going into effect of that provision of the law, and in 1927 Congress again postponed it. The Nye resolution seeks to do the same thing this year. The report of the committee is adverse to that resolution; but, of course, no one knows what the future developments will be with respect to that legislation.

Mr. ROY G. FITZGERALD. Mr. Chairman, will be gentleman yield?

Mr. JENKINS. Yes.

Mr. ROY G. FITZGERALD. This matter is of great interest and I am delighted that the gentleman is discussing it. Will the gentleman please develop somewhere in his address the situation which has grown out of the inability on the part of the administrative departments of the Government to set up the proper schedule for quotas on a proper basis, and whether the

reply is not the setting up of a tentative schedule and putting that in force as the law?

Mr. JENKINS. Mr. Chairman, I am very glad that the gentleman is asking that question, because the recent hearings before the Senate committee have brought out in a convincing manner the fact that the propaganda that is going over the country to the effect that the national-origins clause is impracticable of operation and can not be put into effect is without foundation. Doctor Hill, in testifying before the committee during the last few days, said that the national-origins clause is more certain than the 1890 plan, and as far as whether the clause can be put into effect is concerned, from an administrative standpoint, all that need be done is to read the hearings before the Senate committee and see where Mr. White, of the Department of Labor, testifies that there will be absolutely no trouble in putting the national-origins clause into effect any more than there would be in putting the 1890 quota law into effect. I shall quote his testimony further along in this discussion.

I want to throw out one proposition for your consideration. The gentleman from Massachusetts [Mr. McCORMACK] fails to consider the fact that the national-origins clause was put into our law by reason of the statesmanship and mental acumen of the most distinguished statesman produced by Massachusetts since the days of Daniel Webster, and I refer to that incisive character, the late Senator Henry Cabot Lodge. He is the man who discovered the merits in the national-origins clause, and just as soon as he was able to launch it the idea was grasped by another great incisive mind in the United States, the Senator from Pennsylvania [Mr. REED], and he now is the champion of this proposition.

What is meant by national origins? At the present time no Congressman, except one who was born abroad, is considered in the method of computing the quotas. No native-born Congressman is considered in the computation of the 1890 quota law. No one but foreign born are considered. This statesman, Senator Lodge, saw at once that it would not do in this great America of ours to allow immigration to be determined and based upon the foreign born only. No one is counted in the 1890 quota but the foreign-born.

How do they count them? The 1924 law grew out of the quota law of 1921. It is one of the most important pieces of legislation enacted in this country in the last generation. [Applause.] Why do I say that? If you will go back into the history of naturalization and immigration you will find that the Constitution of the United States nowhere says anything about immigration. It says that the Congress of the United States shall have the power to enact laws governing naturalization, but not a word about immigration. The law of immigration, the right of Congress to enact immigration laws, comes because of a judicial decision, a decision of the Supreme Court of the United States. Immigration has always been a live question. The 1921 law had a serious defect in it. We selected our immigrants under that law on this side of the ocean. This resulted in many immigrants being turned back after they had left their native country and paid for their transportation. In the 1924 law we changed the manner of selection, and now the process of selection is carried on by our consuls abroad. The 1924 law provides that the quotas should be 2 per cent of the foreign born in this country, as shown by the 1890 census. The object of the national-origins clause is to change that, and to base immigration on the whole people, both native born and foreign born. What could be more just and fair. Some one says that that is impracticable. It is not. The Census Department of the United States has gone to work and made computations, they have consulted the records, and now they have a system evolved which they say is safer and better and more certain than the 1890 census.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. JENKINS. Yes.

Mr. COLE of Iowa. The purpose of the immigration law was to restrict immigration.

Mr. JENKINS. Yes.

Mr. COLE of Iowa. Is it not possible to restrict immigration under the quota? All you have to do is to reduce the percentage. If 2 per cent is too many, let us reduce it to 1 per cent. I would be in favor of that and I will vote for that. I am in favor of restricting immigration, and I would go even lower than that.

Mr. JENKINS. The trouble with that theory is that the gentleman wants to restrict immigration, basing it on the immigrants that come in. Why not restrict it on the people who are here? Let us take America as it is and strike a cross section of America as it is and say that people shall come into this country as that cross section indicates.

Mr. COLE of Iowa. Take our present quota. Is there anybody—is there any class of immigrants coming in which is not desirable?

Mr. JENKINS. No; not any class taken as a nationality. There are many individual undesirables, but no plan will change that. That is a question of enforcement.

Mr. COLE of Iowa. Are there any that now come in under the 2 per cent which the gentleman would think ought to be excluded?

Mr. JENKINS. No; my theory of the exclusion of immigrants is not based on the nationality of any people. Many people do base their opinion in reference to immigrants on their natural inclination. They consult their prejudices and not their judgment. But here is the proposition with me, if the gentleman wants to know my basis: It is not wise from a political or economic standpoint to bring into our country any great influx of any kind of people any more than it is safe to the vitality and political life and perpetuity of any other country to have brought into it any great numbers of people with backgrounds entirely different from those of the people of that country. If you would transfer into Italy a million of the finest Americans in the next year that country could not assimilate them, and the result might be very disastrous and would, I am sure, create an economic revolution if not a political revolution. The situation would be the same as to Great Britain or any other country. The political institutions of a country are the result of a long growth. A steady influx of immigration, if of the right kind and in a quantity that can be digested, will not upset the national equilibrium.

At the expense of repetition let me comment further on the law of 1924. Section (a) of this law provides that future quotas shall be 2 per cent of the number of foreign-born individuals of such nationality resident in the United States as shown by the census of 1890. The census of 1890 was selected for no special reason. The same arguments that would apply for the selection of that census would apply to the selection of the 1920 census. Many people who are opposing the national origins law would like to see the 1920 census selected, because there had been a much greater influx of immigration from southeastern Europe after 1890 than there was before that time. The basing of a quota on any particular census is not as serious as the basing of the quota upon the foreign born entirely, without any consideration of the native born.

The national-origins sections of the 1924 law provide a maximum of immigration at 150,000 per year. The 1890 provision admits 164,000. There is a reduction of 14,000. Under the national-origins plan the annual quota of any nationality for each year shall be a number which bears the same ratio to 150,000 as the number of inhabitants in the United States in 1920 having that national origin bears to the number of inhabitants in the United States in 1920. This number is not to be ascertained by tracing back the individual ancestry of each individual but upon statistics of immigration together with rates of increase of population and on all and any other authentic data that would tend to establish the national origin of the people. These quotas are all to be based on the last census, which was the census of 1920. Just how this is to be done is more easily understood than explained. The Census Bureau, which is one of the most efficient bureaus of the National Government and one which has been in existence in some form or another since the beginning of the Government, has assumed this task. There is no gainsaying the fact that Doctor Hill is America's most proficient student in all matters dealing with the population of the country.

There has been published in America by the American Council of Learned Societies a publication known as *A Century of Population and Growth*. This publication was prepared by the greatest students of the question in the country at that time. This document has been accepted by Doctor Hill, of the Census Bureau, for what it is worth and much other data of similar nature. As I understand it, the first step taken by the Census Bureau to ascertain the national origin of the population was to subtract from the total population of 1920 those classes excluded by the law of 1924 which were, principally, aliens ineligible to citizenship and the descendants of slave immigrants, together with the descendants of the Indians. After this subtraction there remained a total population of 94,820,915. The next step was to determine how many of these were direct descendants of those who were here in 1790 when the first census was taken. This was done by ascertaining from the 1920 census the number that were native born. They then found how many of those had native parents. They then went back to the census when these parents were born and found how many of them had native parents and continued this process back to the first census, which was 1790. They ascer-

tained in that way that 41,288,570 of the white population in America in 1920 were descendants of the 3,172,444 that were enumerated in the 1790 census. The question then arose as to determine what was the national origin of those who were here in 1790. This was done by the application of many tests. Authorities on the German population in the country in 1719 were examined as well as authorities as to the population of the various other nationalities. Practically all these matters were gone into with great care by the American Council of Learned Societies. Much stress is laid by some on the fact that the muster rolls of the Revolutionary War showed a great preponderance of Irish in the Revolutionary War. Testimony by experts who have investigated this phase find that the muster rolls in themselves carried no great proving force for the

muster rolls of the State of Massachusetts show that at different times in the Revolutionary War over 150,000 soldiers had enlisted from that State when as a matter of fact the total population of Massachusetts was only approximately 300,000. Some one testifying in the hearings before the Senate committee brought out the fact that investigation of the national origin of those who wrote the Constitution of the United States had been made and that about 80 per cent of the members of the Constitutional Convention were of English origin. Statistics taken from the Century of Population and Growth shows the number of people of the various nationalities in the several States when the first census was taken. I am inserting these statistics in the Record at this point.

The data referred to are as follows:

White population in 1790 as classified by nationality in Chapter IX of A Century of Population Growth, published by the Bureau of the Census in 1909

Nationality as indicated by name	United States		Maine		New Hampshire		Vermont		Massachusetts		Rhode Island	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
All nationalities.....	3,172,444	100.0	96,107	100.0	141,112	100.0	85,072	100.0	373,187	100.0	64,670	100.0
English.....	2,605,699	82.1	89,515	93.1	132,729	94.1	81,149	95.4	354,528	95.0	62,079	96.0
Scotch.....	221,562	7.0	4,154	4.3	6,648	4.7	2,562	3.0	13,435	3.6	1,976	3.1
Irish.....	61,534	1.9	1,334	1.4	1,346	1.0	597	.7	3,732	1.0	459	.7
Dutch.....	78,959	2.5	279	.3	153	.1	428	.5	373	.1	19	-----
French.....	17,619	.6	115	.1	142	.1	153	.3	746	.2	88	.1
German.....	176,407	5.6	436	.5	-----	-----	35	-----	75	-----	33	.1
Hebrew.....	1,243	-----	44	-----	-----	-----	-----	-----	67	-----	9	-----
All other.....	9,421	.3	230	.2	97	.1	148	.2	231	.1	7	-----

Nationality as indicated by name	Connecticut		New York		New Jersey		Pennsylvania		Delaware		Maryland	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
All nationalities.....	232,236	100.0	314,366	100.0	169,954	100.0	423,373	100.0	46,310	100.0	208,649	100.0
English.....	223,437	96.2	245,901	78.2	98,629	58.0	249,656	59.0	39,966	86.3	175,265	84.0
Scotch.....	6,425	2.8	10,034	3.2	13,156	7.7	49,567	11.7	3,473	7.5	13,562	6.5
Irish.....	1,589	.7	2,525	.8	12,069	7.1	8,614	2.0	1,806	3.9	5,008	2.4
Dutch.....	258	.1	50,600	16.1	21,581	12.7	2,623	.6	463	1.0	209	.1
French.....	512	.2	2,424	.8	3,565	2.1	2,341	.6	232	.5	1,460	.7
German.....	4	-----	1,103	.4	15,678	9.2	110,357	26.1	185	.4	12,310	5.9
Hebrew.....	5	-----	385	.1	-----	-----	21	-----	-----	-----	626	.3
All other.....	6	-----	1,394	.4	5,255	3.1	194	-----	185	.4	209	.1

Nationality as indicated by name	Virginia		North Carolina		South Carolina		Georgia		Kentucky		Tennessee	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
All nationalities.....	442,117	100.0	289,181	100.0	140,178	100.0	52,886	100.0	61,133	100.0	31,913	100.0
English.....	375,799	85.0	240,309	83.1	115,480	82.4	43,948	83.1	50,802	83.1	26,519	83.1
Scotch.....	31,391	7.1	32,388	11.2	16,447	11.7	5,923	11.2	6,847	11.2	3,574	11.2
Irish.....	8,842	2.0	6,651	2.3	3,576	2.6	1,216	2.3	1,406	2.3	734	2.3
Dutch.....	884	.2	578	.2	219	.2	106	.2	122	.2	64	.2
French.....	2,653	.6	868	.3	1,882	1.3	159	.3	183	.3	96	.3
German.....	21,664	4.9	8,097	2.8	2,343	1.7	1,481	2.8	1,712	2.8	894	2.8
Hebrew.....	-----	-----	1	-----	85	.1	-----	-----	-----	-----	-----	-----
All other.....	884	.2	289	.1	146	.1	53	.1	61	.1	32	.1

It will be shown from these statistics that about 80 per cent of the people in the thirteen Colonies when the First Census was taken were English. It is well known to students of history that the great immigration from Germany and from the southern European countries had not set in at the time of the taking of the First Census. It is fair to assume that the same percentage of nationality that was shown to exist in the 1790 census would carry itself down to the 1920 census. In this way the 41,288,570 could be apportioned with comparative certainty.

The remaining 53,532,345 which represents the foreign born and those whose ancestors came since 1790 is more difficult of allotment. The plan adopted by the Bureau of Census seems to be very fair and seems to have worked out very satisfactorily. The department divided this total into three groups. At first it ascertained that according to the 1920 census 13,712,754 of this 53,532,345 were foreign born. It would therefore be a comparatively easy matter to classify this number. It found that 19,190,373 were children of immigrants. If the data was sufficient to ascertain the number that were children of immigrants it would be sufficient to determine the national origin of these children. There would remain therefore a total of 20,629,219 whose national origin would be more difficult of determination. They were placed in a classification for grandchildren of immigrants and were thus considered. Earlier censuses were examined as to the origin of those in this group and after careful and honest consideration fair and honest conclusions were arrived at. No one claims that this conclusion is mathematically correct but no one could successfully claim that it is not more accurate than the 1890 census would be when based purely upon foreign born within the country, and when arbitrarily selected. A total quota of 150,000 when taken in relation to the total

population of the country only means 1 person for every 600 of population. In other words an error of 600 would only mean a change of 1 person in a quota. An error of 60,000 in population would only mean a change of 100 in a quota.

Further by way of explanation of what I have been trying to say I am taking the liberty of inserting a table and an explanation thereof by Doctor Hill of the Census Bureau:

Mr. HILL. I have explained how we determined the origin of the native stock by classifying it on the basis of the 1790 census.

Table C

Census year	Immigrant stock			
	Immigrants	Children of immigrants	Grand-children and later generations	Total
1890.....	9,121,867	9,794,347	5,752,578	24,668,792
1900.....	10,213,817	13,139,149	9,183,279	32,536,245
1910.....	13,345,545	15,907,074	14,378,163	43,630,782
1920.....	13,712,754	19,190,372	20,629,219	53,532,345

Coming now to the immigrant stock: As shown by Table C, which I have inserted in the record, we can divide immigrant stock into three component parts. It includes the immigrants themselves, as shown in the second column of Table C. It includes the children of immigrants, as shown in the third column of Table C, and it includes grandchildren and later generations. As regards immigrants themselves, the classification has been made by the census. There is no element of estimate there; the foreign born are classified in the census by country

of birth; and as regards children of immigrants, the classification has also been made for us by the census. We do not have to estimate there. The element for which we do have to estimate consists of grandchildren and later generations, the classification of which by country of origin has not been made by the census.

Starting with the census of 1890 the number of grandchildren and later generations at that time was 5,752,578, as shown by this table. That forms only a comparatively small part of the total immigrant stock, about one-fifth of the total immigrant stock, so, as regards the origin of the immigrant stock in 1890, we may say it was four-fifths known and one-fifth unknown. I am emphasizing that fact to show that that portion for which you would have to make an estimate is relatively small, so that errors in the estimate would not affect the totals very much.

Coming back to the question, how shall we determine the country of origin of the grandchildren as enumerated in 1890, numbering 5,752,578? It is evident that the country of origin of the grandchildren as enumerated in 1890 would be determined by the immigration which came to this country prior to 1870. Why do I say prior to 1870? Simply for this reason—that the immigrants who came after 1870 could hardly have produced many grandchildren by 1890. They might have a few, of course, without appreciably affecting the total, but for the purposes of this computation I assume that it takes 20 years to produce a grandchild. So we assume that the distribution of the grandchildren by country of origin would be on the basis of the stream of immigration coming to this country prior to 1870. If, for illustration, the immigration was 33 per cent Irish and 37 per cent German, we estimate that the grandchildren would be 33 per cent Irish and 37 per cent German. These are not the actual percentages, but are given for illustration. So we determine or estimate the composition of grandchildren by country of origin on that basis, making some allowance for the different periods of immigration, because those immigrants who came in earlier would naturally have a larger proportion of grandchildren in 1890 than those that came in later.

Having done that we have completed our classification for 1890, the immigrants being classified by the census, the children of immigrants being also classified by the census, and the grandchildren and later generations being classified by the process I have described to you.

It was unfortunate that the quotas based upon the foreign-born census of 1890 gave to some countries a quota far out of proportion to that to which they were entitled. It is within the knowledge of every student of history that the immigration into the United States has changed from the standpoint of nationality of those coming as immigrants. In the early history of the country immigration was almost exclusively from northern Europe. When Germany reached its period of great growth and development following 1870 the German immigration became very heavy. Quoting from a speech made by myself in this House on June 7, 1926, it appears that immigration reached its maximum in 1907, when 1,285,349 persons came to our shores as immigrants. To show the gradual growth of immigration from 1820 to 1924, when the quota law was passed, and the restriction of immigration from that time forward, I am inserting table of statistics:

1820	8,385
1840	84,066
1854	427,833
1873	459,803
1881	669,431
1907	1,285,349
1914	1,218,480
1921	805,228
1923	522,919
1924	706,896
1925	294,314

Any census taken when the high tide of immigration was on from any particular country would, of course, be more than fair to that country and unfair to other countries. If the census of 1920 had been accepted, the quotas of the southern European countries would have been increased many times. Those who find fault with the national-origins plan have been asked repeatedly to furnish a better plan. As I have heretofore stated several times, the arbitrary acceptance of any census will be unfair to some nationalities.

Much propaganda has been scattered to the effect that the national-origins plan if put into effect will work a great hardship on those called upon to administer the law. This is purely propaganda. Assistant Secretary of Labor Mr. White, in his testimony in a public hearing before the United States Senate committee stated—

when the 1924 act was put into effect it was not a noticeable disturbance or questioning of the quota from our department's standpoint. I doubt seriously if we would notice anything particularly if the national origins are put into effect—that is, from the Department of Labor's standpoint. We look upon this question as a scientific historical one to be left to the scientists and to the legislative bodies.

Further in his testimony he says:

Yes; the quotas as allotted are generally accepted by the various nationalities at the present time. I do not know as it will help you, but in my judgment any other quota announced by our Government would be equally as well accepted after a few years.

The national-origins plan will establish a permanent basis upon which future quotas can be fixed and can be justified. No census of foreign born only can furnish such a basis. If a proposition is fair, it can be justified and can be made to work. No discrimination should be practiced toward any nationality. If certain nationalities were favored by the selection of the 1890 census, those nationalities will, when they thoroughly understand the situation, be willing to accept any fair readjustment. Restriction of immigration is a permanent policy in our country now.

Those who favor the national origins are not asking for new legislation. They are only asking that the law passed after due deliberation by the Congress in 1924 be permitted to go into effect without further hindrance. When it shall have gone into effect and a fair permanent basis established for quotas the next step will be to determine whether those quotas should be restricted further, and if they are, that restriction should be on a fair basis so that no discrimination will be shown for or against the nationals of any country. America has achieved her greatness by having been able to amalgamate the various strains of blood into one great new strain. No nationality can claim all the credit for America's greatness. History records many instances where small nations have contributed mightily to the welfare of the world. Centuries ago it was asked in derision, "What good could come out of Nazareth?" To my mind the immigration question should be faced honestly and fairly, and it should be decided from the standpoint of what is best for America and those who are here rather than what is best for some other country and those who are yet to come. The national-origins provision is indorsed by every patriotic organization in America.

The CHAIRMAN. The time of the gentleman has expired. Mr. SANDLIN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, I wish it were possible to make an amendment to the immigration law to provide that the governor of the Bank of England could not come into the United States and direct our Federal Reserve Board as to its policy.

Due to the statement of the Federal Reserve Board of last week there were two outstanding results. First, the American public, by the reductions of prices on the stock exchange, suffered great losses. In industrial stocks alone, according to Dow-Jones averages, there was a drop of 20.53 for the last three days to Friday. Secondly, the flow of gold from Great Britain to the United States was checked, and the gold position of the Bank of England suffered no further decline.

Circumstances point to cooperation between our Federal Reserve Board and the authorities of the Bank of England to protect the British gold reserve. It has been protected at the expense of the American public. The Federal Reserve Board has countenanced the sale of Liberty bonds at a low figure with a purpose of curtailing American credit by the Federal Reserve Bank of New York, and it likewise has countenanced the purchase of eighty million sterling by the Federal Reserve Bank of New York for the purpose of stabilizing the pound sterling and checking the flow of gold to America.

Last week the Federal Reserve Board issued a warning against speculation and since issuing that warning has permitted the Federal Reserve Bank of New York to do a little speculating in Liberty bonds and pounds sterling.

An American governmental agency has deflated credit here to help credit in Great Britain. The Bank of England had lost £26,000,500 of gold in the last five months and is £6,000,000 below its level of a year ago. It is below the so-called Cunliffe minimum of £150,000,000 which London regards as the danger point. The most ominous note was sounded in the New York Times on February 11, 1929, that indicated that the Bank of England wished to arrange a credit in America. The New York World of to-day stated that Governor Norman of the Bank of England, instead of asking for credit, received, an agreement of cooperation to prevent the depletion of Great Britain's gold reserve.

So instead of Great Britain paying for financial help, American business through the tightening of American credit, will have to pay for it. The losers in the stock market for the last week have already paid dearly for our Government's altruism. The Declaration of Independence which was the first law of the land, had as its main object the removal of British economic and political control from the back of the struggling colonies.

Now that America is powerful, it is not our thought that we should have the economically unfortunate Great Britain loaded on the back of America to impede American progress.

We all have sympathy for conditions in Great Britain, but so has the banker for a farmer who needs financial help. However, his sympathy never loses sight of discount gain and interest. Suppose we picture the United States as an individual banker and Great Britain as an individual seeking financial help. The first thing Uncle Sam would say is, "What are your assets and what are you prepared to pay for assistance?" In the end, John Bull would be forced to part with some of his possessions in order to get gold from Uncle Sam to carry him over in emergency. Why do our Government officials then deal with Great Britain other than on a business basis? If we are going to keep the wolf from any door let it be kept from our own door. The Federal Reserve Board and the financiers who approve of its recent policy are very sympathetic with other peoples' money. The international bankers who like to help Great Britain never forget to obtain a profit through their sympathy. They are always good samaritans with a sizeable rake-off.

Evidently it is our duty to estop the Federal Reserve Board from using our funds to assist Great Britain. Great Britain needs credit. Let it get credit in the usual way and pay for it. I think we could gladly enter into an arrangement with Great Britain and take over some of her island possessions off our Atlantic coast which, as naval bases, threaten our security. Great Britain owns a large portion of the earth and an individual owning real estate and needing money must part with some of his holdings. Why should not a nation finance itself the same way? Of course, Europe will call us Uncle Shylock, but for centuries Great Britain has held a large part of the world in pawn and glorified in the situation. If bank loanings are to be curtailed against our business expansion it means unemployment in America. If capital is to be frightened against investing in business through the purchase of securities hard times will be inevitable. If hard times are on the way I trust that they stop at the boundaries of the United States. American capital, with the cooperation of American labor has made us the leader in prosperity. Capital and labor have led the way from soup kitchens in America to a public, to a big extent, composed of securities holders. The world has turned economically and America has taken its place in the financial sun.

The deflation in 1920 caused a serious depression. It followed a movement of gold to Europe when the Bank of England needed it. The Federal Reserve Board has a casual connection with the panic. I trust that some day there will be revealed the secret minutes of the Federal Reserve Board at that time during which western financiers protested against the raise in the rediscount rates. The farmers were told that they were over-producing and speculating just as investors to-day are told that they are overinvesting. The corollary of the Federal Reserve Board statement would be to warn business against mass production. Business would be told that there are too many automobiles, too much steel being produced, and that the mail-order business is getting too heavy.

The Federal reserve propaganda is to the effect that last week's statement was urged in behalf of American business. The strange thing about it is that, although the Senate had suggested such a policy for some time, that the Federal Reserve Board did not get excited about speculation until the visit of Montagu Norman, governor of the Bank of England. He seems to have more power with the Federal Reserve Board than American business or the Senate of the United States. We have not heard that the Federal Reserve Board consulted the United States Chamber of Commerce, the Secretary of Commerce, or any farm organization prior to the statement, but we do know that Mr. Montagu Norman worked out a cooperative arrangement with the Federal Reserve Board. I wish that some of the Members of Congress who have taken advantage of the situation to attack the New York Stock Exchange would look into the international aspect of recent developments.

The New York Stock Exchange is the one important element in our business life which has not a concomitant government guardian. Through it the farm regions of the country were opened up through its distribution of railroad securities by means of which the great railroad systems of the country were built. Through it the great industrial enterprises of the country which furnish a market for farm products were financed. Through it to-day new enterprises are being given their life blood. It has provided an economic regulation of capital and because government has not interfered it has expanded its facilities in the interest of the country's business.

The stock exchange has reduced the speculative element in security buying by its facilities for uniform and contempora-

neous distribution of reliable information throughout the United States. Gambling consists in a wager on a future event. Speculation involves only the risk of property ownership. The best proof of the sincerity of the stock exchange has been the Wall Street protest against the statement of last week. Had the brokerage houses been purely gambling houses, they would have cause for rejoicing instead of protest in a declining market. The stock exchange helps business stabilization and also affords business valuable information. The call loan is a safe loan and provides ready funds for the purchase of securities of American business. As Mr. Simmons, president of the New York Stock Exchange, said, "The security collateral loans have been a sort of national surplus which could be drawn very effectively and beneficially." The call loan serves a very useful purpose in financing the passage of securities of issuer to investor. In actuality the call-loan totals are only a very small percentage of the market values of the securities listed on the stock exchange, and the idea that the surplus credit of the country is carrying on all the security merchandising is fallacious.

The visit of Governor Norman seems to bear out the warning of President Coolidge against foreign investments. I believe that this body, instead of being critical of our citizens who have confidence in the future of this country and so buy American securities, should scrutinize our foreign financial entanglements. I have asked that the Federal Reserve Board disclose its hand in connection with the British gold situation. We just finished a war brought about by secret diplomacy. Mr. Hearst has just disclosed a secret Franco-British naval pact that meant harm to America. Let us have some light on the dealings of the Federal Reserve Board. Congress, the fundamental governing body of the country, operates in the open. Let its creature, the Federal Reserve Board, give us details on its recent action. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back eight minutes.

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Chairman, I see that the gentleman from New York [Mr. BLACK], a member of the election campaign expenditures committee, is present and I wish to inquire whether that committee has been examining primary campaign as well as election campaign expenditures?

Mr. BLACK of New York. The committee under the resolution has power to inquire into primary election and actually did it in a primary election case in Texas.

Mr. SCHAFER. I thank the gentleman. Mr. Chairman and members of the committee, I hold in my hand a copy of the Capital Times, published at Madison, Wis., February 12, 1929, which contains an extensive editorial which quotes a report filed by Arthur R. Barry, special district attorney who conducted the John Doe inquiry into Wisconsin primary expenditures by Progressive candidates.

This report recommends the criminal prosecution of five Progressive leaders in Wisconsin for violation of the Wisconsin corrupt practices acts. I will not at this time read into the RECORD the entire editorial, but only such portion as refers to contributions to the La Follette Progressive Republican Club of Milwaukee, Wis., through Mr. Richard H. Lee of New York. I will not mention the names of candidates at this time, but will designate their names by blanks.

I hold in my hand some of the literature extensively circulated in my district by this La Follette Progressive Republican Club, in behalf of my La Follette Progressive primary opponent, who was defeated by an overwhelming majority. I have personally viewed at the secretary of state's office in Madison, Wis., the expense accounts filed by this La Follette Progressive Republican Club of Milwaukee, and from my personal knowledge know that, particularly with respect to \$5,000 collected by Mr. Richard H. Lee, of New York, the corrupt practices acts of Wisconsin have been flagrantly violated.

It is my purpose in rising to-day to bring the matter to the attention of the House, and particularly to the attention of the Election Campaign Expenditures Committee of which the honorable gentleman from New York [Mr. BLACK] is a member, so that this committee can make an investigation of the receipts and expenditures in the primary campaign conducted by the La Follette Progressive Republican Club of Milwaukee.

I read now from the report filed by Arthur R. Barry, special district attorney who conducted the John Doe inquiry:

So far as we have been able to bring out the matter in the testimony, the contributions of Richard H. Lee amounted to \$5,000. Mr. Lee's connection with the Wisconsin 1928 election is not only mysterious, dark, and foreboding, but spells and shows an outside interest, vicious in its nature, in Wisconsin politics, which in the future, if it can not be prevented or reached by State legislation, should call for national

legislation, to avoid a repetition in the use of money in influencing the electorate in determining who should or should not be elected to office.

It appears that Richard H. Lee is a very prominent lawyer of the city of New York, listed in Martindale's Legal Directory, of the highest standing and ability, a man of great wealth, it appearing in one instance that while taking a cruise on his palatial yacht, he instructed his private secretary to forward \$1,500 to the Milwaukee committee.

In the early part of July, 1928, Mr. Lee appeared at Madison, made himself acquainted with members of the committee and advised them that he held himself in readiness to assist the committee, particularly in the furtherance of the interest of candidates — and —. Mr. Theodore Dammann, secretary of state, introduced him by telephone to Mr. G. A. Dick, chairman of the Milwaukee County Progressive Committee, and he later in turn presented Mr. Lee to Mr. Herbert L. Mount, secretary of the Milwaukee County Progressive Committee, to whom Mr. Lee pledged himself to send \$5,000, which he did in several payments within three weeks thereafter.

To his credit Mr. Mount reported these moneys as received by him in his preprimary and postprimary financial statement, and stated them to be money collected by Richard H. Lee.

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

Mr. SCHAFER. Can the gentleman from Pennsylvania give me three minutes more?

Mr. WELSH of Pennsylvania. I yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from Wisconsin is recognized for three minutes more.

Mr. SCHAFER. I read further:

After the September primary Mr. Lee again comes to Wisconsin, calls on Mr. Mount at the Milwaukee Progressive headquarters, at which time Mr. Mount advised Mr. Lee that he would have to know the names of the men who made the contributions, and that they in turn would have to report their contributions to proper filing officers in Wisconsin.

Mr. Lee at that time told Mr. Mount he could charge up \$1,800 to nine names then furnished. In passing, we will say it is peculiar that no addresses were mentioned for these names, and as to whether they are fictitious we are not advised.

Mr. Lee was repeatedly importuned by Mr. Mount to make report as to who contributed the other \$3,200, but Mr. Lee willfully refused so to do, and continues to refuse to give the State of Wisconsin the information to which it is entitled. Mr. Lee has been advised that he has violated the corrupt practices act and given opportunity to make filing and he has refused to do so; and by so doing violated the statutes of the State of Wisconsin, the punishment of which constitutes a felony and therefore makes Mr. Lee extraditable, as he should be.

As to whether or not Mr. Lee, or whoever he may represent, contributed other money to the campaign, we are not advised, but it is peculiar, to say the least, that he, an utter stranger in Wisconsin, made contributions in the sum of \$5,000 to the Milwaukee County campaign, and it is just as fair to presume that he did as to presume otherwise. Until we have his sworn testimony to the contrary the presumption that he did make additional and large expenditures, necessarily prevails.

Mr. Lee violated the statute in more than six particulars and the place of such violations being in Milwaukee County, he should there be prosecuted.

Mr. Chairman, the report of this special district attorney further shows a total expenditure in Wisconsin in behalf of the so-called Progressive candidates amounting to \$132,833.16. I know of my own personal knowledge that all of the primary-election expenditures are not included. The report makes no mention of the many thousand copies of La Follette's magazine which were widely distributed from house to house. The issue so distributed was almost in its entirety confined to political campaign issues. The front page indicated a price of 10 cents per copy so that the total number of copies multiplied by 10 cents would represent the correct amount for campaign expense accounts.

I demand to know the source of the funds collected by Mr. Richard H. Lee, of New York, particularly since some of those funds were expended for political purposes in behalf of my primary opponent.

I request that the Election Campaign Expenditures Committee call Mr. Lee and such other witnesses as may be necessary to drag into the light the entire transaction which has been hidden in violation of the Wisconsin corrupt practices acts by Mr. Lee and the La Follette Progressive Republican Club, of Milwaukee.

As the late Senator La Follette often said: "Give the people light and they will find their way." [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. WELSH of Pennsylvania. Mr. Chairman, I will use 15 minutes of my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 15 minutes.

Mr. WELSH of Pennsylvania. Mr. Chairman and members of the committee, in closing the general debate, before starting to read the bill I would like to outline generally some of the provisions of the bill. In that way I think we can expedite the consideration of the bill under the five-minute rule.

The subcommittee of the Committee on Appropriations having this bill in charge realized that this particular bill touches the Members of Congress more closely than any other bill that comes from our committee, and I can say truthfully that the members of the subcommittee approached the different projects in this bill without the slightest feeling of partisanship. Every member of the committee, both Republicans and Democrats, had only one idea in view, and that was to enact such legislation as would enable the legislative department of the Government to function at 100 per cent of efficiency. If you get a committee of Congress with but a single idea in view, it is usually possible to bring out a bill that is relieved from serious objection. That the bill is perfect we do not for one minute claim, but we do hope that it has no major defect or anything which would warrant a division in the committee or in the Congress.

The committee at the outset of its work had a very important matter to consider, and that was the question of the salaries of the employees of the House. The committee had appear before it various officers of the legislative department and Members of Congress, pointing out certain inequalities and injustices that are at present inflicted upon the working personnel. And there was a strong desire on the part of the committee to remedy those inequalities and injustices if possible. But the committee was brought face to face with this fundamental question: Have we the right under our rules to do that? Notwithstanding the desire to give relief was strong, the desire to comply with the rules was stronger, and this bill, therefore, does not contain one salary increase. It was not because we did not think increases were deserved. We know they are deserved in many cases. But we wished to proceed in a constitutional and orderly manner.

Mr. SANDLIN. Will the gentleman yield?

Mr. WELSH of Pennsylvania. I yield to the gentleman from Louisiana.

Mr. SANDLIN. The gentleman might explain that there are no salary increases except for those who come under the Welch Act.

Mr. WELSH of Pennsylvania. That was beyond our power to control and they are taken care of automatically, but the committee did not desire to usurp any prerogatives of the House. Therefore, we have not made any recommendations except those required of us by law.

Mr. SNELL. Will the gentleman yield?

Mr. WELSH of Pennsylvania. Certainly.

Mr. SNELL. The gentleman is aware of the fact, is he not, that last year, by resolution of the House, there was a special committee appointed from the Committee on Accounts for the purpose of going over the question of the salaries of House employees and the relative salaries paid to the various persons. Did the gentleman or his committee consult them or take that matter into consideration at all?

Mr. WELSH of Pennsylvania. I will say, in reply to the gentleman from New York, that the members of the committee did not consult with the Committee on Accounts but they did have that matter under consideration in weighing the facts of the case. It was the opinion of the Appropriations Committee that no committee as now constituted has the right under our rules to entirely take up this question, and for that reason they unanimously went on record as favoring the appointment of a joint committee, consisting of three Members of the House, to be appointed by the Speaker, and three Members of the Senate, to be appointed by the Vice President, to go into this whole question of the revision of salaries and make a recommendation either by bill or otherwise at the next ensuing session of the Seventy-first Congress.

Mr. SNELL. Does the gentleman think we would be any further ahead by having a joint committee than to take care of the situation as it exists in the House at the present time? Personally I believe there are a great many inequalities, but I question whether we would get any further through a joint committee than we would by taking care of the situation as it exists in the House by the appointment of a House committee.

Mr. WELSH of Pennsylvania. I would say in reply to the gentleman from New York that I undoubtedly believe we would get further ahead. I believe it is the only way of solv-

ing this question, and unless we take this course we are going to be guilty of further acts of favoritism; we are going to pick out here and there, year by year, certain deserving cases—I will not call them cases of favoritism—and deal with them piecemeal, and in doing that we will leave many other cases, equally deserving, without a remedy, and merely be legislating in the line of favoritism. That is something the members of the committee deplore and that we do not want to be guilty of.

Mr. ABERNETHY. Will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. ABERNETHY. We have done that in a number of instances, have we not?

Mr. WELSH of Pennsylvania. We have, and the time has come for it to stop.

Mr. ABERNETHY. Why not put these other employees on an equal basis? I know of several employees here, some on that side and some on this side, who are not getting the salaries which should be paid to them, and I ask the gentleman why not take up those cases now, as suggested by the gentleman from New York?

Mr. WELSH of Pennsylvania. I will say to the gentleman from North Carolina that the minute we try to do that it is subject to a point of order, and year after year it will be subject to a point of order.

Mr. ABERNETHY. But I do not believe points of order would be made, and I believe we should act now. In my opinion many of these salaries should be raised proportionately.

Mr. SNELL. The gentleman misunderstood what I had in mind. I did not mean to take it up now without legislation authorizing it. I was trying to find out from the gentleman from Pennsylvania whether he thought we had better take this up as a House matter instead of having it taken up as a joint matter with the Senate, because, as a matter of fact, as everyone knows, they always pay more liberal salaries at the other end of the Capitol than we pay here.

Mr. TILSON. Will the gentleman yield?

Mr. WELSH of Pennsylvania. Certainly.

Mr. TILSON. Has the gentleman any assurance that this joint commission will have any success in dealing with the body at the other end of the Capitol?

Mr. SNELL. That is the point I had in mind.

Mr. TILSON. Has the gentleman any assurance that would lead him to think that in case such a committee is appointed that the representatives on the part of the Senate will be willing to meet us half way and try to fairly adjust the salaries of employees doing comparable work in the two branches of Congress?

Mr. WELSH of Pennsylvania. I will say to the majority floor leader that I have no assurance of that; but based upon my past experience in life it is my belief and my hope that a joint committee of the two Houses, sitting down around a common table and taking a comprehensive survey of the whole situation and endeavoring to deal fairly with the situation in its entirety, will accomplish greater results than would be the case if it is dealt with piecemeal year after year by taking care of a few cases.

Mr. ABERNETHY. I want to call the gentleman's attention to an instance which occurred right here on the floor of the House yesterday, when the question of giving to the President of the United States two additional secretaries at \$10,000 each, was under consideration. That was subject to a point of order, but there was not a man on this side who objected to it and there was not a man on that side who objected to it.

Mr. BLACK of Texas. I beg the gentleman's pardon. I made a point of order, and the House put it in the bill in the regular way. I objected to its going into the bill without the affirmative vote of the House. I do not think it ought to have gone in and would have been very glad to have stopped it.

Mr. SNELL. The gentleman from Texas [Mr. BLACK] certainly took advantage of his rights and called the attention of the House to the fact that it was not in order.

Mr. WELSH of Pennsylvania. We can not do that in this appropriation bill, because one point of order would defeat it.

Mr. ABERNETHY. I know of deserving men here who are working and I see them standing right here listening to this debate. There are such men on both sides of the Chamber, and I want to say to the gentleman that I make no distinction. I stood up here at one time and made a plea for a man who was sick and could not defend himself, who was on the other side of the Chamber; and as an humble Member of this House I do appeal to the gentleman that there are employees here who are faithful and it does not make any difference on which side of the aisle they are, they are always at our beck and call, and the gentleman knows that.

Mr. WELSH of Pennsylvania. Yes; and I will say to the gentleman that that was the very attitude of the committee.

There is no desire and no intention to discriminate on either side of the aisle.

Mr. ABERNETHY. The gentleman has the power. He is the head of a very important subcommittee, and I am speaking now not so much for this side, because I do not know just how it affects them, but I do know there are employees here who have served faithfully here year after year with the cost of living increasing all the time, and the Congress of the United States, through its own membership, has increased its own salaries. Take the salaries of the clerks, for instance. You have increased salaries here and there of men right on the floor here where you have taken up single instances. I will not name them, because the gentleman knows them, and, as the gentleman pointed out a while ago, we have numerous deserving employees, and if we wait for a joint committee, nobody knows at what time we will get to it. It does seem to me there ought to be some method by which this can be done, particularly when the question has been raised by the chairman of the Committee on Rules and the debate has been entered into by the majority leader. It seems to me we might get together and give these employees the amounts to which they are properly entitled.

Mr. SANDLIN. Will the gentleman yield?

Mr. WELSH of Pennsylvania. I yield to the gentleman.

Mr. SANDLIN. I simply want to make this observation: I do not know whether the gentleman from North Carolina [Mr. ABERNETHY] was present when the gentleman from Pennsylvania [Mr. WELSH] opened his remarks or not, but this is very much like the two darkies who both agreed that potatoes would grow better in sandy land and argued about it all day.

Mr. ABERNETHY. The trouble about that is that we have not planted any potatoes and we are not raising any potatoes.

Mr. SANDLIN. I will say further to the gentleman that this committee has no authority to legislate, and as a member of the Appropriations Committee I have always objected to the Appropriations Committee bringing in legislation here whenever it was possible to avoid it. I agree with the gentleman from North Carolina [Mr. ABERNETHY] that there are many inequalities existing in the salaries of the employees of the House, and it is the earnest desire of the full committee, as much as it is the desire of the gentleman from North Carolina, that the salaries be adjusted; and the only thing in dispute is how to adjust them.

Mr. TILSON. Will the gentleman yield?

Mr. WELSH of Pennsylvania. I yield to the majority leader.

Mr. TILSON. The gentleman does not believe that the proper way to adjust them would be to begin on the floor of the House to add increases here and there?

Mr. SANDLIN. I do not. I think it ought to be threshed out by a committee; and the reason I am in favor of the establishment of a joint commission is because there has already been introduced in the Senate a resolution—I think by Senator ROBINSON—that provides for the raising of the salaries of the clerks of committees, as well as other salaries; and we feel, as Members of the House, that if salaries are going to be raised over there that the employees of the House who are doing the same kind of work ought to be treated with the same consideration as the employees of the Senate; and therefore we believe that a joint committee could get together and thresh out these matters and not have these inequalities.

Mr. SCHAFER. Will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. SCHAFER. May I ask the gentleman from Louisiana if it is contemplated to increase the salary of the police force of the Capitol, which is now about \$112 a month? How can we expect a man to support a family on that salary?

Mr. SANDLIN. That matter was mentioned. I do not see how they can live on that salary. I could not, and I do not suppose the gentleman from Wisconsin could, and certainly I would not want him to.

Mr. ROY G. FITZGERALD. Will the gentleman yield to me?

Mr. WELSH of Pennsylvania. Yes.

Mr. ROY G. FITZGERALD. I want to ask a question in regard to this discussion. When the gentleman who has just taken his seat said he did not believe this was the proper way to approach this question, I want to ask if it is not important enough to be approached in some way; and if it can not be approached in a more appropriate way, is there serious objection to its being approached in this way? I should like to add to my question, as an illustration, the way in which the Clerk of this House is being treated—a man of great and responsible duties under the Constitution, who has in charge the organization of every House of Representatives.

Mr. ABERNETHY. And the Doorkeeper.

Mr. ROY G. FITZGERALD. I might add the Doorkeeper and the Sergeant at Arms. I might also add the clerk of the Committee on Appropriations, a man whom you could not dupli-

cate in years of endeavor. I am speaking of these men just as illustrations.

Mr. SANDLIN. I thought the gentleman was going to ask me a question.

Mr. ROY G. FITZGERALD. I am coming to the question I want to ask. The Members saw fit to raise their own salaries to \$10,000 a year and neglected to raise those salaries which were measured in responsibility by the amount which was paid to the Members. Here is the Sergeant at Arms, charged with the responsibility of enormous sums of money, greatly increased by the amounts which have been added to the salaries of the Members. The responsibility of the Clerk has been increased in the same way; and I am asking my good friend across the way from Louisiana if it is not the proper thing to do the right thing at any time?

Mr. SANDLIN. Is the gentleman asking me that question or the gentleman from North Carolina [Mr. ABERNETHY]?

Mr. ROY G. FITZGERALD. I am asking the gentleman from Louisiana.

Mr. ABERNETHY. Will the gentleman permit me to answer the question?

Mr. SANDLIN. The gentleman has asked me to answer the question. I am sorry I failed to make myself understood, because our position is this: I thoroughly agree with the gentleman from Ohio [Mr. ROY G. FITZGERALD] that this matter should be adjusted, and I have said so. I agree that many inequalities exist, but I want to correct them in the proper and legal way. I do not want to come in here with an appropriation bill and have various Members get up on the floor and condemn and criticize, in many instances justly, the Committee on Appropriations for writing legislation on an appropriation bill. Therefore I want to say that this committee, which will be created under the proposed amendment by the gentleman from Pennsylvania, will do the very thing that the gentleman from Ohio and the gentleman from North Carolina have so eloquently advocated on the floor.

Mr. ABERNETHY. I was wondering if this joint committee would act in my lifetime or yours.

Mr. SANDLIN. You must take that up with the joint committee. I am hopeful, if the gentleman from North Carolina is one of the committee, that they will act at once.

Mr. ABERNETHY. I would act right now.

Mr. ROY G. FITZGERALD. If the rule against legislation on an appropriation bill is to be invoked, why shut your eyes to the fact that these bills are full of it? I am told that three-quarters of the agricultural bill which comes from the Agricultural Committee is not supported by legislation.

Mr. SANDLIN. The gentleman is incorrect.

Mr. ROY G. FITZGERALD. My authority is an expert in the Congressional Library.

Mr. TILSON. The gentleman from Ohio can always exercise his right to make a point of order against legislation on an appropriation bill.

Mr. SCHAFER. Mr. Chairman, a parliamentary inquiry. Are these gentlemen, who are speaking, for the bill or against it?

Mr. ABERNETHY. Will the gentleman yield again?

Mr. WELSH of Pennsylvania. I yield.

Mr. ABERNETHY. I understand that we can make a point of order against this proposition, but I am not going to do it. I am sure that nobody else will. I hope the gentleman will have the thorough cooperation not only of the committee but the majority leader, the chairman of the Rules Committee, and I am sure there will be no objection made on the part of anybody so that the employees can get a proper stipend for the amount of work they do. I hope the gentleman from Ohio will be one of the committee.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. WELSH of Pennsylvania. I yield.

Mr. VINSON of Kentucky. Did I understand the gentleman to say that there was no legislative committee of the House that has jurisdiction over this matter?

Mr. WELSH of Pennsylvania. I have so stated. I do not know of any other way in which this can be brought about. Now, this proposition is going to be offered as section 4, if there is no objection to it; and I want to give the House ample warning of the proposition.

Now, as to the bill, I would like to have gone more fully into the provisions of the bill than I will on account of the lateness of the hour. There are many points of interest in the bill. The bill takes up the power plant, and it will be of interest to know that conditions at the power plant are very fine. It is one of the model institutions of the country, and you will be interested to read the testimony brought out at the hearings as to the detail and the management of that wonderful plant.

It takes up the Congressional Library, and that is one of the outstanding institutions of the world. It will be interesting to see the way the Library is conducted and the efficiency of the manner in which it is run and the high regard in which it is held throughout the educational world.

You will be interested to know something about the Botanical Garden, the present condition of the work, and the future development that is in contemplation.

The Public Printer also comes under the jurisdiction of this bill, and Members will be interested to know that there are upward of 4,100 employees there, and that there is no labor trouble. Everything is running harmoniously and it is, I am glad to say, the greatest printing plant in the world. There is not a particle of friction.

The Clerk of the House appeared before us and said that in his experience, which extends over a long period of years, the work of the department is running more smoothly than it ever has before.

The Architect of the Capitol also had a very interesting story to tell the committee about the activities of his department.

I shall not take time to go into the details of the bill, because they are all here, but I wish you gentlemen would take the trouble to read the testimony that was produced before the committee. This is your own house that we are putting in order. It is something that concerns you, and your committee wants you to know what is going on.

You will also be interested to know that the various heads of your departments were asked emphatically whether they had any suggestions to make that would improve their efficiency or bring about a reduction in the expense of administration. They all felt that they had an opportunity to express themselves fully, and they did express themselves fully and indicated that they had the complete cooperation of the subcommittee and of the entire Congress in their desire to function as nearly perfect as possible.

I shall not take the time now to go further into the details of the bill. The bill carries an appropriation of upward of \$18,000,000 for these various departments. We have kept well within the estimates. We have not increased the pay roll at all except as we were required to do under the provisions of the Welch Act. We have tried to give you the results of the best and most painstaking inquiry that we could make, and we hope that you will support us in what we have tried to do. [Applause.]

Mr. SANDLIN. Mr. Chairman and gentlemen of the committee, I shall take only a few minutes to refer to the discussion that took place a short time ago on the salary question. When the Welch Act was passed, the Botanic Garden employees and the employees of the Library of Congress were taken care of. They come under the provisions of that act. The salaries of the employees of both of those departments were increased in accordance with the provisions of that act. The act, however, does not apply to the employees of the Capitol at all, and they get no benefit from it. That is one of the matters that we think should be disposed of by this joint committee. Of course, the proposed amendment for the appointment of this joint committee is legislation itself. I call the attention of those gentlemen who are anxious that this matter be adjusted to the fact that it is legislation, and hope that they will not in this instance object to that legislation on an appropriation bill.

It was the desire of the committee to see to it that no injustices were done to the employees of the Capitol. I, for one, feel that their salaries ought to be put on an equality with the salaries of people doing like work in the other departments of the Government. At the present time a great many of them are not receiving the salaries that they should. Then, again, on this side of the House there are employees who are doing the same kind of work and more of it than others at the other end of the Capitol who are receiving larger salaries. As Members of the House, I think we should, as soon as we can get machinery set up, see to it that these inequalities are adjusted. The committee has given a great deal of thought to this matter. Last year I offered amendments in the committee to increase some salaries, and certain increases were written into the bill. They were stricken out on a point of order.

The same thing would probably happen again if I were to attempt it. The only proper way and the only just way in which this can be handled is by the appointment of a joint committee, and then any Member of the House or any employee of the House who knows or feels there is inequality existing can present the matter here proposed to this committee and it can be adjusted.

In conclusion, let me say that I indorse the bill; and the gentleman from Colorado [Mr. TAYLOR], the other Democrat on the subcommittee, also indorses the bill.

The CHAIRMAN. There being no further debate, the Clerk will read the bill for amendment.

The Clerk read as follows:

INDEX TO STATE LEGISLATION

To enable the Librarian of Congress to prepare an index to the legislation of the several States, together with a supplemental digest of the more important legislation, as authorized and directed by the act entitled "An act providing for the preparation of a biennial index to State legislation," approved February 10, 1927 (U. S. C. Supp. I, p. 4, secs. 164, 165), including personal and other services within and without the District of Columbia (including not to exceed \$2,500 for special and temporary service at rates to be fixed by the Librarian), travel, necessary material and apparatus, printing and binding incident to the work of compilation, stationery, and incidentals, \$33,280, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1929.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. Will the chairman of the subcommittee state what progress is being made in the preparation of this index, how they are going to carry it on and bring it up to date?

Mr. WELSH of Pennsylvania. Doctor Putnam said they were doing what they possibly could, but could not possibly bring it up to date, that it is considerably in arrears, and asked for extra help to do that work, which is very much needed.

Mr. BRIGGS. Does not the gentleman think one of the most valuable functions of the Library is to have things brought up to date for the benefit of the Congress?

Mr. WELSH of Pennsylvania. Yes.

Mr. BRIGGS. My experience is there is a lot of antiquated stuff in the Library, probably kept as relics, but I do not think they are useful for any other purpose than to clutter up the Library; certainly they are not serviceable. Not long ago I called for a copy of the constitution of my State, and I think they sent one of the first copies, issued about 1878 or 1881. There have been numerous amendments to the Texas Constitution since that time, and the old edition was absolutely unreliable; it was the sort of book which the West Publishing Co., or one of the other publishing houses, would almost give away to stack the shelves of a young lawyer. What is the use of having that sort of stuff for the use of Members of Congress, when you ought to have late editions of volumes relating to State and National Governments?

Mr. WELSH of Pennsylvania. I will say the subcommittee unanimously agreed with the gentleman. Mr. TAYLOR of Colorado, who is on the subcommittee, took up that matter with Doctor Putnam in the hearings, as you will find on page 117 of the testimony. I can assure the gentleman that the committee, Doctor Putnam, the librarian, and the subcommittee are in accord on this matter.

Mr. BRIGGS. Are they going to weed out some of the old stuff and have it modern and have somebody get later books so you can have them available when they are needed by Members of Congress? I had the experience not long ago in asking the Library to send over an index of the United States Supreme Court decisions. It seems there were only two copies, one in the Supreme Court section and one in the Congressional Library, and they did not want to let either one out. I said that I thought that the Congressional Library was run for the benefit of Members of Congress. Finally, after I got enough officers of the Library busy, I got a volume and found what I wanted and sent it back again.

Mr. WELSH of Pennsylvania. I think we are all in accord in reference to what the gentleman says.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and completed the reading of the bill.

Mr. WELSH of Pennsylvania. Mr. Chairman, I offer an amendment.

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

The Clerk read, as follows:

After line 5, page 40, add the following:

"Sec. 4. A joint committee of Congress is hereby created, consisting of three Senators, to be appointed by the Vice President, and three Members of the House of Representatives of the Seventieth Congress, who are Members elect to the Seventy-first Congress, to be appointed by the Speaker. It shall be the duty of the joint committee to investigate and report to the first session of the Seventy-first Congress, by bill or otherwise, what adjustments, if any, should be made in the numbers and compensation of the officers and employees of the Senate and House of Representatives, including joint committees, joint commissions, and other joint services of the two Houses, and of the office of the Architect of the Capitol."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

Mr. TILSON. Mr. Chairman, before a vote is had on the amendment, I wish to say that I shall not make a point of order against this amendment because I hope that it will bring some degree of success in fairly adjusting the salaries as between the House employees and the Senate employees. For that reason I am willing to see this amendment go into the bill and become a law. Before passing it, however, I should like to call attention to the fact that the House has heretofore made some very earnest efforts to adjust the salaries of its employees, but they did not all prove successful. One of these was the effort to adopt a report made by the gentleman from Massachusetts [Mr. UNDERHILL], from the Committee on Accounts, or a special committee composed partly, if not entirely, of members from the Committee on Accounts, which undertook to deal with the problem of fairly adjusting the salaries of the employees of this House. Much time, thought, and careful study were expended in the preparation of the report submitted by the Underhill committee, and it was certainly a proposed step in the right direction, but the step was not taken.

I hope that the amendment offered by the acting chairman of the subcommittee may eventually yield results, and that we may possibly some time hereafter have a more equitable adjustment of the salaries of employees doing similar or comparable work whether it be at one end or the other of the Capitol.

Mr. BRIGGS. What time is contemplated for the report to be made?

Mr. TILSON. At the first session of the next Congress.

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

The amendment was agreed to.

Mr. WELSH of Pennsylvania. Mr. Chairman, I move that the committee rise and report the bill back to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes, had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

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

The amendment was agreed to.

Mr. WELSH of Pennsylvania. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. WELSH of Pennsylvania, a motion to reconsider the last vote was laid on the table.

DEATH OF FORMER REPRESENTATIVE JACK BEALL

Mr. SUMNERS of Texas. Mr. Speaker, on yesterday morning the information reached Washington that Hon. Jack Beall, for 12 years a Member of this House, had passed away at his home in Dallas. Though Mr. Beall had not been a Member of this body for a long time, having voluntarily retired 14 years ago, he is remembered by his old associates with an affection and an admiration which only the highest qualities of character and ability can inspire. When I came here as a Member from the State at large Mr. Beall was representing my home district, the district which I now have the honor to represent. In the intimacy of that association I came to know him and to love him. It was impossible to know Jack Beall and not to love him and to admire him. He was a great friend. He knew the meaning of friendship as but few know it. He was a great statesman and a great man. A man of deep sympathy, gentle and tender, honest and courageous, with a mentality clear and profound, he was an able champion, in office and in private life, of that which is right.

COMMEMORATIVE POSTAGE STAMPS

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution passed by the Legislature of the State of New York, addressed to the Postmaster General, requesting an issue of 100,000,000 2-cent postage stamps commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania.

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

There was no objection.

Following is the resolution referred to:

IN SENATE, STATE OF NEW YORK,
Albany, February 11, 1929.

By Mr. Wales

Whereas there occurs this year the one hundred and fiftieth anniversary of the Sullivan expedition, which was projected by Governor George Clinton and Commander in Chief George Washington and authorized by Congress; and

Whereas this successful military enterprise was participated in by officers and troops of New York, Pennsylvania, New Hampshire, New Jersey, and Massachusetts; and

Whereas the Sullivan expedition weakened the Indian alliance with the English, cut off supplies of food, gave protection to frontier settlements, opened the western part of the State for settlement, and helped to win for the American Republic the rich interior of the continent; and

Whereas the legislature and governor have made an appropriation for suitable exercise and historic monuments to observe the Sullivan Sesquicentennial:

Resolved (if the assembly concur)—

1. That the Hon. Harry S. New, Postmaster General of the United States, be, and he is hereby, requested to cause to be issued 100,000,000 postage stamps, of the denomination of 2 cents each, commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania.

2. That a copy of this resolution be transmitted to the Postmaster General of the United States and to the Senators and Members of Congress from the State of New York, properly authenticated by the clerks, respectively, of the senate and assembly.

3. That the States of Pennsylvania, New Hampshire, New Jersey, and Massachusetts, whose officers and troops participated in the Sullivan expedition, be invited by New York to indorse this request.

By order of the Senate.

A. MINER WELLMAN, Clerk.

In assembly, February 11, 1929.

Concurred in without amendment.

By order of the assembly.

FRED W. HAMMOND, Clerk.

FURTHER MESSAGE FROM THE SENATE

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

H. R. 8748. An act for the relief of James W. Bass, collector of internal revenue, Austin, Tex.

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

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

S. 1281. An act to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia.

The message also announced that the Senate respectfully requests the House of Representatives to return to the Senate the message announcing the agreement of the Senate to the amendments of the House to the joint resolution (S. J. Res. 182) entitled "Joint resolution for the relief of farmers in the storm and flood stricken areas of southeastern United States."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 4257. An act to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills of the House of the following titles:

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

H. R. 4258. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 7166. An act to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies;

H. R. 15386. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16500. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 16522. 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.

MESSAGE FROM THE PRESIDENT—REPORT OF THE ALIEN PROPERTY CUSTODIAN (H. DOC. NO. 369)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, was referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed:

To the Congress of the United States:

In accordance with the requirements of section 6 of the trading with the enemy act, I transmit herewith for the information of the Congress the annual report of the Alien Property Custodian on proceedings had under the trading with the enemy act for the year ended December 31, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, February 14, 1929.

LEAVE OF ABSENCE

By unanimous consent, Mr. McREYNOLDS was granted leave of absence on account of illness in his family.

ADJOURNMENT

Mr. WELSH of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Friday, February 15, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 15, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency appropriation bill.

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

Sundries, February 15, 18, 19.

Free list, February 20, 21, 22.

Administrative and miscellaneous, February 25.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—SUBCOMMITTEE ON THE COAST GUARD

(10.30 a. m.)

To readjust the commissioned personnel of the Coast Guard (H. R. 17060).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To amend section 1440 of the Revised Statutes of the United States (S. 2410).

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To authorize the President to consolidate and coordinate governmental activities affecting war veterans (H. R. 16722).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

843. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year 1929, \$309,500; also drafts of proposed legislation affecting the use of existing appropriations (H. Doc. No. 588); to the Committee on Appropriations and ordered to be printed.

844. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the District of Columbia for the fiscal year ending June 30, 1929, for the construction of permanent buildings at the reformatory located at Lorton, Va., amounting to \$25,000 (H. Doc. No. 589); to the Committee on Appropriations and ordered to be printed.

845. A letter from the Secretary of the Interior, transmitting report of an accumulation of papers which are not needed in the transaction of public business and have no permanent value or historical interest; to the Committee on the Disposition of Useless Executive Papers.

846. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year ending June 30, 1929, \$55,000, to remain available until June 30, 1930, to enable the Chief Executive to continue the litigation in connection with the joint resolution directing the Secretary of the Interior to institute proceedings touching sections 16 and 36, township 30 south, range 23 east, Mount Diablo meridian, approved February 21, 1924 (43 Stat. 15) (H. Doc. No. 590); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on the District of Columbia. H. R. 13211. A bill to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes; with amendment (Rept. No. 2512). Referred to the House Calendar.

Mr. ANDREW: Committee on Naval Affairs. H. R. 17055. A bill to authorize the Secretary of the Navy to lease the United States naval destroyer and submarine base, Squantum, Mass.; without amendment (Rept. No. 2513). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on the Public Lands. S. 2572. An act granting certain land in the town of Hot Springs, N. Mex., to the State of New Mexico; without amendment (Rept. No. 2514). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. S. 3001. An act to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes; without amendment (Rept. No. 2515). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. S. 5543. An act to establish the Grand Teton National Park in the State of Wyoming, and for other purposes; without amendment (Rept. No. 2516). Referred to the Committee of the Whole House on the state of the Union.

Mr. YON: Committee on the Public Lands. S. 4704. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropical Everglades National Park in the State of Florida, and for other purposes; without amendment (Rept. No. 2517). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 15524. A bill for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital; with amendment (Rept. No. 2523). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. J. Res. 377. A joint resolution authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus; without amendment (Rept. No. 2524). Referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON: Committee on the District of Columbia. H. R. 16662. A bill to authorize appropriations for buildings, sites, and other facilities for the free Public Library of the District of Columbia; without amendment (Rept. No. 2525). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. H. R. 17077. A bill to authorize an appropriation for the American group of the Interparliamentary Union; without amendment (Rept. No. 2526). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 17079. A bill to repeal the provisions in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools; without amendment (Rept. No. 2527). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICHENER: Committee on the Judiciary. H. R. 10287. A bill to prohibit the sending and receipt of stolen property through interstate and foreign commerce; with an amendment (Rept. No. 2528). Referred to the House Calendar.

Mr. COLTON: Committee on the Public Lands. S. J. Res. 206. A joint resolution to authorize the President of the United States to appoint a Yellowstone National Park Boundary

Commission to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park; without amendment (Rept. No. 2529). 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. S. 4604. An act for the relief of James L. McCulloch; without amendment (Rept. No. 2509). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 10611. A bill for the relief of Homer Elmer Cox; with an amendment (Rept. No. 2510). Referred to the Committee of the Whole House.

Mr. DRANE: Committee on Naval Affairs. H. R. 15489. A bill for the relief of Leonard T. Newton, pharmacist mate, first class, United States Navy; without amendment (Rept. No. 2511). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 9119. A bill for the relief of the estate of James Glover, deceased; with an amendment (Rept. No. 2518). Referred to the Committee of the Whole House.

Mr. YON: Committee on the Public Lands. S. 4234. An act authorizing the purchase of certain lands by John P. Whiddon; without amendment (Rept. No. 2519). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. HOOPER: Committee on War Claims. H. R. 10118. A bill for the relief of the city of Baltimore; adverse (Rept. No. 2520). Laid on the table.

Mr. HOOPER: Committee on War Claims. H. R. 10150. A bill making an appropriation to pay the State of Massachusetts for expenses incurred and paid at the request of the President in protecting the harbors and fortifying the coast during the Civil War; adverse (Rept. No. 2521). Laid on the table.

Mr. PEAVEY: Committee on War Claims. H. R. 12364. A bill for the relief of L. W. Rowe; adverse (Rept. No. 2522). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES: A bill (H. R. 17096) extending the time for commencing and completing the construction of a bridge across the Ohio River at or near Ravenswood, Jackson County, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. KOPP: A bill (H. R. 17097) authorizing Henry Horsey, Winfield Scott, A. L. Ballegoin, and Frank Schee, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Des Moines River at or near Croton, Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIOTT: A bill (H. R. 17098) to authorize the acquisition of a suitable site for a post office in the city of Binghamton, N. Y., and the sale of the old site; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: A bill (H. R. 17099) granting the consent of Congress to construct, maintain, own, manage, and operate a tunnel or tunnels and approaches thereto under the Delaware River; to the Committee on Interstate and Foreign Commerce.

By Mr. McDUFFIE: A bill (H. R. 17100) authorizing the purchase, establishment, and maintenance of an experimental farm or orchard in Mobile County, State of Alabama, and appropriating therefor; to the Committee on Agriculture.

By Mr. TAYLOR of Colorado: A bill (H. R. 17101) to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Rocky Mountain National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. WILLIAMSON: A bill (H. R. 17102) to establish the Badlands National Monument in the State of South Dakota, and for other purposes; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 417) granting permission to Richard E. Elvins, captain, Medical Corps, United States Army, to accept a decoration bestowed upon him by the Spanish Government; to the Committee on Military Affairs.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 418) to provide for the quartering, in certain public buildings in the Dis-

trict of Columbia, of troops participating in the inaugural ceremonies; to the Committee on Public Buildings and Grounds.

By Mr. BLOOM: Joint resolution (H. J. Res. 419) authorizing the President to invite foreign governments to participate in the International Congress on Accounting; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Idaho, urging the Congress of the United States to give consideration to the report submitted by the Idaho State Tariff Commission on file with the Committee on Ways and Means; to the Committee on Ways and Means.

Memorial of the State of Utah, memorializing Congress to enact legislation to prevent discrimination against American farmers in the production of sugar beets, and to provide an adequate tariff on sugar; to the Committee on Ways and Means.

By Mr. BERGER: Memorial of the Legislature of the State of Wisconsin, indorsing the action of the Farm Federation Bureau in its effort to secure adequate protection for domestic sugar and to limit the free entry of Porto Rico and Philippine sugar into the United States; to the Committee on Ways and Means.

By Mr. O'CONNELL: Memorial of the Legislature of the State of New York, requesting the Postmaster General to cause to be issued 100,000,000 postage stamps of the denomination of 2 cents each, commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania; to the Committee on the Post Office and Post Roads.

By Mr. SEGER: Memorial of the Legislature of the State of New Jersey, urging Congress to appropriate sufficient funds to train 21,000 reserve officers annually; to the Committee on Military Affairs.

By Mr. O'CONNOR of New York: Memorial of the Legislature of the State of New York, requesting the issuance of 100,000,000 postage stamps of the denomination of 2 cents each, commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania; to the Committee on the Post Office and Post Roads.

By Mr. FRENCH: Joint memorial by the Legislature of the State of Idaho, urging the Congress to give careful consideration to the report submitted by the Idaho State tariff committee, and now on file with the House Committee on Ways and Means in the Congress of the United States, to the end that the proposed schedule therein shall be adopted; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BACHMANN: A bill (H. R. 17103) granting a pension to Charles D. Booth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17104) granting an increase of pension to Ella V. Altmeyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17105) granting an increase of pension to Elizabeth Thomas; to the Committee on Invalid Pensions.

By Mr. BRAND of Georgia: A bill (H. R. 17106) for the relief of Charles W. T. Jarrell; to the Committee on Claims.

By Mr. CAREW: A bill (H. R. 17107) for the relief of John Z. Lowe; to the Committee on Claims.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 17108) for the relief of Francis J. McDonald; to the Committee on Claims.

By Mr. CULKIN: A bill (H. R. 17109) granting a pension to Jennie E. Bishop; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 17110) granting a pension to Charley R. Saylor; to the Committee on Pensions.

Also, a bill (H. R. 17111) granting a pension to Mary J. Dorsey; to the Committee on Pensions.

Also, a bill (H. R. 17112) granting a pension to Nova J. Dykes; to the Committee on Pensions.

By Mr. HUDSON: A bill (H. R. 17113) for the relief of the Detroit Fidelity & Surety Co.; to the Committee on Claims.

By Mr. JACOBSTEIN: A bill (H. R. 17114) granting a pension to Lillias Ames; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17115) granting a pension to Claribel Lawton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17116) granting a pension to Mary Kenealy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17117) granting an increase of pension to Sarah E. Allen; to the Committee on Pensions.

By Mr. ROMJUE: A bill (H. R. 17118) granting a pension to Sarah J. Waddell; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 17119) granting a pension to John Mienckowski; to the Committee on Pensions.

By Mr. SOMERS of New York: A bill (H. R. 17120) for the relief of Sophie Caffrey; to the Committee on Claims.

By Mr. WATSON: A bill (H. R. 17121) granting a pension to Clara E. Deuel; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

11202. Resolution of the City Council of Rockford, Ill., urging location of United States district court at Rockford; to the Committee on the Judiciary.

11203. By Mr. BERGER: Petition of the pastor and 230 members of the Highland Avenue Methodist Church, Milwaukee, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided by the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11204. Also, petition of 758 citizens residing in the city of Milwaukee, Wis., not to pass any compulsory observance law or any other law for the observance of the Sabbath, or Lord's Day, or any measure which will in any way give preference to one religion above another, but that the American principle of total separation between religion and the state may forever remain inviolable; to the Committee on the District of Columbia.

11205. Also, petition of 200 members of Italian Evangelical Church, Milwaukee, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11206. Also, petition of 632 members of the Westminster Presbyterian Church, Milwaukee, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11207. Also, petition of 175 members of Highland Avenue Methodist Episcopal Church, Milwaukee, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11208. By Mr. BOHN: Petition of sugar beet growers and other citizens of Michigan, assembled at farmers' week at Michigan State College, for interest and cooperation in increasing tariff on sugar; to the Committee on Ways and Means.

11209. By Mr. BUTLER: Petition of citizens of Harney County, State of Oregon, protesting against House bill 78 and compulsory Sunday observance legislation; to the Committee on the District of Columbia.

11210. By Mr. CANFIELD: Petition of R. F. Stanton and 13 other citizens of Jefferson County, Ind., petitioning against a change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

11211. Also, petition of C. N. Willick and 15 other citizens of Jefferson County, Ind., petitioning against a change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

11212. By Mr. CANNON: Petition of Ida Dawson Wigginton, urging extension of broadcasting facilities allotted to station KWKH at Shreveport, La.; to the Committee on the Merchant Marine and Fisheries.

11213. By Mr. CRAMTON: Resolution of a representative group of 200 sugar-beet growers, representatives of sugar companies, sugar-beet specialist, and other citizens of Michigan assembled at farmers' week at Michigan State College, East Lansing, urging an increase in the tariff on sugar to at least 3½ cents per pound against any sugar admitted under preferential rate; to the Committee on Ways and Means.

11214. By Mr. CONNERY: Petition of the leather workers of Essex County, of the State of Massachusetts; to the Committee on Ways and Means.

11215. By Mr. FISHER: Petition of 36 persons of the State of Tennessee, urging the passage of Senate bill 4689 and House bill 15331; to the Committee on Irrigation and Reclamation.

11216. By Mr. GRAHAM: Petition of 293 citizens of Philadelphia, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R.

78) or similar measures; to the Committee on the District of Columbia.

11217. Also, petition of 60 members of the Presbyterian Church, Torresdale, Philadelphia, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11218. Also, petition of 15 members of the Eleventh Baptist Church, Philadelphia, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11219. By Mr. LINDSAY: Petition of Elsie and Dorothy Henningsen, 62 Sutton Street, Brooklyn, N. Y., of the Ladies' Auxiliary, General Henry W. Lawton Camp, No. 21, United Spanish War Veterans, Department of New York, urging passage of House Resolution 14676, granting pensions and increase of pensions to certain soldiers, sailors, marines, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition; to the Committee on Pensions.

11220. Also, petition of the Senate of the State of New York, memorializing the Postmaster General to cause to be issued 100,000,000 postage stamps, of 2-cent denomination, commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania; to the Committee on the Post Office and Post Roads.

11221. By Mr. MORIN: Petition of the Pittsburgh Wholesale Lumber Dealers Association, of Pittsburgh, Pa., protesting against the proposal to place a duty on Canadian timber, lumber, lath, and shingles; to the Committee on Ways and Means.

11222. By Mr. MORROW: Petition of New Mexico Wool Growers' Association, in annual convention at Roswell, N. Mex., favoring increase of the tariff on wool; objecting to proposed lowering of the rates on low-grade wools, as this would work injury to the Indians, who produce mainly only low-grade wools; to the Committee on Ways and Means.

11223. Also, petition of New Mexico Wool Growers' Association in annual convention at Roswell, N. Mex., recommending and favoring the leasing of public lands which are chiefly valuable for grazing purposes; to the Committee on the Public Lands.

11224. Also, petition of New Mexico Wool Growers' Association, in annual convention at Roswell, N. Mex., indorsing quarantine regulations against meats or other animal products that have been established for the prevention of the foot-and-mouth disease; to the Committee on Agriculture.

11225. Also, petition of E. J. Williams and other citizens of Roswell, N. Mex., opposing any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

11226. By Mr. NELSON of Wisconsin: Petition of 15 citizens of Madison, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11227. Also, petition of 150 members of First Presbyterian Church, Richland Center, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11228. Also, petition of 30 members of Fancy Creek Presbyterian Church, Gillingham, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11229. By Mr. PORTER: Petition of retail shoe dealers with their customers, of Pennsylvania, protest against any change in the tariff on hides and leather; to the Committee on Ways and Means.

11230. By Mr. SEGER: Petition of 29 retail shoe dealers of Paterson, Hawthorne, and Haledon, N. J., and vicinity, against any change in the tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

11231. By Mr. SWICK: Petition of Falls City Council 385, Order United American Mechanics, of Beaver Falls, Pa., urging the passage of a deportation bill, with an appropriation sufficient to effectively carry out its provisions, and for a quota immigration law to include Canada and Mexico; to the Committee on Immigration and Naturalization.

SENATE

FRIDAY, February 15, 1929

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O Thou who remainest the same though all else fades, who changest not with our changing moods, lead us to a clearer vision of the light that knows no shadow of turning that we stray not in folly away. Thou knowest our frame, Thou rememberest that we are but dust; save us, therefore, from whatever anguish or confusion we have brought upon ourselves, for at our faintest cry of need the valleys are exalted, the mountains and hills are made low, and the crooked paths of life are straightened.

Bind together with cords of love the hearts of these Thy servants, that the spirit of mutual understanding and deeper fellowship may be reflected in their corporate efforts.

Look with pity, we beseech Thee, upon those who through love's vigil have watched and waited and have been brought to the valley of shadow. Fold them closer to Thy mercy's breast and grant them surcease from every sorrow for the sake of Him who died that we might live, Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed a bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes, in which it requested the concurrence of the Senate.

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	Fletcher	McMaster	Simmons
Bayard	Frazier	McNary	Smith
Bingham	George	Mayfield	Smoot
Black	Gerry	Moses	Steak
Blaine	Gillett	Neely	Steiner
Blease	Glass	Norbeck	Stephens
Borah	Glenn	Norris	Swanson
Bratton	Goff	Nye	Thomas, Idaho
Brookhart	Gould	Oddie	Thomas, Okla.
Broussard	Greene	Overman	Trammell
Bruce	Hale	Phelps	Tydings
Burton	Harris	Pine	Tyson
Capper	Harrison	Pittman	Vandenberg
Caraway	Hastings	Ransdell	Wagner
Copeland	Hawes	Reed, Mo.	Walsh, Mass.
Couzens	Hayden	Reed, Pa.	Walsh, Mont.
Curtis	Heflin	Robinson, Ark.	Warren
Dale	Johnson	Robinson, Ind.	Waterman
Deneen	Jones	Sackett	Watson
Dill	Kendrick	Sheppard	Wheeler
Edge	Keyes	Shipstead	
Fess	King	Shortridge	

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent, and I ask that the announcement may stand for the day.

Mr. NORRIS. My colleague [Mr. HOWELL] is still detained from the Senate by illness. I will let this announcement stand for the day.

Mr. TYSON. I desire to announce that my colleague the senior Senator from Tennessee [Mr. McKELLAR] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. JONES. I wish to announce that the Senator from Rhode Island [Mr. METCALF] and the Senator from New Mexico [Mr. LARRAZOLO] are detained from the Senate by illness.

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

HOUSE BILL REFERRED

The bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

ADDITIONAL JUDGE IN SOUTH CAROLINA

Mr. BLEASE. Mr. President, I have a letter from the Hon. J. A. Tolbert, district attorney for the western district of South Carolina, a letter from the Hon. H. H. Watkins, judge of the western district of South Carolina, a letter from the Hon.