crude oil imported into this country; to the Committee on Ways and Means.

13556. Also, petition of the Merchants' Association of New York, in opposition to any restriction or limitation to the free movement of products between continental United States and its Philippine possessions in either direction; to the Committee on Ways and Means.

13557. Also, petition of the American Institute of Architects, indorsing House bill 15524 and Senate bill 5876; to the Committee on the District of Columbia.

13558. By Mr. GRAHAM: Petition signed by several prominent Scandinavian-Americans and others in Philadelphia, for the repeal of the national origins provision of the immigration act of 1924; to the Committee on Immigration and Naturalization.

13559. By Mr. GOLDSBOROUGH: Petition of residents and voters of Talbot County, Md., for legislation to provide for the digging out of Knapps Narrows, located at the north end of Tilghmans Island, between Tilghmans Island and the mainland; to the Committee on Rivers and Harbors.

13560. By Mr. LAMPERT: Petition of residents of Malone and Fond du Lac Counties, Wis., requesting increase in tariff on foreign sugar; to the Committee on Ways and Means.

13561. Also, petition of residents of Campbellsport, Wis., requesting increase in tariff on foreign sugar; to the Committee on Ways and Means.

13562. By Mr. McCORMACK: Petition of Louise A. Carven, 34 Centre Street, Dorchester, Mass., also Elizabeth F. Brosnahan, 23 Westcott Street, Dorchester, Mass., protesting against enactment of the Newton maternity bill and the equal-rights amendment; to the Committee on Interstate and Foreign Commerce.

13563. By Mr. MEAD: Petition of Eden Grange, No. 1199, urging a higher tariff on dairy and farm products; to the Committee on Ways and Means.

13564. Also, petition of Wyandale Grange, No. 1369, urging a higher tariff on dairy and farm products; to the Committee on Ways and Means.

13565. Also, petition of retail shoe dealers of Buffalo, N. Y., with customers, opposed to any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

13566. By Mr. MORGAN: Petition of 38 members of Presbyterian Church, Utica, Ohio; to the Committee on the District of Columbia.

13567. By Mr. SELVIG: Petition of four residents of Becker County and two residents of Clay County, ninth district, Minn., urging the enactment of House bill 10958; to the Committee on Agriculture.

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## SENATE

### FRIDAY, *March 1, 1929*

*(Legislative day of Monday, February 25, 1929)*

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

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

Mr. BLAINE. My colleague [Mr. LA FOLLETTE] is unavoidably absent from the Senate. I ask that this announcement may stand for the day.

Mr. NYE. I wish to announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent on account of illness. This announcement I ask to stand for the day.

Mr. BRATTON. Allow me to announce that my colleague [Mr. LARRAZOLO] is necessarily absent on account of illness. This announcement may stand for the day.

Mr. WATERMAN. I desire to announce the absence of my colleague the senior Senator from Colorado [Mr. PHIPPS] because of illness. I ask that this announcement may stand for the day.

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

#### SALARY ADJUSTMENT FOR CONGRESSIONAL OFFICERS AND EMPLOYEES

The VICE PRESIDENT. In pursuance of a provision of the act (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes, the Chair appoints as members on behalf of the Senate of the joint committee to investigate and report on adjustments in salaries of officers and employees of the Senate and House of Representatives, and other offices, the Senator from Wyoming [Mr. WARREN], the Senator from Indiana [Mr. WATSON], and the Senator from Arkansas [Mr. ROBINSON].

#### OBSERVANCE OF HISTORICAL EVENTS AT NEW BERN, N. C.

The VICE PRESIDENT. Pursuant to House Concurrent Resolution 60, authorizing the appointment of a committee to cooperate with the New Bern Historical Society and a committee of the North Carolina Legislature in the observance of certain historical events at New Bern, N. C., the Chair appoints on behalf of the Senate the Senator from North Carolina [Mr. SIMMONS], the Senator from Ohio [Mr. FESS], and the Senator from Virginia [Mr. SWANSON].

#### REPORT OF THE FEDERAL RESERVE BOARD

The VICE PRESIDENT laid before the Senate a communication from the governor of the Federal Reserve Board, transmitting, pursuant to law, a copy of the annual report of the Federal Reserve Board covering operations during the year 1928, which was referred to the Committee on Banking and Currency.

#### FEDERAL LAND BANK SYSTEM

Mr. BLEASE. Mr. President, I send to the desk a short article from the Charleston (S. C.) News and Courier, which I ask to have printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the article was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

[From the News and Courier, Charleston, S. C., Thursday morning, February 28, 1929]

HOLDS COMPANY NOT RESPONSIBLE—JUDGE RULES FOR PLAINTIFF IN OFFSHOOT OF BEAUFORT BANK FAILURE

Another echo from the Beaufort bank failure was heard in eastern district United States court yesterday, when Judge Ernest F. Cochran held in an opinion that the Truckers' Supply Co., which went under with the bank, is not liable for notes which it indorsed. The notes were made worthless by the subsequent failure of the Beaufort bank.

The company was not authorized to indorse the notes, the court holds, and therefore the doctrine of ultra vires (beyond its power) holds good to nullify their validity. The case is brought by William J. Thomas, trustee in bankruptcy for the Truckers' Supply Co., against the Federal intermediate credit bank, which sought to collect on the notes and the mortgage which the company gave as security.

According to the Federal intermediate credit bank, the Truckers' Supply Co. reaped benefits from indorsing the notes of farmers, because the farmers would then buy supplies from the company. The court sustained the report of the special master, however, who held that there was no way of showing such benefits, and that, even so, the company's charter did not give the power to indorse such notes.

#### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Foreign Relations:

STATE OF WISCONSIN.

Senate Joint Resolution 11, relating to the Great Lakes-St. Lawrence waterway

Whereas the people of this State, regardless of their differences of opinion upon other questions, are unanimous in regarding the Great Lakes-St. Lawrence waterway as the greatest possible boon not only to this State and the Northwest but to the entire country as well; and

Whereas conditions appear now to be favorable to the conclusion of a treaty with Canada and the enactment of the necessary legislation to make this project a reality: Now, therefore, be it

*Resolved by the senate (the assembly concurring)*, That this legislature hereby again expresses the great interest of the people of the

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State of Wisconsin in the early completion of the Great Lakes-St. Lawrence waterway project and respectfully memorializes the President of the United States to conclude a treaty with Canada upon this waterway, and the Senate to promptly ratify such a treaty, if submitted, and the Congress to pass necessary legislation to give effect thereto; be it further

*Resolved*, That properly attested copies of this resolution be sent to the President of the United States, to the presiding officers of both Houses of the Congress of the United States, and to each Wisconsin Member thereof.

HENRY A. HUBER,
*President of the Senate.*
O. G. MUNSON,
*Chief Clerk of the Senate.*
CHAS. B. PERRY,
*Speaker of the Assembly.*
C. E. SHAFFER,
*Chief Clerk of the Assembly.*

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Immigration:

STATE OF WISCONSIN.

Senate Joint Resolution 49, relating to the national-origins clause of the Federal immigration act of 1924

Whereas the immigration act of 1924 included a provision known as the "national-origins clause," under which the number of immigrants admitted to the United States from the several European countries was to be determined by the relative number of descendants of people born in these several countries in the population of the United States; and

Whereas the commission, consisting of the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, which was created by the immigration act of 1924 to work out the quotas allowed to each country under the national-origins clause, has reported that there is no reliable basis for determining national origins and that this clause of the immigration law is arbitrary, uncertain, and unjust; and

Whereas President-elect Hoover, who, as Secretary of Commerce, served as a member of the commission to work out the quotas under the national-origins clause, in his campaign for President advocated the repeal of this clause; and

Whereas Congress has twice postponed the taking effect of the national-origins clause, due to its unfairness and uncertainty; and

Whereas, despite the practically unanimous disapproval of the national-origins clause by officials charged with its administration, this clause will come into effect on July 1, 1929, unless the present Congress before its adjournment will pass the Nye resolution, or some similar measure, postponing the date of the taking effect of this provision: Now, therefore, be it

*Resolved by the senate (the assembly concurring)*, That the Legislature of Wisconsin hereby respectfully memorializes the Congress of the United States to promptly enact legislation either repealing the national-origins clause of the immigration act of 1924 or indefinitely postponing the time of its taking effect; be it further

*Resolved*, That duly attested copies of this resolution be sent to the presiding officers of both Houses of Congress and to each Wisconsin Member thereof.

HENRY A. HUBER,
*President of the Senate.*
O. G. MUNSON,
*Chief Clerk of the Senate.*
CHAS. B. PERRY,
*Speaker of the Assembly.*
C. E. SHAFFER,
*Chief Clerk of the Assembly.*

The VICE PRESIDENT also laid before the Senate a joint memorial of the Legislature of the State of Montana, praying for the passage of legislation permitting the owners of land in the Upper Milk River irrigation districts to enter into contracts permitting payments for the St. Marys diversion charges to be made in 40 years, and to allow deduction of nonproductive land, which was referred to the Committee on Irrigation and Reclamation.

(See identical memorial printed in full when presented today by Mr. WALSH of Montana.)

The VICE PRESIDENT also laid before the Senate joint memorials of the Legislature of the State of Montana, praying for the passage of necessary legislation to protect the beet-sugar and livestock industries, which were referred to the Committee on Finance.

(See identical memorials printed in full when presented today by Mr. WALSH of Montana.)

Mr. WALSH of Montana presented the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Irrigation and Reclamation:

Senate Joint Memorial 1, to the Congress of the United States, to enact such legislation as will permit the owners of land in the upper Milk River irrigation districts to enter into contracts permitting payments for the St. Marys diversion charges, to be made in 40 years, and to allow deduction of nonproductive land

*To the honorable Senate and House of Representatives in the Congress of the United States of America:*

Your memorialists, the members of the Twenty-first Legislative Assembly of the State of Montana, the Senate and House concurring, respectfully represent that—

Whereas the honorable Secretary of the Interior has advised the several irrigation districts in the upper Milk River Valley, in Montana, that unless they sign a contract agreeing to pay for the St. Marys diversion and storage charges in 20 years at $15 per acre they will not be permitted to use the waters from the St. Marys storage system during the year 1929; and

Whereas the said landowners in the upper Milk River Valley originally held valuable priority rights to the waters of the Milk River, while landowners in the lower Milk River Valley had no such rights; and

Whereas as a part of the inducement to encourage the diversion of such St. Marys River into the Milk River, the said upper valley landowners consented to waive their priority water rights, when the St. Marys water should be turned in, and assume an equal responsibility with lower Milk River landowners for payment of charges for the St. Marys diversion works; and

Whereas by an act of Congress, approved May 25, 1926, known as the "adjustment act," 39,900 acres of land were relieved of payment for storage and diversion charges by reason of temporary nonproductivity of the soil, and 1,770 acres more were relieved of storage and diversion charges by reason of permanent nonproductivity of the soil; and

Whereas in conformity with the provisions of said act of Congress, irrigation districts in the lower Milk River unit have been permitted to enter into contracts with the honorable Secretary of the Interior, relieving them from payments on 29,930 acres, as temporarily nonproductive, and 1,770 acres as permanently nonproductive, and providing for payment of storage and diversion charges during a period of 40 years; and

Whereas by proposed contracts of the Department of the Interior, irrigation districts in the upper Milk River unit are denied deductions of nonproductive land amounting to 3,000 acres, allowed by said act of Congress, and are required to make payment in 20 years: Be it

*Resolved*, That it is the sense of this Twenty-first Legislative Assembly of the State of Montana that the Congress of the United States enact such legislation as will permit the irrigation districts in the upper Milk River unit to enter into contracts on equal terms of payment with those permitted in the lower Milk River districts, and provide therein for a deduction of 3,000 acres of nonproductive land as allowed by act of Congress; and be it further

*Resolved*, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States, Secretary of the Interior, and to each of the Senators and Representatives of the State of Montana in Congress.

Approved by J. E. Erickson, governor, February 12, 1929.

Mr. WALSH of Montana also presented the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on the Judiciary:

House Joint Resolution 2, expressing the desire of the people of the State of Montana to the Congress of the United States of America that they take into further consideration the resolutions heretofore introduced in both bodies of Congress relating to an amendment to the Constitution respecting the time at which the President and Vice President and Members of Congress shall assume their official duties

*Be it resolved by the House of Representatives of the State of Montana (the Senate concurring)*, That we respectfully urge that Congress pass legislation for an amendment to the Constitution of the United States providing that the President, Vice President, and Members of Congress shall take office the January following their election; be it further

*Resolved*, That we do most earnestly urge upon the Senators and Representatives in the Congress from the State of Montana that they cooperate in suitable legislation to carry out the intent of this resolution; be it further

*Resolved*, That copies of this resolution be forwarded to the Senators and Representatives in Congress from the State of Montana.

Approved by J. E. Erickson, governor, February 18, 1929.

Mr. WALSH of Montana also presented the following joint memorials of the Legislature of the State of Montana, which were referred to the Committee on Finance:

House Joint Memorial 1, to the Congress of the United States, requesting the enactment of such legislation as may be necessary to protect the beet-sugar industry

*To the honorable Senate and House of Representatives of the United States of America:*

Your memorialists, the members of the Twenty-first Legislative Assembly of the State of Montana (the House and the Senate concurring), respectfully represent:

Whereas it appears that the Congress of the United States will in the near future enact a tariff law; and

Whereas the schedules of said law may have a vital effect upon the agriculture industry of the State of Montana, and particularly upon the raising of sugar beets in this State; and

Whereas the growing of sugar beets and the production of sugar is now an important industry in the State of Montana, and it appears that said industry will become of increasing importance in the future; and

Whereas by reason of the large importation of sugar from points outside of continental United States of America, which sugar has in the past come in free of duty, or at excessively low-tariff rates, the very life of the domestic beet-sugar industry is threatened; and

Whereas the loss of such industry or the impoverishment thereof would be harmful and dangerous to the business life of this State: Now, therefore, be it

*Resolved,* That it is the sense of your memorialists, the Legislative Assembly of the State of Montana, that the Congress of the United States should by proper legislation adequately protect our beet-sugar industry from foreign importations to an extent at least sufficient to equalize the cost of production at home and abroad; and to limit the free entry of sugar from wheresoever it may come, to the end that such sugar may not be in competition in the domestic market with that portion of the total consumption of sugar in the United States, which can be supplied by domestic production; and be it further

*Resolved,* That a copy of this memorial, duly authenticated, be sent to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana in Congress.

Approved by J. E. Erickson, governor, February 9, 1929.

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House Joint Memorial 2, to the Congress of the United States, requesting the enactment of such legislation as may be necessary to protect the livestock industry

*To the honorable Senate and House of Representatives of the United States of America:*

Your memorialists, the members of the Twenty-first Legislative Assembly of the State of Montana (the house and the senate concurring), respectfully represent:

Whereas it appears that the Congress of the United States will in the near future enact a tariff law; and

Whereas the schedules of said law may have a vital effect upon the livestock industry of the State of Montana; and

Whereas the policy of this country and of the present administration is one of protection to native industries; and

Whereas alone among important raw materials cattle hides remain on the free list; and

Whereas the importation of beef products, particularly of canned beef, has increased and is still increasing in volume; and

Whereas the beef growers of the United States are entitled to the advantage of a tariff, so called, that it will effectually diminish the volume of such imports; and

Whereas such imports originate in countries where the cost of production of livestock is materially less than in the United States; and

Whereas the sheep growers of this State are now receiving the benefits afforded by a protective tariff on wool and lambs; and

Whereas such tariff protection is absolutely necessary to the development and success of the sheep-growing industry: Now, therefore, be it

*Resolved,* That it is the sense of your memorialists, the Legislative Assembly of the State of Montana, that the Congress of the United States should by proper legislation adequately protect the interests of the livestock industry by placing a duty on hides and by maintaining the present tariff on wool, and especially by increasing the tariff on beef and lamb; be it further

*Resolved,* That a copy of this memorial, duly authenticated, be sent to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana, and Senator KENDRICK, of Wyoming, in Congress.

Approved by J. E. Erickson, governor, February 13, 1929.

Mr. WHEELER presented four joint memorials of the Legislature of the State of Montana identical to those just above presented and printed in full, which were referred to their appropriate committees, as above indicated.

Mr. WATSON presented the following joint resolution of the Legislature of the State of Indiana, which was referred to the Committee on Commerce:

STATE OF INDIANA,
DEPARTMENT OF STATE.

Joint resolution concerning a system of inland waterways, including the Wabash River, and urging Congress to enact appropriate legislation to secure the establishment of such a system

Whereas Representative NOBLE J. JOHNSON, of the fifth congressional district of Indiana, has introduced two bills in Congress, designated, respectively, as H. R. 9034 and H. R. 9309, authorizing and directing the Secretary of War to make an examination and survey of the Wabash River, flowing through the State of Indiana and between the State of Indiana and the State of Illinois, for the purpose of widening and deepening the channel of the Wabash River, for purpose of navigation, and the construction of the necessary canals, dams, and reservoirs to constitute a continuous waterway through the State, and maintain an adequate flood of water therein for the purpose of navigation, and for the control of the floods of the Wabash River in accordance with the provisions of section 3 of the flood control act approved March 1, 1917; and

Whereas the enactment of these bills into law will be of paramount consequence and importance to the citizens of the State of Indiana and of widespread and lasting economic benefit generally; and

Whereas it is the sense of the General Assembly of the State of Indiana that every encouragement should be given to the establishment and construction of a comprehensive system of inland waterways: Therefore be it

*Resolved by the General Assembly of the State of Indiana:*

SECTION 1. That the General Assembly of the State of Indiana hereby approves of the establishment, construction, and operations of a comprehensive system of inland waterways; and that the Wabash River should be included in and made a component and integrated part of the system of waterways so established and constructed. The General Assembly of the State of Indiana hereby approves of the general purport of the bills introduced in Congress by Representative NOBLE J. JOHNSON providing for a survey of the Wabash River, and hereby urges and instructs the Senators and Representatives in Congress from this State to strive by all honorable means to secure the passage of these bills as introduced, or in such amended form as the Congress, in its discretion, may deem to be most suitable.

SEC. 2. The secretary of the state is hereby directed to forward a certified copy of this resolution to each of the Senators and Representatives in Congress from the State of Indiana and likewise to forward a certified copy to the Speaker of the National House of Representatives and the President of the United States Senate.

JAMES M. KNAPP,
*Speaker of the House of Representatives.*
EDGAR D. BOUH,
*President of the Senate.*

Approved, January 13, 1929.

HARRY G. LESLIE,
*Governor of the State of Indiana.*

Mr. SCHALL. For my colleague [Mr. SHIPSTEAD] and myself we present four memorials of the Legislature of the State of Minnesota: One in favor of a 9-foot channel on the upper Mississippi River, another in favor of retaining the principle of the flexible tariff, another to amend section 5219 of the Revised Statutes, and another for the relief of Lake of the Woods citizens who have been damaged by overflow on their property.

The memorials were referred as follows:

To the Committee on Commerce:

Concurrent resolution memoralizing the President of the United States, the Secretary of War, and the Congress of the United States to urge the establishment of a 9-foot channel on the upper Mississippi River

Whereas Maj. C. L. Hall, district United States engineer at Rock Island, has overridden the protests of the Mississippi Valley Shippers Association and of shippers generally throughout the Northwest, and has recommended to the Secretary of War in opposition to the establishment of a 9-foot channel on the upper Mississippi River; and

Whereas the establishment of a shallower channel for barge traffic will not adequately care for the vast amount of shipping which awaits the improvement and development of river transportation; and

Whereas the Secretary of War, or Gen. Edgar Jadwin, Chief of Army Engineers, and as last resort the Congress of the United States, has the power and authority to reject Major Hall's report and establish a 9-foot channel; and

Whereas the United States Senate has approved a $10,000,000 river-equipment appropriation for the Federal barge line system, with which $4,000,000 worth of barge equipment on the upper Mississippi will be purchased this year, and which equipment must necessarily be adapted to the type of channel which the Government will provide or will in the future be rendered obsolete because of changes in that channel; and

Whereas a trade outlet to tidewater has been claimed and recognized as an economic right by all nations, and the inland empire of land-locked States in the Mississippi Valley, greater in area, in population, and in resources than a dozen European nations, is still deprived of access to the sea. Though restrained from independent action by the Federal

pact, these States have not lost or waived their economic rights; the duty to secure them has merely been transferred to the Federal Government, and they must look to that agency for redress; and

Whereas the operation of the Panama Canal, coupled with increased rail rates, has moved the Mid West economically farther from the seaboard and has not only placed a handicap on its outbound products but has added to the costs of inbound supplies. The Mid West has, therefore, a special right to demand that its balanced trade relations destroyed by governmental action be speedily restored, and that the benefits of the Panama Canal be extended to all those who were assessed for its cost. The duty to correct these distorted conditions rests with the Government responsible for their creation; and

Whereas agriculture is the basic industry of the Mid West, and transportation burdens bear most heavily on that industry because the farmer has no control over his selling prices. He can not add the freight to his costs and pass it to the consumer; he stands at the end of the line and pays the freight both ways: Now, therefore, be it

*Resolved by the Senate of the State of Minnesota (the House concurring)*, That the State of Minnesota does hereby urge the President of the United States, the Secretary of War, and the Congress of the United States to provide a 9-foot channel adequate to care for commercial river navigation on the upper Mississippi; be it further

*Resolved*, That the secretary of state of Minnesota be instructed to send a copy of this resolution to the President of the United States, the Secretary of War, and to each Member of Congress of Minnesota, and to those elected whose term begins after the close of the present short session.

W. I. NOLAN,
*President of the Senate.*
JOHN A. JOHNSON,
*Speaker of the House of Representatives.*

Passed the senate the 25th day of February, 1929.

G. H. SPAETH,
*Secretary of the Senate.*

Passed the house of representatives the 26th day of February, 1929.

JOHN I. LEVIN,
*Chief Clerk, House of Representatives.*

Approved February 27, 1929.

THEODORE CHRISTIANSON,
*Governor of the State of Minnesota.*

Filed February 27, 1929.

MIKE HOLM, *Secretary of State.*

To the Committee on Finance:

Concurrent resolution memorializing the President of the United States and the Congress of the United States that it is the sense of the members of the Minnesota Legislature that we favor the retention of the principle of the flexible tariff law

Whereas the administration of tariff laws requires close and intelligent supervision; and

Whereas tariff schedules can not be drawn which will continually represent the fair and reasonable relationship between various commodities or between the production cost of the same commodity in this country as compared with its production cost in countries which are importers or prospective importers; and

Whereas such relationship can be maintained by the wise and honest administration of a flexible tariff: Therefore be it

*Resolved by the House of Representatives of the State of Minnesota (the Senate concurring)*, That we favor the continuance of the principle of the flexible tariff law; and be it further

*Resolved*, That the secretary of state of Minnesota be instructed to send copies of this resolution to the President of the United States, the Members in Congress from the State of Minnesota, and to the President-elect Herbert Hoover.

JOHN A. JOHNSON,
*Speaker of the House of Representatives.*
W. I. NOLAN,
*President of the Senate.*

Passed the house of representatives the 25th day of January, 1929.

JOHN I. LEVIN,
*Chief Clerk, House of Representatives.*

Passed the senate the 15th day of February, 1929.

G. H. SPAETH,
*Secretary of the Senate.*

Approved February 16, 1929.

THEODORE CHRISTIANSON,
*Governor.*

Filed February 18, 1929.

MIKE HOLM, *Secretary of State.*

To the Committee on the Judiciary:

Joint resolution memorializing Congress to amend section 5219, Revised Statutes of the United States, so as to permit the taxation of shares of national banks upon a fair and equitable basis

Whereas the several States of the Union are prohibited from taxing the personal property of national banks, and may tax their shares only as permitted by Congress under the provisions of section 5219 of the Revised Statutes of the United States, which, in effect, permits the taxation of such shares only at a rate not higher than the tax imposed upon money owned by individuals and by them invested in mortgages, bonds, and other securities (commonly known as money and credits) in which national banks may invest their funds; and

Whereas it is unfair to tax an individual so using his own funds at as high a rate as bank shares which derive the benefit of the investment returns of from seven to ten times their own amount in the form of deposits; and

Whereas every attempt at taxation of money and credits at more than a relatively nominal rate has always proved a failure, and the practice of taxing them at low rates has in each of the many States employing that method resulted in reaching enormously greater amounts of such property and in producing a larger revenue and in the better distribution and equalizing of the burden of maintaining government; and

Whereas the courts have held invalid taxes levied on bank shares in States that undertake to tax money and credits at the same rate as bank shares on the ground that a substantial part of such money and credits are not, and by reason of the failure of owners to declare them for taxation at a relatively high rate can not be taxed at all; and

Whereas the schemes contained in section 5219 of taxing bank shares by income or excise rather than by value are neither practicable nor adaptable to States raising their revenue by the ad valorem method of taxation, which method has always been and now is in use by substantially all of the States in the Union; and

Whereas the American Bankers' Association and the association of bankers in various States, entrenched behind the wall raised about them by this act of Congress, have declared that they do not trust State legislatures to tax them, have united in exerting every effort in opposition to relief to the States by the necessary amendment of that section, and have demanded that the States abandon their present well-tried and satisfactory methods of taxation and substitute an income or excise tax, the result of which has been to reduce the tax on bank shares by more than one-half in every one of the three States in which it has been adopted, with the consequent increase of the burden to be borne by other taxpayers; and

Whereas there is no organization corresponding to the bankers' associations to protect the interests of the general taxpaying public in the 40 States whose present methods of taxing bank shares are now found to be unworkable and invalid under section 5219; and

Whereas the deplorable situation in which these States find themselves, faced as they are with the choice of radically altering their present taxation systems in compliance with the wishes of the bankers or of virtually exempting banks from taxation, demands immediate action in the amendment of section 5219 so as to permit the taxation of national banks on a basis that is fair and equitable to themselves and to the general taxpaying public: Therefore be it

*Resolved by the Senate of the State of Minnesota (the House of Representatives concurring)*, That the Congress of the United States be, and the same hereby is, urgently petitioned and requested to amend section 5219, Revised Statutes of the United States, so as to permit the taxation of the shares of national banks upon a fair and equitable basis, as contemplated by bills now pending before the Senate and the House of Representatives of Congress and amendments proposed thereto.

W. I. NOLAN,
*President of the Senate.*
JOHN A. JOHNSON,
*Speaker of the House of Representatives.*

Passed the senate the 30th day of January, 1929.

G. H. SPAETH,
*Secretary of the Senate.*

Passed the house the 13th day of February, 1929.

JOHN I. LEVIN,
*Chief Clerk, House of Representativess.*

Approved February 14, 1929.

THEODORE CHRISTIANSON,
*Governor of the State of Minnesota.*

Filed February 15, 1929.

MIKE HOLM, *Secretary of State.*

To the Committee on Foreign Relations:

Joint resolution memorializing the President, the President elect, and the Congress of the United States for the relief of the Lake of the Woods settlers for past damages suffered at the hands of power corporations and enterprises in Canada, in accordance with the convention between the United States and Great Britain to regulate the level of the Lake of the Woods, by providing that the settlers may have their claims heard and tried in the courts of the land

Whereas the Norman Dam, located at the outlet of the Lake of the Woods at Kenora, in the Province of Ontario, Dominion of Canada, has been so regulated by the power companies under the authority of the Government of the Dominion of Canada as to flood the lands and property of the American settlers living upon the Minnesota shore of the Lake of the Woods; and

Whereas the residents of the Lake of the Woods area have for many years protested by petitions, letters, and resolutions to their Senators and Congressmen, and to the Department of State of the United States of America against the maintenance of the Lake of the Woods above its natural level; and

Whereas these protests were uniformly referred to the War Department for investigation and report, and the reports made by the engineers of that department have conveyed to the authorities and the representatives of the United States the erroneous impression that the dam in question has not interfered with lake levels; and consequently the Government of the United States, relying upon such reports prior to the investigation by the International Joint Commission hereinafter mentioned, and believing that the complaints of the settlers were unfounded, for many years took no action to relieve the settlers or to compensate them for their damages; and

Whereas a joint investigation made by the United States and the Dominion of Canada through the agency of the International Joint Commission and independently of the engineers of the War Department, disclosed that the dam had in fact raised the waters of Lake of the Woods by from 4 to 6 feet above their natural level, and following such investigation a treaty was entered into between the two Governments looking to the acquisition by condemnation proceedings of a flowage easement upon the littoral lands so as to provide a regulated flow for the development of an enormously high amount of hydroelectric power out of the waters of the Lake of the Woods at sites in the Winnipeg River and elsewhere in Canada, and providing also for the payment to the settlers of the damages suffered by them in the past; and

Whereas under the act of Congress passed pursuant to that treaty the War Department and its engineers have been required to ascertain, and authorized to fix, the amount of such past damages, and in so doing have taken the position that in the ascertainment of such damages the settlers must be bound by the earlier inadequate and erroneous reports made to the War Department, and hence be treated as trespassers upon, rather than owners of, the lands they occupy, thereby depriving the settlers of the benefit intended to be afforded them by such act of Congress in the form of payment of past damages; and

Whereas under the present act of Congress the determination of damages by the agents of the War Department is final and conclusive and not subject to review: Now, therefore, be it

*Resolved by the Senate of the State of Minnesota (the House of Representatives concurring)*, That the President, the President elect, and the Congress of the United States be, and they hereby are, most earnestly requested to so amend the acts in question as to permit the settlers to appeal to the courts of the United States and to the courts of the State of Minnesota from the determination of the War Department of the damages suffered by them from the artificial flooding of their lands on the Lake of the Woods in years past, and to give to said courts jurisdiction to hear and determine appeals so taken; be it further

*Resolved*, That the secretary of state of the State of Minnesota be, and he hereby is, instructed to transmit certified copies of this resolution to the President of the United States, the President elect of the United States, the chairman of the Committee on Foreign Affairs of the House of Representatives, the Secretary of War, the Chief of Engineers of the War Department, and to each Senator and Member of Congress from Minnesota.

W. I. NOLAN,
*President of the Senate.*
JOHN A. JOHNSON,
*Speaker of the House of Representatives.*

Passed the senate the 6th day of February, 1929.

G. H. SPAETH,
*Secretary of the Senate.*

Passed the house the 6th day of February, 1929.

JOHN I. LEVIN,
*Chief Clerk, House of Representatives.*

Approved February 8, 1929.

THEODORE CHRISTIANSON,
*Governor of the State of Minnesota.*

Filed February 8, 1929.

MIKE HOLM, *Secretary of State.*

REPORTS OF COMMITTEES

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (H. R. 16666) for the relief of Katherine Elizabeth Kerrigan Callaghan, reported it without amendment and submitted a report (No. 2062) thereon.

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

A bill (H. R. 11659) for the relief of the Charlestown Sand & Stone Co., of Elkton, Md. (Rept. No. 2063);

A bill (H. R. 16691) to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7* (Rept. No. 2064); and

A bill (H. R. 15489) for the relief of Leonard T. Newton, pharmacist mate, first class, United States Navy (Rept. No. 2068).

Mr. CAPPER also, from the Committee on the District of Columbia, to which was referred the bill (H. R. 16792) to amend sections 599, 600, and 601 of subchapter 3 of the Code of Laws for the District of Columbia, reported it without amendment and submitted a report (No. 2065) thereon.

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (S. J. Res. 217) amending the act entitled "An act authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.," approved May 16, 1928, reported it without amendment and submitted a report (No. 2066) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 5881) authorizing H. L. Cloud, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Canadian River at or near Francis, Okla., reported it without amendment and submitted a report (No. 2067) thereon.

COTTON PRICES (REPT. NO. 1376, PT. 2)

Mr. SMITH, from the Committee on Agriculture and Forestry, submitted a report of the subcommittee of that committee, pursuant to Senate Resolution 142, relative to investigating the recent decline in cotton prices.

ENROLLED BILLS PRESENTED

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

S. 675. An act to establish the Ouachita National Park in the State of Arkansas;

S. 1338. An act for the relief of James E. Jenkins;

S. 2360. An act relating to the tribal and individual affairs of the Osage Indians of Oklahoma;

S. 2901. An act to amend the national prohibition act, as amended and supplemented;

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;

S. 5453. An act authorizing the payment of Government life insurance to Etta Pearce Fulper;

S. 5684. An act to amend the War Finance Corporation act approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes;

S. 5706. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

S. 5746. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

S. 5847. An act authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.; and

S. 5880. An act to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes.

BILLS INTRODUCED

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

By Mr. VANDENBERG:

A bill (S. 5898) to admit Gullizar Yazidjian permanently to the United States (with an accompanying paper); to the Committee on Immigration.

By Mr. HAYDEN:

A bill (S. 5899) 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.

A bill (S. 5900) to abolish the Papago Saguaro National Monument, Arizona, to provide for the disposition of certain lands therein for park and recreational uses, and for other purposes; to the Committee on Public Lands and Surveys.

A bill (S. 5901) to reserve certain lands on the public domain in Arizona, for the use and benefit of the Papago Indians, and for other purposes; to the Committee on Indian Affairs.

CHANGE OF REFERENCE

On motion of Mr. REED of Pennsylvania, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 10817) to provide for suit against the United States by the Merrill Engineering Co., and it was referred to the Committee on Claims.

PUBLIC-UTILITY COMPANIES IN THE DISTRICT (S. DOC. NO. 261)

Mr. CAPPER. I ask unanimous consent for the usual order, authorizing the printing of the annual reports of the public-utility companies of the District of Columbia for the year ended December 31, 1928. I move that they be printed as a Senate document.

The motion was agreed to.

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 and joint resolutions:

On February 28, 1929:

S. 61. An act granting an increase of pension to Louise A. Wood;

S. 710. An act 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;

S. 1168. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925;

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

S. 1648. An act for the relief of Oliver C. Macey and Marguerite Macey;

S. 1766. An act for the relief of R. H. King;

S. 2695. An act for the relief of Gilliam Grissom;

S. 3002. An act for the relief of Mina Bintliff;

S. 3162. An act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.;

S. 3233. An act for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased;

S. 4276. An act granting a pension to Edith Bolling Wilson;

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

S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work;

S. 4691. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. 437), to certain lands in Utah, and for other purposes;

S. 4811. An act for the relief of C. J. Colville;

S. 4817. An act for relief of the Federal Construction Co. (Inc.);

S. 4819. An act for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.);

S. 4890. An act authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians;

S. 4981. An act to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers;

S. 5014. An act authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands;

S. 5058. An act for the relief of George A. Hormel & Co.;

S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928;

S. 5350. An act to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying; and

S. 5879. An act authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows.

On March 1, 1929:

S. 1965. An act to authorize the appointment of a district judge for the northern district of Mississippi;

S. 2206. An act to amend section 260 of the Judicial Code, as amended;

S. 5181. An act to amend section 4 of the act of June 15, 1917 (40 Stat. 224, sec. 241, title 22, U. S. C.);

S. J. Res. 201. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River;

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 Tropic Everglades National Park in the State of Florida, and for other purposes; and

S. 5749. An act authorizing the presentation of the distinguished flying cross to Capt. Benjamin Mendez.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 4039. An act to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended; and

S. 5544. An act to increase the membership of the National Advisory Committee for Aeronautics.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11698) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes.

ENROLLED BILLS SIGNED

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

S. 2901. An act to amend the national prohibition act, as amended and supplemented;

S. 5706. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

S. 5746. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

S. 5847. An act authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.;

S. 5880. An act to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes;

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

H. R. 13593. An act to legalize a bridge across the Fox River at East Dundee, Ill.; and

H. R. 16701. An act to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army supply base, New Orleans, La.

NORTHERN PACIFIC RAILROAD LAND GRANT

Mr. KENDRICK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. KENDRICK. On yesterday the Chair laid before the Senate the bill (H. R. 17212) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and to alter and amend a joint resolution entitled "Joint resolution authorizing the Northern Pacific Railroad Co. to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes," approved May 31, 1870; to declare forfeited to the United States certain claimed rights asserted by the Northern Pacific Railroad Co., or the Northern Pacific Railway Co.; to direct the institution and prosecution of proceedings looking to the adjustment of the grant, and for other purposes, and I requested that the House bill be substituted for a similar Senate bill. Was the request granted?

The VICE PRESIDENT. The Chair is informed that the Senator from Montana [Mr. WALSH] objected to the consideration of the bill. The bill can be placed on the calendar.

Mr. WALSH of Montana. Mr. President, I did not object.

Mr. KENDRICK. No; I do not understand that the Senator from Montana objected.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. KENDRICK. I ask that Senate bill No. 5855, bearing the same title, may be indefinitely postponed.

The VICE PRESIDENT. Without objection, the Senate bill will be indefinitely postponed.

EMPLOYMENT IN NAVY YARDS

Mr. WALSH of Massachusetts. Mr. President, I have some correspondence which I have had with the Secretary of the Navy and with the office of the chief coordinator with respect to stabilization of employment in the navy yards, and ask unanimous consent that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is ordered.

The correspondence is as follows:

UNITED STATES SENATE,
*January 22, 1929.*

OFFICE OF THE CHIEF COORDINATOR,
*Arlington Building, Washington, D. C.*

DEAR SIRS: I have been giving considerable thought to the consideration of the subject of stabilizing employment in our navy yards. I am convinced that if employment therein could be stabilized, the advantage would be tremendous to the Government. A good deal of unrest exists among employees at navy yards, particularly due to the large fluctuations of the force. When continuous work is in sight, employees have a different mental attitude toward their work than they do when they realize that employment is only temporary. This feeling is, of course, reflected in their efficiency and attitude toward the management and toward their work. A large turnover is expensive, especially in a navy yard where there are many established customs, rules, and regulations, and systems of planning and executing work. Large increases in force always lead to the employment of a certain amount of labor which ranks among the most inefficient in ratings.

Some statistics which I recently gathered show that at one navy yard in the calendar years from 1922 to 1928, out of a maximum number of employees of about 2,600, the fluctuations were, in two of these seven years, nearly 1,000; in three other years between 700 and 800; and only in one year less than 500.

It has occurred to me that a possible remedy for individual navy yards would be a systematic way of distributing the repair work and the modernization work. It has also occurred to me that another method would be to place more of the work for other Government departments in our navy yards—both manufacturing work and work on vessels and equipment afloat. This could be made to have a stabilizing effect by coordination of the various departments and by planning sufficiently in advance. Other departments referred to include the Treasury Department (Coast Guard and Customs Service), Department of Commerce (Lighthouse Service), and War Department (Quartermaster's Department).

I can appreciate the difficulties involved in the solution of this problem, but it does seem to me the fluctuation could be greatly reduced. Each navy yard must have a minimum total force which should be employed in order to do work economically. If the force falls much below this, which apparently happens frequently, the overhead rate increases rapidly.

I should appreciate your suggestions upon the subject, and I am sure your views, as a result of your experience, will be interesting and helpful.

The subject is of particular interest at the present time, as one of the committees of the Senate is considering the question of unemployment, and, as well, the question of stabilization as one of the important phases of the unemployment problem. Several private industries have given testimony of remarkable progress that has been made to this end.

Sincerely yours,

DAVID I. WALSH.

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OFFICE OF THE CHIEF COORDINATOR,
*Washington, January 23, 1929.*

Hon. DAVID I. WALSH,
*United States Senate.*

MY DEAR SENATOR: I beg to acknowledge receipt of your letter of the 22d instant, in regard to suggestions that would assist in stabilizing employment in our navy yards.

I will be very glad to give this matter study along the lines of your letter and will advise you further in regard to this matter at the earliest possible date.

Sincerely yours,

H. H. ROSSEAU,
*Chief Coordinator.*

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OFFICE OF THE CHIEF COORDINATOR,
*Washington, February 26, 1929.*

Hon. DAVID I. WALSH,
*United States Senate.*

MY DEAR SENATOR WALSH: Confirming our conversation of this morning and in reply to your letter of January 22, 1929, the following information has been obtained by this office concerning the fluctuation in the number of employees at the various navy yards:

The primary function of the navy yards is the repair and overhaul of ships in commission and the manufacturing of parts and equipment for such ships. The number of men employed for this work depends upon the amount of money appropriated by the Congress for this purpose. The assignment of naval vessels to the various yards must depend necessarily upon the service in which the vessels are engaged. With the major portion of the fleet engaged in service on the Pacific Ocean, where the two large navy yards are located, the repair and overhaul of the active fleet can be controlled so that the employment of labor for this purpose can be kept at practically a constant level.

The fluctuation in the number of employees at the West coast yards is caused by the construction of new vessels, which entails the employment of additional personnel whose services are no longer required after the new construction is completed.

Large jobs undertaken for other Government departments bring about the same fluctuation as construction jobs. On the East coast, where there are six navy yards, exclusive of the naval gun factory at Washington, there are fewer ships in active service and, consequently, there is less overhaul and repair work for each yard. The modernization of certain old battleships has been done and is being done at the east coast navy yards. This work also entails the employment of additional personnel, whose services are no longer required when the modernization is completed. In like manner, any large alterations or major repairs to vessels belonging to other departments of the country cause similar fluctuations.

So far as the Navy Department is concerned, both the office of the Chief of Naval Operations and the navy yard division of the Secretary's office devote constant attention to the matter of keeping the work of overhaul and repair of the active ships as equitably distributed as possible between the various yards. The amount of work done depends upon the amount of money appropriated by the Congress and the availability of ships for overhaul.

If I can be of any further use to you in this matter, please advise me.

Very truly yours,

H. H. ROUSSEAU,
*Chief Coordinator.*

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DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
*Washington, January 22, 1929.*

MY DEAR SENATOR: I beg to acknowledge the receipt of your letter of January 14, 1929, requesting available information as to what the Navy Department is doing to stabilize employment in navy yards.

Stability of work conditions at navy yards has been accepted without question as a most important agency in securing economy of work and well-being of personnel, and has, therefore, been the subject of much continuous study. While it has not been possible to maintain stabilized conditions at all yards throughout all months of the year, on account of the many and changing factors involved, it is fair to state that our projected programs of work represent sincere and persistent efforts in that direction. It will be appreciated that the purposes for which funds are appropriated by Congress and the amounts of such appropriations exert an important influence on work conditions.

There are, exclusive of the naval gun factory at the navy yard, Washington, 8 continental navy yards, 2 on the West coast and 6 on the East coast. These eight yards perform work, the character of which may be classified roughly as follows:

(a) Repair and overhaul of ships in commission.
(b) Manufacturing parts and equipment.
(c) Modernization projects of certain vessels.
(d) Construction of new vessels.
(e) Preservation of vessels out of commission and of equipment.
(f) Work for other Government departments.

Of the foregoing, the only classifications which seriously influence employment conditions are the repair and overhaul of ships in commission, modernization projects, and new construction; work for other Government departments does so only when work is extensive.

Modernization projects, new construction, and extensive work for other government departments each involve so much work and extend over such long periods that additional workmen must usually be employed to accomplish them. Consequently, when tnat particular work is completed, with no similar projects at hand, it becomes necessary to make drastic discharges. This is not satisfactory, yet the department feels that its own modernization work in particular should be performed in navy yards.

The repair and overhaul of vessels in active service is considered the major mission of our navy yards; it is necessarily fluctuating in character and extent at different yards and, hence, seriously affects local employment conditions. The effect is less detrimental at the two yards on the West coast, where, since the major portion of our fleet is based on the coast, it is possible to so distribute the vessels throughout the year as to maintain reasonably stabilized conditions.

Conditions on the East coast, where there are six yards in operation, are by no means so satisfactory. The vessels based on these

yards do not provide enough work for all to have stable work loads. The proposition of closing certain yards has been mooted from time to time with a view to the concentration of all work in the remaining yards; but this has met with opposition and apparently can not be carried out. As it is, some improvement in employment conditions might be effected by concentrating modernization and new construction in some one or two yards and performing all ship repair work in other yards. However, such procedure is dependent on securing from Congress appropriations to carry on a continuing program of modernization and new construction work which would thus provide for those yards in question.

All vessels in commission are assigned home yards at which, as a general proposition, they receive their annual overhauls. These overhauls are scheduled some months in advance and are in general carried out. Copies of the Schedule of Tentative Availability for Ships at Navy Yards are furnished for your information. These schedules are prepared semiannually and represent considerable study and work. They are based primarily on the operations of the fleet, for the department feels that the yards exist for the fleet and not the fleet for the yards. The need for stabilizing work conditions is, however, kept in mind, and the schedules forwarded herewith indicate the extent the department has gone to meet this end.

I trust that the foregoing outline of the procedure of the Navy, as regards the subject matter, will serve your purposes. However, should you desire, I will be glad to furnish your committee with any particular information requested, or, if preferable, have department representatives appear before the committee.

Sincerely yours,

CURTIS D. WILBUR.

Hon. DAVID I. WALSH,
*United States Senate.*

NATIONAL INSTITUTE OF HEALTH

Mr. RANSDELL. Mr. President, I ask unanimous consent to have printed in the RECORD a brief article from the New England Journal of Medicine of February 21, 1929, relating to the bill pending relating to a national institute of health; also a brief article by the famous Harvey W. Wiley on the same subject which appeared in Good Housekeeping for March, 1929; also an article from the New Orleans States giving a brief interview with the governor of my State with reference to a plan which he has in contemplation for treating 5,000 State insane. I am anxious that Senators shall read all three of the articles.

The VICE PRESIDENT. Without objection, the articles will be printed in the RECORD.

The articles are as follows:

[From New England Journal of Medicine, February 21, 1929]

AN UNWARRANTED ASSUMPTION

The Congress of the United States has before it for consideration three bills authorizing the establishment of a national institute of research, among the purposes of which is to provide for investigations in the medical sciences on subjects particularly pertaining to the public health. The Surgeon General of the United States Public Health Service would be its administrative head, and the members of the service, especially those assigned to the Hygienic Laboratory, would be the agents for carrying on the various researches. The United States Public Health Service has an eminent and enviable national and international reputation for scientific ability and integrity, and its Hygienic Laboratory ranks high among similar institutions throughout the world for its contributions to medical knowledge as well as for the scrupulous and meticulous care it exercises over the manufacture and distribution of biologic products. While we are not familiar with all the provisions of these bills, we understand that they will authorize the Government to accept financial contributions for the support and furtherance of these investigation activities. We know of no applications of private or public funds which would bring any greater ultimate benefit to the people of the country than the one proposed and we know of no more conscientious administrators of such moneys than men of the type that constitute our Public Health Service.

It is, therefore, with amazement and, we feel, quite proper resentment that we read in the February 2 issue of the Journal of the American Medical Association a communication implying that the acceptance of funds from commercial firms or private foundations would corrupt this service. The correspondent goes so far as to say, "Passage of any of the proposed bills authorizing acceptance of private donations for the United States Public Health Service would amount to turning the United States Public Health Service over to the commercial manufacturers and private foundations."

It seems to us that this statement is entirely unwarranted and is a gratuitous insult to a department which has a history of long and beneficent service and distinguished traditions, and we regret that our usually esteemed contemporary opened its columns to such a letter.

To be sure, the writer of this letter pays his respects to the present Surgeon General and the personnel of the Hygienic Laboratory, but his fears for the character of the future members of this service lead him to make a statement which would be ridiculous if it were not sinister. This contributor is surely aware that for a long time just such funds have been accepted by many of our leading colleges and universities, with no consequent lowering of their high ethical standards, and that similar contributions to various scientific or welfare societies and other altruistic enterprises have in the main been conscientiously administered. We, therefore, do not share the correspondent's fear that with the acceptance of private funds venality will take the place of the independent and unbiased attitude that has so long characterized the decisions of our Federal health authorities, and we heartily and fully support any proper measures which will assist and extend the valuable work of our United States Public Health Service.

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[From Good Housekeeping, March, 1929]

MORE THAN ANYTHING ELSE THIS COUNTRY NEEDS A NATIONAL INSTITUTE OF HEALTH, SAYS HARVEY W. WILEY, M. D.

When the Constitution was accepted by the thirteen original States, with it was accepted the plan of a Cabinet of advisors to the President, who would each specialize in one branch of government interest and supervise the national activity in that branch.

A Secretary of War was essential, every one admitted. The war just concluded established the possibility of future wars. A Secretary of State was necessary to conduct the diplomatic affairs of the new Republic. A Secretary of the Treasury was required to mold the Nation's financial structure. And so on through the list.

Several other members have been added to that first Cabinet list, but the most essential of all we have thus far omitted—a secretary of health. Upon that branch of the Government all the other activities depend. Without healthy citizens we can wage no successful war. Without healthy citizens there can be no healthy state. Without healthy citizens the education we have made free to every child, rich or poor, will fail in its effect, will be wasted, its opportunities neglected or ignored.

The chief institution protecting the health of our Nation is the Hygienic Laboratory, working in conjunction with the Public Health Service. The prevention of hookworm and of pellagra are two notable accomplishments of the Hygienic Laboratory, which illustrate without need of any further proof the immense value of the work it is doing.

On May 3, 1928, Senator JOSEPH E. RANSDELL, of Louisiana, introduced a bill into the Senate (S. 4518) to change the name of the Hygienic Laboratory to the "National Institute of Health." It was referred to the Committee on Commerce of the Senate, hearings were held thereon, and a favorable report (No. 1280) was issued by the unanimous vote of the committee.

A similar bill, No. 15212, was introduced in the House of Representatives by Representative KINDRED, of New York, on December 11, 1928. Unfortunately, it is not likely that this bill will receive the approval of Congress during the present short session.

There seems to be no doubt that enlarged activities in the promotion of health which will be conferred upon the National Institute of Health will greatly increase the facilities of the present Hygienic Laboratory to safeguard the health of the people of the United States.

The total appropriation available to the Hygienic Laboratory for fighting diseases in men, women, and children during the current year was only a little in excess of $40,000. Senator RANSDELL called attention to this meager appropriation as compared with the appropriations of the Department of Agriculture for the purpose of eliminating the diseases of plants and farm animals.

Senator COPELAND mentioned the fact that Congress had given $10,000,000 to fight the corn borer and was now asking for $5,000,000 to fight the pink bollworm; that a few years ago we gave $5,000,000 to prevent cholera in hogs, and another $5,000,000 to fight the hoof-and-mouth disease in cattle.

But from the economic point of view, it can easily be shown that research directed toward the prevention of diseases of human animals, and discoveries of methods of cure as well as of immunization, are worthy of even more consideration, of even more general appropriations than for plants and animals.

Many printed statements have been made of the cost to mankind of colds alone, and their sequelæ. Colds in some form or other attack practically every American citizen at least once a year, frequently following each other in rapid sequence. Colds are not self-immunizing as are many infectious diseases, such as measles and smallpox, in which nature creates a quantity of immunizing materials which render the patient for many years, often a lifetime, immune from a recurrence of the disease. This antibody does not seem to be developed by the ordinary cold. Colds frequently bring on other diseases—bronchitis, influenza, pneumonia, tonsillitis, deafness, impairment of sight, and occasionally fever and circulatory diseases. If the institute of health could devise a plan by means of which one-half of the colds which now attack our citizens could be prevented, it would be an economic triumph which would mean much in the family budget of expenses.

Perhaps the proper method of presenting measures of this kind to a congressional committee and to the public at large would be through

the economic factor. If health could be clothed in the garb of profits, there would be a greater popular interest in listening to a discussion of it.

The principal trouble with data of this kind heretofore has been that it is almost entirely an estimate in which the imagination plays the important part. When the institute of health is established it should be able to collect actual data in regard to this matter which would be of the highest utility because of its accuracy. A sufficient number of persons in different parts of the country should be kept under scrutiny of the agents of this institute to determine the actual hours lost at school and labor through colds, and the money paid for the services of a physician and for the remedies used. The total charge upon the family budget for a whole year as a result of avoidable diseases could be marshaled in an argument before a congressional committee and before the public at large with a powerful effect.

As soon as the human race is convinced that it pays to keep well, the services of such an institution will be more highly appreciated.

The fact that the death rate from tuberculosis has been so greatly reduced as to displace that disease from the head of mortality lists has led to the introduction, in the incipient stages of that disease, of out-door habits of life, nourishing food materials, and desired rest from violent exercise, which do so much toward lowering the death rate of this once dreaded disease. From the budget point of view this justifies the desirability of necessary expenditures to bring into proper activity these immunizing methods. A dollar spent in immunizing a patient from tuberculosis, or removing the first incipient stages therein, grows to five or ten dollars of expenditure if the disease should be left to full development.

It is not at all out of the realm of probability to look forward in a few years in our own country to a time when the Public Health Service may claim still higher dignity. Numerous attempts have been made to secure both for education and public health the status of an executive character. As agriculture, after a long service as a mere independent bureau, became in 1888 an executive department, the change in dignity of the position worked wonders. At the time the Department of Agriculture became an executive department in the Government, with a seat in the President's Cabinet, the total money voted by Congress for its maintenance was only a few million dollars. The influence of the department grew rapidly after this elevation. What the Secretary of Agriculture said ought to be done carried much greater authority, and received much more serious consideration at the hands of Congress, than a similar recommendation made by a mere bureau chief. The Secretary of Agriculture has not only the ear of the President, but also the ears of his fellow members of the Cabinet. Even to a greater degree he has the ears of the Members of Congress. The total appropriations of the Department of Agriculture to-day are well on the way to $200,000,000 a year.

It is not too much to expect that a department of health, once established, would equal if not surpass the record made by the Department of Agriculture, as its supreme importance became more generally appreciated by the public.

MEN WHO APPROVE THE BILL

In the hearings which were held on this bill introduced by Senator RANSDELL there was a unanimous approval of this purpose by all who appeared before the committee. Among these were such important men as Dr. Charles H. Herty, of the Chemical Foundation; Senator Royal S. Copeland, of New York; Dr. Reid Hunt, of Harvard University Medical School and president of the Pharmacopœial Convention of the United States; Dr. A. H. Ebeling, president of the Rockefeller Institute for Medical Research; Prof. Treat B. Johnson, of Yale University; Dr. C. Willard Camalier, member of the American Dental Association; Surgeon J. W. Kerr, of the United States Public Health Service; Dr. A. M. Stimson, assistant surgeon, United States Public Health Service; Dr. Arthur T. McCormack, State health officer of Kentucky; and Dr. E. F. Kelly, secretary of the American Pharmaceutical Association. No one appeared in opposition.

Eminent medical men who were not able to appear personally before the committee wrote letters in approval of the plan. Among these were Dr. W. J. Mayo, Dr. W. W. Keen, Dr. Lewellys F. Barker, Dr. George E. Vincent, Dr. Herman N. Bundesen, Dr. Ray Lyman Wilbur, and many others

If you would do your part in protecting the health of your own children and the children of the future, place your approval of this bill before your Congressman and your Senators, so that when it comes up there will be no question of its passing.

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[From New Orleans States, February 26, 1929]

MENTAL DISEASES SUBJECT TO CURE—GOVERNOR ANNOUNCES PLANS FOR TREATING 5,000 STATE INSANE

BATON ROUGE, LA., February 26—(Special).—An intensive study of all the problems affecting the mentally sick and feeble-minded and the inauguration of a complete program with equipment necessary to furnish every modern science and health facility for the cure of the insane is soon to be in use in Louisiana, Governor Long announced Monday following a conference with Dr. H. H. McClelland, of Dayton, Ohio, who was called to Baton Rouge to consult with the directors of the State's three institutions which treat mental diseases.

The governor said the work of the three institutions was to be coordinated and a social-welfare department would be established for each so that a patient may be watched after his release in order that he will not again go back into the state which required his confinement.

NEARLY 5,000 INSANE

There are nearly 5,000 insane and feeble-minded in the three institutions and the number is constantly on the increase, the governor said, but it is hoped that with the new methods the number will soon be on the decrease.

The governor said one of the principal efforts at cure would be made along the lines of rectifying the physical ailments which, in many cases, cause the insanity, and in line with this, he said, 1,500 abscessed teeth were extracted from the mentally sick at the Central Louisiana Hospital at Pineville during the first few days after Dr. Clarence Pearson took charge. The governor said the institution at Jackson had made many cures along the lines proposed to be used to a greater extent.

Discussing his plans, Governor Long said:

"It was found, from taking 400 cases, that 6 per cent of the people eliminated the food which they ate in 24 hours time. That was the normal period. But that, from a radiograph examination, 94 per cent of the people taken into the institutions for the mentally sick required from 30 to 300 hours to eliminate food taken into the body. This quite often results in auto poisoning (self-poisoning) and a person becomes as violent as a maniac, and thousands of people have died from a mere matter of toxic poison."

CURES AT JACKSON

"Our institution at Jackson, experimenting along this line, has made several cures. We will install the equipment and broaden our scope so as to give every person the benefit of this kind of treatment. Doctor McClelland has taken 19 hopeless cases and treated them along this line, resulting in 6 of the 19 being sent to their homes and thereafter taking care of themselves.

"Some months ago I had a friend whose case had been given up as being practically hopeless. He was suffering from every kind of mental disorder. I went to his home. It so happened that I had tried a number of lawsuits where this kind of malady had been pretty well rehearsed on the witness stands by the doctors. I instantly saw that this friend of mine was suffering from toxic poison. I called two physicians from Shreveport and consulted with them and they agreed. Within 10 days' time this party became as normal as any other human, and is so to-day.

"We are in the front ranks to-day with some of the modern facilities and treatment which we are giving to the insane, but our institutions are undersupplied. What the heads of our institutions and Doctor McClelland now propose to do is to chart off the various and sundry disturbances that are taken to be insanity, when they are really not, and prescribe the kind of treatment that should be given, which will keep many from ever being sent to the hospitals; but if they do, hospitals will be equipped to give the most complete kind of examination and the most careful kind of treatment, so as to clear up cases which will yield to the most simple kind of modern science.

SOCIAL WELFARE

"We are going to coordinate the three institutions for the mentally sick and establish a social welfare department for them all, so that after a patient is released they may be watched, so that their condition will not be allowed to become what it was before they were sent to the hospital.

"Doctor McClelland has returned to Ohio, under the promise that he will come back to Louisiana and assist us in coordinating our work and modernizing our departments.

"We have about 2,600 patients in one institution, about 1,400 in another, and several hundred in another. The number is constantly on the increase. We believe that there is a great chance that we can begin to give such service to the mentally sick that within months to come we can begin to decrease the number of mentally afflicted, rather than to have it constantly on the increase in Louisiana. If we save 100 persons and restore them to normalcy, or even 10 (and there is a hope of savings hundreds and probably thousands), it will be the most meritorious work of this administration.

FEW REALLY INSANE

"Science is developing and, I think, will develop that few people are actually insane. Our institutions must get away from the fact that the cases are incurable or that the matter is one so much due to inheritance. When toxic infections and all other physical disorders are corrected, I think and the doctors think that there is going to be a remarkable improvement in the patients of this State."

ADDRESS BY BISHOP JAMES CANNON, JR.

Mr. HEFLIN. Mr. President, I ask to have printed in the RECORD an address by Bishop James Cannon, jr., of Virginia, delivered in New York City February 8, 1929, on the subject of prohibition.

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

Mr. Chairman, ladies and gentlemen: In view of the nature of this occasion I have thought it proper to commit what I have to say to a sound form of words in writing.

At a private dinner in this city about three years ago each guest was asked to state what he considered to be the outstanding fact in the life and work of the world to-day. When my turn came I ventured to say that, to-day, 1,900 years after Christ, the most outstanding fact in the life work of the world is the steady, irresistible translation into the lives of individuals and into the social order of the teaching of Jesus Christ concerning the vital—absolutely central truth of human brotherhood—of the positive obligation of neighborly love, including willing self-denial, and the far-reaching implications which necessarily follow the acceptance and the recognition of that teaching. This teaching, as Jesus prophesied, has been as leaven hidden in the meal, which will continue to work until the whole shall be leavened.

This teaching is revolutionary in its aim and world-wide in its sweep. If the followers of Jesus Christ are to be true to the teachings of their Master, they can not be indifferent to influences and conditions which affect, indeed, often dominate, the whole industrial and social order. The salvation by regeneration of individual men and women is not less important, not less fundamental, to-day than it has ever been. But all such individuals, when genuinely regenerated, must become veritable apostles, proclaiming the application of the teachings of Jesus Christ to every form of industry, to every social activity. Christian love can not be content with a system which produces a small group living in abounding luxury and wealth and a multitude in comparative poverty, with many, indeed, in abject poverty and misery—with long hours, low wages, night work, especially for women and children, which absolutely prevent the building up of happy, wholesome home life. When Jesus Christ proclaimed and exemplified the law of love, he sounded forth the evangel which must finally usher in a day of redemption for the entire industrial and social order.

To be specific, it is this teaching of Jesus which declares the right of all men and women to a living wage, to limited hours of toil, to better medical care, to a larger general participation in the fruits of industry, to more leisure, to more parks, playgrounds, amusements, reading rooms, libraries, and general recreation; in short, to whatever makes for a fuller, richer life.

It is this same teaching which declares that men must no longer kill their brother men, and so which demands the abolition of war, adherence to a world court, the formation and maintenance of an association or league of nations, and a spiritual and physical disarmament. This teaching demands the complete abolition of the sale of human beings for purposes of slavery, of the traffic in women and children for immoral purposes, and of the traffic in narcotic drugs and intoxicating liquors.

All these things the true follower of Jesus Christ must recognize and must declare to be the necessary, the inevitable consequences of the working of this quickening, redemptive leaven.

It is my understanding that the Christian Herald Association is fully, unequivocally, aggressively committed to the work of bringing in of this new heaven and new earth, wherein shall dwell righteousness. It is, therefore, needless to say that I greatly appreciate the action of the Christian Herald Association in selecting me as the American who, during 1928, has made the most significant contribution to religious progress, for this action clearly recognizes that the work which I have tried to do was not primarily political, as that word is commonly used, but was an effort in support of the application of the teaching of Jesus Christ to the solution of one of the greatest age-long problems of humanity. For the Master's teaching of human brotherhood does not lose its meaning or its loving imperative when it faces the horrible ravages of the traffic in intoxicating liquors.

It will not agree that human brotherhood and brotherly love become weak and helpless when faced with the appetites of men and women for strong drink. It will not agree that this monster, with its awful toll of misery and death, shall continue to exist because there are elements, high and low, in the social life who are unwilling to pluck out their right eye, or to cut off their right hand, but prefer rather to destroy those with their drink for whom love died. Surely there can be no evasion on this question. This is the real issue, the real battle ground in the fight against drink. It is the age-long battle between self-indulgence and self-denial, or, better still, between appetite and love. For the basal principle underlying the eighteenth amendment of the Constitution of the United States is not Puritanism, or compulsion, as is mistakenly declared. It is the principle of brotherly love applied to the solution of this age-long problem.

The teaching of Jesus has developed a new social conscience, which declares and recognizes the rights and duties of organized society as positively and with as sweeping and imperative as the individual conscience declares the rights and duties of the individual. This social conscience to-day brushes aside, without any hesitation, any claim of any individual to perform any action or to enjoy any privilege, which action or indulgence is a menace to the physical or moral safety of life of the community in which he lives. This social conscience frankly declares that a man's private life, his right to unrestrained personal activity, ceases the moment any act of his life affects the life of other members of the social order of which, whether he likes it or not, he is a part.

Robinson Crusoe was free to shoot when and where he pleased while alone on his island, but when his man Friday came it was his duty to locate Friday before he fired. Men may own high-powered motor cars for pleasure or business, but the killing of over 25,000 and the maiming of over 700,000 people in the United States last year, and a similar awful record in other countries, compels stringent restrictive speed laws and sober drivers. Men may prefer wooden houses as cheaper or more beautiful or more healthful than brick or stone, but the law prohibits such buildings in business districts. Quarantine laws require men to remain on cholera-infected ships until danger of infection is past, no matter how inconvenient or expensive to the individual such detention may be. A man's income may be no more than he thinks necessary for proper comfort, but organized society—the State—compels men to give up part of that income to pay for roads, police protection, support of paupers and insane, and for education, even though he, himself, may have no children. Smoking in powder mills or garages is forbidden, no matter how much individuals may desire that indulgence. When the country is attacked by enemies, the Government requires men to leave home and business and face separation, financial loss, wounds, disease, even death, for the defense of the common country.

Countless examples could be given of restrictions put by society upon the "private life" of the individual, but the advocates of individualism, alas, too often of purely selfish individualism, animated by appetite or covetousness, or both, still raise a great outcry against any law to limit or to prohibit the use of intoxicating beverages as "a forcible, immoral, and tyrannical invasion of their private life and personal conduct." (Dr. Nicholas Murray Butler.) But such protests and reasoning are but an echo of a bygone age. The enlightened social conscience of to-day absolutely refuses to recognize anything as "private life and personal conduct" which affects the "general welfare." If, therefore, at any time the issue is clearly joined between the right to selfish individualism to the indulgence of the appetite for intoxicants and the right of society to protect itself from the effects of such self-indulgence, the law of love, Christ's teaching concerning human brotherhood, demands unhesitatingly that the indulgence of the appetite of the individual be willingly, gladly surrendered by all true followers of Jesus for the sake of the weak brother, for whom love would die.

But this same principle of human brotherhood applied by the new social order, which new social order it must be remembered is the very product of this very teaching of Jesus Christ, goes further than a mere appeal, and preemptorily orders that, whether willingly or unwillingly, all opportunities for the indulgence of appetite be prohibited if in providing such opportunities it becomes evident that the best interests of society generally, indeed, almost inevitably, suffer. This prohibitory method may not be approved by the selfish offender; it may indeed excite great resentment and a determination to indulge the clamoring appetite despite any law, however drastic; but organized society, or Government, has swept in its aim beyond the simple question of the control or the reform of the appetite of an individual for his own sake alone (which is truly most desirable) to the broader question of how society can protect itself from the refusal of such individual to abstain voluntarily from a selfish indulgence which admittedly involves danger to the entire social life of the country.

The cry of Puritanism, of the determination of certain elements of society to compel others to surrender their pleasures, the charge that prohibition is the product of a bunch of long-faced, hypocritical killjoys, is utterly absurd, indeed silly. For whatever the church or the Puritan might or might not be able to do, our present-day economic, industrial, and social life has decided that it can not and will not any longer tolerate alcoholism with its attendant evils, but will compel the abolition of a traffic which always and everywhere produces such results. The battles for State and national prohibition have been fought and won; not to delight the so-called sour-faced Puritans but to "promote the general welfare," which is proclaimed to be one of the purposes of the adoption of the Constitution of the United States.

The eighteenth amendment to that Constitution was ratified by a larger number of States than any other amendment for a hundred years. That amendment provides, "The manufacture, the sale, the importation, the exportation, the transportation of intoxicating liquors is hereby prohibited," and so forth. This amendment to the Constitution changed the status of the beverage liquor traffic from that of a permitted licensed traffic to that of a criminal traffic. The change was sweeping and put the brand of a criminal and outlaw upon the manufacturer, seller, and transporter of intoxicants.

Since the ratification of the eighteenth amendment there has been organized opposition to the enforcement and to the continuance of that amendment unamended. That opposition was declared in the Democratic National Convention at San Francisco in 1920, with Gov. Alfred E. Smith as the openly recognized representative of that opposition. The same opposition was manifested in the Democratic National Convention in New York in 1924, and that opposition reached

its climax in the Democratic convention at Houston in June, 1928, when Alfred E. Smith was nominated for President of the United States, and immediately made his bid for the support of the "wet" element in the country by calling for drastic changes in the prohibition law which changes, if carried into effect, would have resulted in 48 different varieties of prohibition, might even have turned the machinery of government into an agency to handle the traffic in intoxicants, and would have, most important of all, changed the status of the manufacturer, seller, and transporter of intoxicants from that of an outlawed criminal to that of a law-abiding citizen.

The fundamental issue involved in the last presidential election was: "Shall the brand of the outlaw be removed from the trafficker in intoxicants, and shall he be recognized once more as a law-abiding citizen? Or, in other words, shall the general welfare of the new social order be once more legally subordinated to selfish individualism? Shall appetite and covetousness, the twin taproots of the liquor traffic, or shall the social and moral betterment of the people as a whole take precedence in the law of the land? Shall the Constitution and the statute law of the United States be stripped of the most, far-reaching, uplifting social legislation ever enacted by any country in any age? This was the issue which southern people, especially, were called upon to face in the last presidential election. The conflict was not entirely unexpected, and positive, explicit warning was given more than a year ago that the southern people would not commit both political and moral suicide by supporting a "wet" Tammany candidate. But "wet" Tammany elements in absolute control of the Houston convention ignored all protests and danger signals, and nominated their "wet" candidate. Faced by such a situation, it was necessary to decide what action should be taken to preserve unsullied the principles and ideals of the southern people. Circumstances and duty seemed to join in the demand that in that campaign your speaker should give primary direction to what has been known as the anti-Smith movement, which was later carried to such a successful culmination by the united efforts of many able, patriotic men and women throughout the South. The result was never in doubt to those who knew the southern people—who knew that they needed only a call to the colors to show to the whole world their loyalty to right principles. No greater satisfaction has ever come to your speaker than the recognition which has now been given by the whole country—that when moral issues are at stake the southern people will stand by principles, regardless of previous political party predilections or affiliations.

It is exceedingly regrettable that, in their desperation, the Smith-Raskob leadership resorted to such methods to minify the prohibition question in the South, while deliberately magnifying it in the North and East. The religious issue was deliberately thrust into the campaign by Chairman Raskob and Candidate Smith, hoping that the baseless cry of religious persecution would excite sympathy and weaken the force of the appeals of those opposing the Democratic candidate because of his "wet" Tammany affiliations. But, regardless of this reprehensible injection of the religious issue, a great victory was won for prohibition, which, as has been indicated above, is one of the most epochal, outstanding applications of Christ's teaching of human brotherhood to the social life of a great Nation.

In conclusion, may I again express my very profound appreciation of the recognition by the Christian Herald Co. that the outstanding issue in the recent political campaign was not primarily political, but was essentially moral and religious, involving as it did the rejection or the approval of the law of love as applied to the social relationships of everyday life. For, as I stated in the beginning, this teaching of Jesus is revolutionary in its aim and world-wide in its scope. It has erected a standard by which, whether men like it or not, all our habits, customs, and laws must finally inevitably be judged. The Master's law of love must be applied to industrial, economic, social, racial, family, international, and, indeed, to every relation of life, and the Kingdom of Heaven will come in when every relation of life shall have been leavened by the sweetening, redemptive, saving power of this truly heavenly teaching.

REAPPORTIONMENT OF REPRESENTATIVES

Mr. VANDENBERG. Mr. President, one of the grave features of the default of the reapportionment bill, to which I have adverted on many occasions, is the unconstitutional complexion of the Presidential Electoral College. There is a very illuminating discussion of this subject in the New York Evening Post, and I ask unanimous consent to have the editorial printed in the RECORD. Also on the same question there is an editorial in the New York World, which I also ask to have printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Evening Post]

DO SENATORS WISH ANOTHER HAYES-TILDEN CONTEST?

In English history we read with indignation of the glaring misrepresentation which existed in the House of Commons down to 1832. Districts once populous which had dwindled to hamlets or to actual wastes still had the right to choose Members of Parliament, the right being exercised by whoever happened to own the deserted land. On the other hand, large cities which had grown up in modern times were virtually unrepresented.

But we can no longer condemn this state of affairs without hitting ourselves. In Michigan there are three congressional districts with an average population of 800,000 each. There are districts in other States with less than 160,000. One person in any of these districts counts for as much as five persons in any of the three districts in Michigan.

In California there is one district with a population of 1,500,000. There are whole States with that many inhabitants which have half a dozen or more Representatives in the House to the California district's one.

Nor is this all. The discrepancy reaches further than Congress. It touches the Presidency. Since the electoral vote of a State is equal to the total number of its Senators and Representatives, States which do not have their fair share of Members in the House are similarly underrepresented in the Electoral College.

California and Kentucky have the same number of electoral votes, 13. But California has a population of 4,400,000, while Kentucky has only 2,500,000. Suppose there were another close election like the one of 1916, with Kentucky instead of California casting the deciding vote. Then we might have not merely a minority President—which we did not have in 1916—but a President whose majority in the electoral vote was due directly to overrepresentation of that minority in the Electoral College.

This would be a result squarely at variance not only with the spirit but also with the plain letter of the Constitution. Such an election might be challenged when the votes were counted, as the election returns of the Hayes-Tilden election were challenged, and with much less room for debate than was the case in 1876, when there were fraud and intimidation on both sides.

In holding up the reapportionment bill the Senate is playing with dynamite.

[From the New York World]

ANOTHER DEFEAT FOR REAPPORTIONMENT

Once more the enemies of reapportionment, taking advantage of the congested Senate Calendar, have administered chloroform to an important piece of legislation. The House of Representatives passed the Fenn bill by an overwhelming vote. Since it affected the House and the Electoral College only, it would seem that the Senate might have accepted it. But a determined filibuster has forced its chief advocate, Senator VANDENBERG, to announce that he has dropped it. The Fenn bill was a mild measure, being in a sense merely provisional. It provided that if Congress failed to follow the censuses of 1930, 1940, and other years with immediate reapportionment legislation, then reapportionment should take place automatically according to the method of "major fractions." Yet even this provisional law to prevent a continuance of the present unjust situation has been lost.

There can be no mistaking the motive behind the opposition in the Senate. It came from Members whose States will lose congressional seats in a fair reapportionment. Senator BLACK of Alabama told the story when he said that he would vote against a "measure which is destined in the long run to change prematurely the great balance of legislative power in this Nation from the rural districts to the great metropolitan areas."

In other words, even at the cost of defiance of the Constitution, the urban States, increasing in population as compared with rural States, will be denied a reapportionment. This opposition will be intensified after the 1930 census. The one way to forestall it is to see that the Fenn bill is pushed through Mr. Hoover's special session.

CATHOLIC-PROTESTANT MARRIAGES—DECISION OF JUDGE CHICHESTER

Mr. HEFLIN. Mr. President, I ask unanimous consent to print in the RECORD a Virginia Supreme Court decision in the case of Harlow against Harlow and comments thereon, as published in an Alabama newspaper.

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

[From the Birmingham News, Tuesday, October 30, 1928]

THE SUPREME COURT CONDEMNS CATHOLIC CLAIM THAT PROTESTANT MARRIAGES ARE ILLEGAL

Some of the Smithites in Alabama are trying to make it appear that Al Smith and his Roman Catholic associates do not practice the teachings of the Roman Catholic Church that all Protestant marriages are illegal, and that the parties thereto are living in adultery and that the children of such marriages are illegitimate.

The Supreme Court of Virginia decided that question against them this year.

John M. Harlow married a Protestant woman and lived very happily with her for two years. He was taken desperately ill and carried to

his Catholic mother's home, where he lingered a few days. While there his Catholic relations and two Catholic priests caused him to change his life-insurance policy from his lawful wife to them, and renounce his lawful wife on his death bed, "to get his soul out of hell," for contracting a marriage with a Protestant.

The wife brought suit for the alienation of her husband's affections by this Catholic crew after his mind had weakened. A Virginia jury gave the wife a verdict for $20,000 and the Catholics appealed to the supreme court. The supreme court made them pay. Read the court's scathing denunciation of Catholics for setting up their belief about marriage "above the law of the land, which they undertook to nullify." (Harlow et al *v.* Harlow, 143 S. E. Rept. 720. Supreme Court of Appeals of Virginia. Decided June 14, 1928.)

Opinion by Mr. Justice Chichester:

John M. Harlow, referred to frequently in the record as "Dick" Harlow, deceased husband of Gladys E. C. Harlow, the plaintiff, was twice married. He was divorced by his first wife, whom he married in 1901. He had one child, a daughter, now Mrs. McGinnis, by this marriage. In 1921 he married the defendant in error, a New York girl who came to Washington to work during the war. There is ample proof in the record that John M. Harlow and his second wife were very much devoted to each other both before and after their marriage, and up to the time, during his last illness, when he went or was carried to Alexandria to the home of his mother, Rose Harlow. He had been a shiftless and somewhat wild person up to the time of his second marriage. After that he was saving and industrious, evidently under the influence of his wife, who appears to have been a most excellent and estimable woman and wife. At the time of his last illness, his wife, who continued to work for the Government after her marriage, as she had been doing before, had deposited from her own earnings in a savings bank, to the credit of her husband, $936, and her husband had a checking account for current expenses in another bank of between $400 and $500.

After his marriage he and his wife, the plaintiff, lived in an apartment in Washington. He became ill in the spring of 1923 and grew steadily worse until he died.

His people were Roman Catholics and he was, or had been, a member of the church also. His first wife was a Roman Catholic, but his second wife, the plaintiff, was a Protestant. This, however, seemed to make no difference in the happiness of the couple, until the husband went or was taken to Alexandria on August 4, 1923, after he became ill, where he went to spend the day, but where he remained until his death on September 17, 1923. His wife acquiesced in his remaining in Alexandria, where he could have the attention his mother, sisters, and brothers would give him, during her absence at her office during the day, but at first she visited him every day. Prior to the time when members of his family were notified of his illness, they either did not know, or pretended not to know, of his second marriage, and they apparently never recognized their brother and the plaintiff as husband and wife. Before the brother had ever come to Alexandria even for a visit of a day at a time one or more of them told the plaintiff that he had lost his soul and that she (plaintiff) would have to help him get it back.

(1) His mother, Rose Harlow; two brothers, George Harlow and Edwin Harlow; and two sisters, Mrs. Lillian Harlow Green and Mary D. Harlow, lived together in the same house in Alexandria. Mrs. Hartigan, the other defendant, lived in Washington. When John M. Harlow was taken to the Alexandria home in an almost dying condition on August 4, there is no doubt about the fact that the defendant in error was a most devoted wife, and that he was a most devoted husband. That his whole attitude toward his wife was changed during the six weeks he lived in the home of his mother and sisters and brothers, that he became alienated in his affection for her, and finally renounced her, is beyond question. That this change was willfully brought about by the united efforts of at least the mother, Mrs. Green, Miss Mary Harlow, and George Harlow the jury had a right to conclude from the testimony of the plaintiff which, the record shows, was corroborated on every material point.

It is probably true that the conduct of the defendants was not animated in the beginning by any personal animosity toward the plaintiff. Their zeal may have been the result of religious fanaticism running wild. They believed that a marriage, once entered into, could not be dissolved by divorce, and that the marriage of a divorced person was unlawful, immoral, and adulterous, although the law of the land was to the contrary. They all admitted this. There had for many years been substantially no contact between them and the plaintiff's husband. He was living in Washington, active in the affairs of the world, and out of touch and sympathy with the narrow views of his family. Their lives were in channels so far apart that none of the defendants, if they are to be believed, even knew he was married until a long time afterwards, when he telephoned them that he was ill, and they came, seeing with their own eyes that he was living with a woman. One of the plaintiffs in error, Mrs. Green, came to the apartment, met his wife, and then for the first time knew definitely that he was married. Immediately on that first visit she said to the plaintiff:

"Gladys, you have got to help get his soul back. He has lost it, and you've got to let him go back to the church."

From this time on, the united idea of at least four of the defendants seems to have been to get his wife out of his life, because, as they viewed it, there had been no lawful marriage. When she did not yield to their wishes and suggestions and eliminate herself, they proceeded to bend every effort to eliminate her, and from this time their malicious and vindictive spirit toward her is evident in every word and deed.

After her husband went to Alexandria on August 4, the plaintiff, at first, went over there from Washington to see him every day, but it became apparent at an early date that she was not wanted so often, and her time was limited frequently by demand of members of the family to a visit of 10 minutes. Plaintiff testified that they (referring to Mrs. Harlow, the mother, Mrs. Green, Miss Mary Harlow, and the brother, George Harlow) would meet her at the door, and "when they saw who had called would say, 'Well, you might see him. We will see if he is up,' or 'sitting up,' and they would treat me very coolly and indifferent, slam the doors, and rush past me, and not address me."

It was proved in the evidence that a Roman Catholic priest visited the husband nearly every day. In spite of all this, the husband does not seem to have weakened materially in his affections for his wife until after the latter part of August, when he had greatly weakened physically, because, just prior to that time he requested his wife to come over and get him and take him back home; but it became more apparent every day that the plaintiff's visits were unwelcome to members of the household, and she was told that she should not come so often, that people were talking about her, that she was not "Dick's" legal wife, and that she had lived with him in adultery for two years.

Finally, contrary to the usual custom, the plaintiff was invited over to Alexandria to see her husband on the 1st of September. She states that Mrs. Hartigan, the sister living in Washington, phoned her, reminding her that she had been told to come to Alexandria on the 1st of September. She was not suspicious of this unusual invitation until she reached Alexandria, where she found Mrs. Harlow, the mother, the sisters, and George Harlow. She was admitted by Miss Mary Harlow. What occurred thereafter is best told in her own language:

"Q. Did you say anything?—A. Admitted me. No; nothing in particular.

"Q. Did she greet you at all?—A. She just merely opened the door. I went along upstairs to where my husband was. When I entered his room, Mrs. Green and he were there. He said: 'Well, Pet, it is all over. I have renounced you.' Mrs. Green said: 'Yes; you will never see him again. He will never live with you again. This is the last time you will ever see him.'

"Q. Was any one there besides her and you?—A. Miss Mary Harlow.

"Q. Did she hear?—A. She also said: 'Yes; you will never see him again.'

"Q. Did she say that, too?—A. Absolutely.

"Q. Were any of the others there?—A. I don't remember any others right in the room at that time.

"Q. What did you say in their presence, if anything?—A. I said: 'Why, I am his legal wife.'

"Q. Proceed.—A. I said: 'He can't renounce me. He can't give me up. If he wants to go back to the church, that is all right. I never interfered with anything that he does. He can go to church, but I am his legal wife.'

"Q. What was said to that and by whom?—A. They said: 'Oh, you are not. We don't recognize you. You have been living in adultery for two years.'

"Q. Well, now, who said that?—A. Miss Harlow and Mrs Green both voiced it.

"Q. Anything else said?—A. They told me I could stay just a few minutes.

"Q. How long did you stay on that occasion?—A. Probably 10 or 15 minutes.

"Q. Well, did you ever see him again?—A. Once.

"Q. Well, where were you when Doctor Rutherford went in?—A. I was outside in the machine.

"Q. Did you see him go in?—A. Yes.

"Q. How soon afterwards did you go in?—A. I went in shortly after.

"Q. What happened after you got in that you saw yourself and heard?—A. I went in with Mrs. Nichols and Mr. Clybourne, and as I entered the hall George Harlow was coming down the stairs, and I said, 'I want to see Dick. I have come over to see if he can get medical attention and see about taking him to a hospital.' He grabbed me by both arms and said, 'You will never see him. You can't see him. You are not his wife.'

"Q. What was his manner of seizing you?—A. He grabbed me by both arms.

"Q. Was it violent or gentle?—A. Very violently.

"Q. Did it disturb your equilibrium at all; your balance?—A. Well, Mrs. Nichols was right directly back of me. He gave me such a push that I fell against her.

"Q. Was his grasp painful or not?—A. Well, I know that the red marks lasted for some time.

"Q. What sort of marks? Do you mean black and blue marks on your arm?—A. No; just red marks from pressure.

"Q. How long were they apparent on your arms?—A. About a day.

"Q. Did you actually observe them when you got home that night?—A. Yes.

"Q. What happened after that? Did he say anything more?—A. He said I couldn't see him. He kept repeating that over and over again, 'You will never see him. You can't see him. You are not his wife.'

"Q. Proceed. Hurry on. Tell the story.—A. So he was trying to back up the stairs to get up to the room, and I told him, kept telling him, 'I want to see him because I am his lawful wife. You can't keep me from seeing him.' And he kept repeating, 'You can't see him. You can't see him.' And about that time he ran back up the stairs and locked both doors to the room in which my husband lay.

"Q. Where were the other members of the family at that time, if you remember?—A. I remember seeing his mother down on the first floor. She came along the little hallway that led through the dining room, and she said, 'This is such an outrage. Get her out of here. She is back here again. She isn't his wife.' And also at the top of the stairs, when I went up the stairs after George Harlow had released me, Mrs. Green was at the top of the stairs right here at the little landing. She grabbed me by the arms and tried to pull me in the room in the rear.

"Q. Did she say anything?—A. She said: 'You can't go in there. You can't see him. You have been living in adultery. You are not his wife.'

"Q. Proceed. What happened after that?—A. Mrs. Nichols took hold of me, and released me, and she kept calling for the chief of police. So George Harlow, after he had locked my husband in the room, I think he was the one that went across the street to notify the chief of police. He came over shortly after that, and they were all talking and saying that I could not see him; could not get in. The chief of police——

"Q. Well, were the doors of his room opened again?—A. I tried to plead with them that I had brought this doctor to examine him and to talk with him and see what he could do for him. They finally consented to let him in by himself. They locked him in the room with my husband. Chief Goode came after that, and I went downstairs and talked to him. My lawyer, or Mr. Dickey, came in with Chief Goode, and talked to him about it. Chief Goode said that I should see him; that I was his lawful wife. Then George Harlow unlocked the door and let me in.

"Q. Who went in first? You or he?—A. He did.

"Q. What happened after he went in?—A. He kept repeating over and over again: 'Tell her to get out of here. Tell her you don't want her. Tell her you have renounced her. Tell her to get out.'

"Q. Who was he talking to?—A. My husband.

"Q. And what happened?—A. I said: 'Dick, we have come over to have Doctor Rutherford talk to you and see what we can do for you; to take you to a hospital where you can get lots of care and attention.' George Harlow was repeating all the time: 'Tell her to get out. Tell her you don't want her. Tell her you want to stay here.'

"Q. Proceed.—A. So I asked him if he wanted to go with me to the hospital. He said: 'I want to stay right here.'

"Q. What else did he say, if you recall?—A. He said: 'You know I have renounced you. I have gone back to the church, and I am going to stay here.'

"Q. Was that the last of the conversation?—A. Yes.

"Q. And did you go out and go home?—A. Yes; after he said he was going to stay there, we turned and left the room and on home.

"Q. Did you ever see him again while he was alive?—A. I never did.

"Q. When did he die?—A. September 17, 1923.

"Q. Did the family send you any word of it?—A. Absolutely no.

"Q. How did you hear it?—A. I heard it through Mrs. Nichols. I was called at my office."

There is ample evidence here to support the charge of alienation of the husband's affections, and there is ample evidence from the conduct of the defendants that they were animated by malice toward the plaintiff. If there is any other evidence necessary to establish the motives of the defendants and their hostility to the plaintiff and their intention to sever every tie between this husband and wife, it may be found in the fact that John Harlow had taken a policy of $5,000 prior to his marriage. Under the terms of this policy, he had a right to change the beneficiary at will. His mother, Rose Harlow, was originally named as beneficiary, but, after his marriage, he changed the beneficiary to "Gladys Cowles Harlow, my wife." Five days after he was taken to the home of his family in Alexandria, the beneficiaries were changed to Rose Harlow, Lillian Harlow Green, Lillian Harlow McGinnis, Mrs. Gladys Cowles Harlow, George A. Harlow. About a month later than that, the beneficiaries were again changed, his wife, Gladys Cowles Harlow, being eliminated entirely, and the beneficiaries named as Rose Harlow, Lillian Harlow Green, Mary E. Harlow, Lillian Harlow McGinnis, George A. Harlow, Mrs. Richard H. Hartigan, Mary V. Harlow, Robert McGinnis, Rev. Louis Schmidt, and Rev. Lawrence Kelley; the latter two being Roman Catholic priests.

After his marriage the premiums on this policy were paid by the earnings of the plaintiff. Plaintiff's husband opened accounts at the different stores in Washington for her, never putting any limit on the amount of credit she might use. A year or two after their marriage, when they had finished paying for their furniture, a separate savings account was opened in which her earnings were deposited. When he was taken to Alexandria there was $936 in this account. On September 8 George Harlow wrote a letter to the manager of the hotel in which plaintiff's apartment was and signed her husband's name to it, notifying him that Harlow would not be responsible for any debt contracted in connection with his apartment. On the same day he wrote in the Alexandria home letters to every Washington house with which Harlow had given the plaintiff credit, notifying them not to give further credit to his wife. Four days after they got him to the Alexandria house George Harlow drew to his own order a check on the savings account for $700.

So that, not only did the defendants utterly destroy the happy marital relations existing between this husband and wife at a time when the husband especially needed the care that only a wife can give, but they heaped grievous insult upon the wife because she would not yield to their wishes and absent herself from her husband, and, in addition, they absorbed by one means or another in six weeks over $6,000 which would have gone to the wife, the plaintiff, upon the death of her husband, but for their interference. They either themselves parceled out among themselves or induced this dying man to parcel among them (with the exception of Edwin Harlow), to the exclusion of the wife, a $5,000 life-insurance policy in which she was named as sole beneficiary; they dissipated two bank accounts aggregating over $1,400, and in addition to this the mother received and appropriated to her own use $500 which the husband's employers paid over to her after her son's death, and to which, of course, the wife was legally entitled. The plaintiff's credit at the stores where she had had credit was cut-off, and the manager of the apartment where she lived was informed that the husband would not be responsible for rent. When her husband died, his wife was not informed of his death, while his divorced wife was, and was present just before or at his death. All of which shows that these defendants, because they did not recognize the second marriage of their son and brother, had resolved to sever every vestige of the marital relation legally existing between him and his second wife, and to absorb and dissipate his property so that she could not get any benefit from it during the husband's lifetime or after his death.

These facts, which have not been and can not be denied, throw a flood of light upon the motives which stirred these defendants into action, who set up their beliefs above the law of the land, which they undertook to nullify, and they strongly tend to corroborate the charge of alienation.

(2) Counsel insist that defendants had a right, if they entertained an honest belief that the husband's second marriage was morally wrong, sinful, and contrary to the Word of God or the tenets of their religion, and for that reason endangered his eternal welfare, to express that opinion to their brother.

It is not applicable in a case where the facts are as they appear in this case, even under the guise that parents and brothers and sisters have superior privileges in the giving of advice to children and to brothers and sisters.

(3) It appears to us, therefore, that the evidence of the plaintiff clearly establishes the conspiracy to alienate the affections of the husband from the wife, the plaintiff; that it clearly establishes the fact that his affections were alienated, and it is also clear from all the facts of the case that the conduct of the defendants was the result of legal malice toward the plaintiff. The court might well have predicated an instruction on the testimony of the plaintiff and the witnesses who corroborated her, and instructed the jury that, if they believed from the evidence that this testimony was true, they should find for the plaintiff. If the jury believed the evidence introduced on behalf of the plaintiff, there could have been no other verdict than one for the plaintiff.

2. It is contended by counsel for defendants that the verdict was excessive, and tainted with passion and prejudice; and

3. That the remittitur required by the court in the amount of the verdict was insufficient.

(4) It is only necessary to recall as narrated above the evidence which supports this verdict to justify the assertion that the plaintiff was entitled to a verdict, not only for actual, but for vindictive, damages. If the evidence of the plaintiff is true, it proved a deliberate and wanton assault, not only on the individual marital rights of the plaintiff but upon the security and sanctity of the American home by despoiling it of the law's protection when the law of the land runs counter to religious belief. The jury also had a right to consider, in assessing punitive damages, that the plaintiff was deprived of the proceeds of the life-insurance policy, which had belonged to her, of the funds in the savings bank, and of various other funds heretofore mentioned, and it had the right to consider that an innocent and devoted wife was deprived of her husband, and grossly insulted and humiliated on numerous occasions. Under such circumstances, the plaintiff was entitled to a substantial verdict.

(6) The evidence with reference to the change of beneficiaries in the life-insurance policy of the husband was objected to, but, as has been heretofore stated, this evidence was permissible to show the attitude of the defendants toward the plaintiff, and it was also proof of the success of the defendants' efforts to alienate the husband's affections, if he himself changed the beneficiaries, which they say he did. It shows that what his prior love had provided for the welfare of his wife a changed mind deprived her of.

We think the jury was justified in finding against the defendant, Mrs. Lena Harlow Hartigan. Although she lived in Washington, she was in very close touch with all that was going on in the home at Alexandria; she told the plaintiff that she thought her husband should give her up and go back to the church; she visited the brother quite frequently in Washington before he went to Alexandria, and was alone with him for a whole afternoon in his apartment there. She was very positive that the marriage of divorced persons was unlawful and not to be recognized, and, when the husband had reached the point where he decided to renounce his wife, Mrs. Hartigan phoned the plaintiff to come over to Alexandria on September 1, reminding her that she was to go over there after 6 upon that day. It will also be recalled that, immediately upon entering her husband's room in Alexandria on that occasion, without any preliminary remarks he stated to her, "Pet, it is all over. I have renounced you and gone back to the church." The facts in connection with this visit show clearly that the only object in getting the plaintiff to Alexandria on this occasion was to receive first hand the renunciation from her husband.

We think that this is sufficient to connect Mrs. Hartigan with the other defendants in bringing about the alienation of the affections of the husband.

The jury by their verdict found damages for the plaintiff in the sum of $20,000. So far as the remittitur is concerned, the court, in the exercise of its judicial discretion, reduced the amount of the recovery from $20,000 to $13,500. We do not think, in view of all the circumstances of this case, that this was error. The greater part of the recovery must have been for punitive damages, and, as such, it constitutes a substantial recovery against defendants of moderate means.

Upon the whole case, we think the judgment of the trial court should be amended by including therein the defendant Lena Harlow Hartigan with the other defendants, Rose Harlow, George Harlow, Lillian Harlow Green, and Mary D. Harlow, and, as so amended, that it be affirmed.

*Amended and affirmed.*

No one will contend that this opinion of the Supreme Court is political propaganda or an appeal to religious prejudice.

It is a cold-blooded condemnation by the court of the Catholic notion that their ideas about Protestant marriage and divorce are above the law of the land.

Al Smith is Roman Catholic. He had been commended by the Pope for his loyalty to the teachings of that organization.

When his son was recently married by a lawful official of the State of New York under a lawful license issued by that State, Al required the young man to be married again by a Roman Catholic priest in order to be "properly" married. He did not recognize the validity of a marriage declared valid by the law of the land until his son was married again by a priest. Al did what Catholics do in matters of that kind. He put his Catholic notions above the law of the land. That's what he will do if he is elected President.

Cardinal Hayes's missionary magazine for October says: "Watch and see! America is going to become pro-Catholic all at once. * * * This change may take place early in the administration of Smith as President—Democratic President of the United States."

Make America Catholic by making Al Smith President. That's the program. Cardinal Hayes says so. It took England 500 years to throw off the Catholic yoke once a Catholic was made King. When England finally threw off the Catholic yoke they wrote in their constitution that no Roman Catholic should ever be King of the British Empire, and that is the written law of England and the unwritten law of America to-day. (See Birmingham News editorial, July 4, 1924.)

What's the use in getting under the yoke anyway! We have a great Protestant American running for President.

Mr. HARRIS. Mr. President, I ask to have printed in the RECORD a statement showing the amount of United States gift to Europe, $332,261,750, in 1929.

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

UNITED STATES GIFT TO EUROPE $332,261,750 IN 1929

American taxpayers are making an outright donation of $332,261,750 to 10 European nations in 1929, through debt remission. This money is included in the American budget and raised through taxation. The benefits of this gift are paid by American taxpayers and enjoyed by the taxpayers of the 10 nations.

Here is the amount of the gift to Europe in 1929:

| | |
|---|---|
| Great Britain | $55,325,000 |
| Italy | 85,935,000 |
| France | 171,065,000 |
| Belgium | $14,847,650 |
| Jugoslavia | 2,500,000 |
| Finland, Hungary, Poland, Latvia, Lithuania, and Estonia (total) | 2,589,100 |

Czechoslovakia, Rumania, and other nations also are receiving donations.

During the 62-year funding period the total American gift to Europe will amount to $8,864,189,750.

Mr. President, the statement I ask to have placed in the RECORD shows that the people of the United States are taxed $332,261,750, which our Government gives to European countries in 1929 through debt remission. This has been brought about during the Coolidge administration by Congress approving the recommendations of the Foreign Debt Commission, which gave hundreds of millions to these countries in their debt settlements with us. The United States must pay interest on the bonds for the money we loaned these countries at a much higher rate than what we charge those countries interest on what is due us. We charge no interest on some of these debts. What we give these countries this year amounts to a tax of nearly $3 for each person in the United States. These debt settlements, that amount to hundreds of millions we gave these countries in settlements, will be a heavy tax on our people for many years.

Mr. President, I am glad that I voted against all these debt settlements. I do not believe it was right for us to do so. I believe I was the first Senator to introduce a resolution declaring that we would not discount any part of these European debts owed to us. I did not believe we were acting in good faith in giving them millions which we had loaned them from money our Government had raised from the sale of bonds to our people.

LOAD LINES FOR AMERICAN VESSELS

Mr. JONES. Mr. President, I desire to call up the conference report on Senate bill 1781, to establish load lines for American vessels.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1781) to establish load lines for American vessels, and for other purposes.

Mr. JONES. Mr. President, the matter before the Senate is the question of the adoption of the conference report on the so-called load line bill. I think I should make a brief statement. There may be several Senators who are now present who were not here last evening.

The situation is that the Senate passed a load line bill applying only to the ships engaged in foreign trade. It was thought by the committee that the language was clear to except the Great Lakes also, although that was not stated in specific terms. The House sent the bill back to us with amendments which extend the jurisdiction or the terms of the bill to cover the coastwise trade, with certain exceptions from that trade. The conferees have agreed upon the bill substantially as it passed the Senate. In other words, while the House struck out the word "foreign" which the Senate had in the bill, the House conferees have receded from that amendment and restored the word "foreign," so that accordingly it applies only to vessels in the foreign trade. The House in section 9 covered certain portions of the coastwise trade, but the House conferees have receded unqualifiedly from that amendment.

Mr. COPELAND. Mr. President, let me be clear on that matter now. The Senator has said that the House has receded and that the word "foreign" is eliminated from the bill?

Mr. JONES. No; the word "foreign" is restored to the bill.

Mr. COPELAND. Very well.

Mr. JONES. Yes; the word "foreign" is restored to the bill, and section 9, which was inserted by the House, is omitted, so that leaves the entire coastwise trade eliminated from the terms of the bill. The bill as it is now reported by the conferees covers substantially the ground that the Senate provided for; in other words, the Senate bill is returned to the Senate practically with an agreement upon the part of the House to accept it. That is all that is asked in the adoption of the conference report. I will say this, in order to make it perfectly clear. The language of the Senate bill did not apply specifically to the Great Lakes. It was generally understood that they were not included. The bill as it came from the House provided specifically in section 9 that it shall not apply to the Great Lakes. Eliminating section 9, in order to make sure that the bill would not apply to the Great Lakes, the conferees inserted in the first part of the bill "the Great Lakes excepted," which makes the exemption perfectly clear.

Mr. COPELAND. Mr. President, this is a very dangerous bill; and lest some one should think that I am alone in this

opinion, I want to read in a few moments what Judge DAVIS, of Tennessee, said in the House on yesterday, expressing a view which was shared, apparently, by Mr. BLAND, of Virginia. Anybody who has an interest in human life must believe in making the vessels traveling the seas as safe as may be. There is no reason why this bill should be limited only to vessels engaged in foreign trade. It is just as important to have the proposed law apply to vessels of all descriptions traversing the sea.

Mr. JONES. Mr. President, may I interrupt the Senator from New York?

Mr. COPELAND. Of course.

Mr. JONES. I agree with the Senator with reference to the purpose of the load line to protect life at sea; and I also agree with the Senator that the law should go as far as possible; but if we can not succeed in having it go as far as we would like to have it go, and if we can go a way in that direction, it is better, I think, to go part way than not to go at all.

I want to suggest to the Senator from New York with reference to Judge DAVIS and Representative BLAND—I have the very highest regard for those gentlemen; I do not think there is any difference in their views and mine—that when we signed the first report they agreed to what we have reported here, and they joined in that conference report; but we also put in a resolution directing the Secretary of Commerce to investigate the coastwise trade and recommend to Congress such legislation as should be deemed wise. We were all for that, and these two gentlemen especially so.

Mr. COPELAND. What became of that?

Mr. JONES. I am going to tell the Senator in just a moment. That was put into the bill as reported by the conferees. Some one, however, made a point of order against the conference report in the House on account of this item, and it went out. All of the conferees were in favor of it, so far as that is concerned, but when it went out, of course, the conferees could do nothing further with reference to it. That was the sole reason, I think, why Representative BLAND and Representative DAVIS did not join in the second conference report. They were very much disappointed in that provision going out, as we all were, so far as that is concerned.

I recognize that the main argument for a load line is to protect life, and I think there is just as much reason for the protection of life on coastwise vessels, especially those engaged in the intercoastal trade, and so on, as there is in the foreign trade. All of our committee were in favor of that; but we were confronted with a situation as to whether we would have partial legislation or none at all.

If the Senator from New York will permit me further, here is the difference in the situation with reference to the foreign trade and the coastwise trade: For many years the maritime countries of the world, and especially Great Britain, having load-line requirements have been protesting against our not having load lines and have been threatening to stop our ships from entering their ports unless they do have load lines, either conforming to our own law or conforming to theirs. It has only been by the persistent effort, one might say, the pleading, of our State Department that they have refrained from putting their threat into effect. That is a strong point it seems to me for extending the load line law to the foreign trade, even if we do not extend it to the coastwise trade. There is going to be a conference on the means to promote safety of life at sea. Our delegates are going to that conference, which is to be held this summer; and we would be in a very peculiar attitude if we should go to that conference and its members should say to us, "You have been putting off from year to year the provision for the establishment of a load line on vessels in the foreign trade; you have not done anything to protect or insure or render safe life at sea." That is now the main distinguishing future between the necessity of extending the load line law to vessels engaged in foreign trade and those which are engaged in the domestic trade.

If we were not confronted with that situation, I would say all vessels ought to be dealt with at the same time. However, we hope to build up our merchant marine, especially in the foreign trade. In the coastwise trade our vessels, of course, have a monopoly. In the foreign trade we have competitors from all over the world, and especially from Great Britain, and very naturally so. It seems to me that we have reached a very critical point with reference to extending the load-line legislation at least to our foreign shipping, because adverse regulations may be put into effect in some foreign countries very soon. I would also say if some of our competitors on the seas for the foreign trade felt that they could retard our shipping development by requiring us to comply with their load-line legislation they would not hesitate to do it, and could not be blamed for doing so. And that might have a very injurious effect upon the development of our merchant marine.

Mr. COPELAND. Mr. President——

Mr. BURTON. Will the Senator from Washington permit me to make an inquiry?

Mr. JONES. The Senator from New York has the floor.

Mr. COPELAND. I am glad to yield to the Senator from Ohio.

Mr. BURTON. As I understand, the Great Lakes are exempted from the provisions of this load line bill?

Mr. JONES. They are; the bill does not apply to them.

Mr. COPELAND. Mr. President, before I say anything more about this bill I wish to pay a tribute to the Senator from Washington. In my work regarding the merchant marine and all other matters relating to commerce I have had the most intimate contacts with the Senator from Washington, and I regard him as one of the fairest and ablest and most generous and far-seeing of all the Senators in this body, and I am always embarrassed when I find myself in opposition to him. I know, however, that I am not really in opposition to the sentiment of his heart, for he feels, and has already stated to-day, that if he could have his way he would have this law apply to all ships. So I know the Senator from Washington will understand that in my attitude in this matter there is nothing personal. I am taking this position because of the great steamship lines of my city, which, as the Senator knows, are in bitter opposition to the present arrangement of the bill.

Mr. JONES. Mr. President, will the Senator permit a suggestion there?

Mr. COPELAND. Yes.

Mr. JONES. I have no criticism to make of the steamship association—I take it the Senator refers generally to that association and those who are members of it—but I really can not understand their attitude. They did not present any opposition to the passage of the Senate bill in the Senate. I do not remember ever receiving, either when the bill was pending or after it passed, any suggestion of opposition to the bill. The present peculiar attitude of the steamship association is strange to me inasmuch as the conference report accepts the very provisions that the Senate passed almost a year ago, to which the steamship association made no objection whatever when it was being considered and has made no opposition since until this conference report comes in.

Mr. COPELAND. Mr. President, in view of the further embarrassing fact that, as is well known to the Senate, I am in opposition to the bill which will come up when the consideration of the pending matter shall have been concluded, I must justify my present position. I do not care to be charged with attempting to filibuster on the radio bill by extending my remarks in relation to the pending conference report, and I am sure the Senator from Washington will bear me out that what I am saying would be justified even if there were no radio bill.

To go further in the matter I want the Senate to know how the men in the House felt about this bill. Judge DAVIS was a member of the conference committee, was he not?

Mr. JONES. He was.

Mr. COPELAND. And was Mr. BLAND also a member of the conference committee?

Mr. JONES. Yes.

Mr. COPELAND. Judge DAVIS and Mr. BLAND were both members of the conference committee on the part of the House, and they refused to sign the report. In a moment I am going to read what Judge DAVIS said yesterday in the House about it. The bill, as it is now before us, if it were enacted into law, would apply only to vessels in the foreign trade. Those in the coastwise service, those ships going through the Panama Canal, those barges loaded with lumber coming from the great Northwest down the west coast and through the Panama Canal to New York and Boston, would not be affected by the terms of the bill. It applies only to ships that cross the ocean.

I would have no particular objection to that from the standpoint of this discussion if it were not for the fact that a good many of our ships which most of the time are engaged in the foreign trade are for a part of the time employed in the coastwise service. It stands to reason that where there is marked upon a ship a broad white load line indicating if that line is level with the surface of the water the ship is loaded to its full capacity, and if the ship is so heavily loaded that that line is sunken beneath the surface of the water out of sight the vessel is overloaded.

You can see, Mr. President, that how much load a ship can carry makes a great difference in its position upon the seas. If the vessel is all the time near shore, and in time of storm or stress at sea may scurry to cover, it can carry a heavier load. It is proper for it to carry a heavier load, because if storm ap-

proaches it can go to a safe haven. On the other hand, where a vessel is going out upon the wide expanses of the ocean, we must make certain that that vessel is not overloaded or sailing under conditions which may make for disaster. If any Member of the Senate has been in a storm at sea, he knows how terrifying it is, and what the conditions are.

Mr. SACKETT. Is the Senator interested only in safety at sea or in the competition between vessels? Which is the point?

Mr. COPELAND. Both.

Mr. SACKETT. The Senator is talking about safety at sea. Does he not think that all classes of vessels that travel the sea, whether they are steamships or whether they are barges, ought to be included, if we are going to include anything?

Mr. COPELAND. I do.

Mr. SACKETT. The Senator would not want the bill to pass if barges that ply upon the ocean were excluded from the load-line requirements?

Mr. COPELAND. No.

Mr. SACKETT. I think we can agree on that. That is not what the House bill provided. They left out the barges.

Mr. COPELAND. They did; and the barges ought not to be left out. If there is one type of vessel that goes upon the waters that should be safeguarded it is the barge, because if the Senator has seen these barges carrying lumber or coal or iron or something else loaded down to the very decks of the boats, so that they are washed by the seas, he will agree that that is a crime against humanity.

Mr. SACKETT. If the Senator pleases, neither the Senate bill nor the House bill included the load line on barges; so there was nothing on which the conference committee could include that in its report. We must either take the things that are in the House bill or take the things that are in the Senate bill. If barges can not be included, I think the Senator ought to be willing to say that the bill that limits the load-line requirements to foreign vessels is the best we can get under the circumstances.

Mr. COPELAND. I am very sorry that my genial and beloved friend from Kentucky, usually so accurate, has failed to read that the conference report writes into this bill:

> This act shall not apply to vessels operating exclusively on the Great Lakes or to barges otherwise coming within the provisions of this act or to lumber schooners operating to and from territory contiguous to the United States.

Mr. SACKETT. I do not think that affects it.

Mr. JONES. Mr. President, I understood the Senator to say that the conferees wrote that in. The Senator is mistaken. That was an amendment put in by the House.

Mr. COPELAND. I do not care, if the Senator will permit me, whether it was put in by the conferees or by the House or by an act of Providence. It is in the bill, is it not?

Mr. JONES. It was in the bill.

Mr. COPELAND. It is in the bill that is now before us, is it not?

Mr. JONES. Not in the conference report. That is, it is eliminated. The House receded from that amendment entirely. That is the second amendment from which the House receded; and I might say to the Senator that one reason that led to the recession is that that does not extend the load-line legislation to barges. It takes them out from under the other terms of the bill, and we were advised that if they were taken out we would have all sorts of discussions, and we would not get any legislation during the session.

Mr. COPELAND. Let us be clear about this, Mr. President.

Mr. JONES. Yes; I know we all want to be clear.

Mr. COPELAND. Let us disregard names of conference reports, and whether the bill passed this way or the other way in the House and in the Senate. Does this matter, if we should agree to it, apply the load line to barges?

Mr. JONES. No; it does not apply to anything in the coastwise trade.

Mr. COPELAND. It does not apply to anything except foreign-going vessels, does it?

Mr. JONES. Vessels in the foreign trade—that is right.

Mr. COPELAND. All right. Now, let me say to the Senator from Kentucky that this bill applies only to vessels in the foreign trade.

Mr. SACKETT. That is what we tried to limit it to——

Mr. COPELAND. Well, you succeeded.

Mr. SACKETT. Because we could not get an agreement to apply it to every vessel that flies the flag and does the trade of the United States.

Mr. COPELAND. In other words, we are spending our time and the time of the Senate on a bill which has no use in the world.

Mr. SACKETT. I beg the Senator's pardon; that is not the case. It is very important that we have it apply to foreign trade on account of this conference that is coming up, giving us a standing in the trade of the world.

Mr. JONES. If the Senator will pardon me, if there is any benefit in having a load line, I agree that it applies to all, both coastwise and foreign.

Mr. COPELAND. Of course.

Mr. JONES. But if we can not get it in all, then it is still a benefit if it applies to vessels in the foreign trade. So there is that much benefit that we get out of it, in addition to the suggestion to which I referred a while ago, that we may have a serious situation confronting us with the other nations in the foreign trade unless we do something of this kind that will affect our own merchant marine.

Mr. COPELAND. And the serious situation to which the Senator refers would be a demand on the part of Lloyds and other insurance companies that the English standard shall be applied if we fail to enact legislation providing for a load line?

Mr. JONES. That the English Government will insist that it be applied to our ships entering their ports.

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

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Does the Senator from New York yield to the Senator from West Virginia?

Mr. COPELAND. I do.

Mr. NEELY. Does the Senator from New York prefer the enactment of the law proposed by the Senate bill, to the defeat of the measure as amended by the House?

Mr. COPELAND. I prefer to have the bill defeated rather than to have it pass in its present form.

Mr. NEELY. Mr. President, I am impelled to inform the able Senator from New York that if the bill is burdened with the House amendments it shall not pass between now and 12 o'clock next Monday, when this Congress will expire.

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

Mr. COPELAND. I will yield to the Senator from New Jersey in just a moment. I want to have the Senator's attitude clear. The Senator from West Virginia says that in its present form the bill can not pass?

Mr. NEELY. That is not my position. I have no objection to the adoption of the conference report. But I shall resist every effort that may be made to restore the House amendments, which, if adopted, would be injurious to the coal industry of West Virginia.

Mr. COPELAND. Let me say to the Senator that he should do all he can to pass this conference report, because, as put before us, it suits him to a T. This is exactly the way the Senator wants it.

The Senator should give his full support to the Senator from Washington, because, if he succeeds in having this conference report adopted, his position will be sustained.

Mr. NEELY. Mr. President, the Senator from West Virginia will always support the Senator from Washington or any other Senator in his endeavors to serve the constituents of the Senator from West Virginia.

Mr. COPELAND. Undoubtedly that is true.

Mr. NEELY. Positively; without evasion or mental reservation.

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

Mr. COPELAND. Just one minute, and I will. I must yield first to the Senator from New Jersey.

Mr. EDGE. Mr. President, I have great sympathy for the position of opposition to many of the decisions and policies of the existing Radio Commission. I do not know that I am not in sympathy to a great extent with the opposition to this bill; but I should like to have the Senator, in a few words—he has followed it as a member of the committee, and I have not—give his opinion of what would happen should the bill fail. Is the Senator discussing the radio bill?

Mr. COPELAND. No; but I have no objection to the Senator's discussing it.

Mr. EDGE. The radio bill being the unfinished business, I naturally assumed the Senator from New York was confining himself to the unfinished business.

Mr. COPELAND. That is my embarrassment in this particular discussion on the load line bill, because I fear the Senator will get the impression that I am doing this to affect the legislation upon the radio bill; and I am glad to have the Senator ask questions about that. I might as well answer them now.

Mr. EDGE. I should like the Senator, if he will, to answer the question, because it seems to me appropriate, in view of the fact that the radio legislation is the unfinished business.

Mr. COPELAND. I shall be glad to answer the question.

Mr. NEELY. Mr. President, will the able Senator from New Jersey explain why he would indulge in the violent assumption that one speaking in the Senate would address himself exclu-

sively to the matter supposed to be before this body? [Laughter.]

Mr. COPELAND. Mr. President, to answer the Senator from New Jersey—because we might as well do that now; we must do it later in the day, anyhow—may I say to the Senator from New Jersey that two years ago we passed a law establishing a Radio Commission; and it was understood that for the period of one year that commission should have both administrative duties and judicial duties. At the end of the year all the administrative duties were to be taken over by the Department of Commerce, where they had been, and where they are now, and the commission was to be simply an appellate body to take care of all controversial matters and all matters appealed to it. So if the bill dies, as it should, unless it is amended, we will be back where we intended to be in the first place. Last year we extended that year another year, and it is proposed now to extend it still another year; but the business of the radio will be taken care of by the board acting as an appellate board, and the administrative features will be taken care of in the Department of Commerce.

Mr. EDGE. That was my understanding. I just wanted it confirmed by the distinguished Senator from New York.

Mr. COPELAND. Let me say to the Senator that he need have no anxiety; the great cause of radio will not suffer in the least. The business will be taken care of exactly as we contemplated under the passage of the bill two years ago.

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

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield to the Senator.

Mr. SACKETT. On the matter of this conference report, I feel that the only question we can decide at all is whether we will apply this load-line requirement to foreign vessels.

Mr. COPELAND. That is it.

Mr. SACKETT. If we do not agree to the conference report, we shall have to go into the conference that is to be held in Europe without any standing on the load-line question. If we do agree to the conference report at this session, we stand very much better for the shipowners of our whole country, because we are in a position to make proper arguments at that conference.

Mr. COPELAND. Just a moment. Will the Senator explain just exactly what will be taken up in that conference?

Mr. SACKETT. I would rather leave that to the Senator from Washington, because he is much more familiar with it.

Mr. COPELAND. Let us find out, so that we will know exactly what is to be taken up in the conference.

Mr. SACKETT. I will state to the Senator from Washington that the Senator from New York wants an explanation of what the European conference of shipowners is going to take up and why it would be a better thing for us to have a load line when we go into the conference.

Mr. JONES. I can not give the Senator very much information about that. I understand there is to be what might be termed an international conference the coming summer upon methods and means of promoting safety at sea, and we are going to have delegates there. It would occur to me that our delegates would be in a very peculiar position if they should go over there and we should have failed in the meantime to do what all the countries of the world seem to think is necessary—establish a load line for vessels, especially those in the foreign trade.

Mr. COPELAND. Is the conference limited wholly to vessels engaged in foreign trade?

Mr. JONES. As I understand, it is described as an international conference to promote safety at sea. I take it they would have nothing particular to do with problems affecting our coastwise trade. That is something we deal with ourselves.

Mr. COPELAND. I do not know whether the Senator is to be a delegate or not. Are the delegates appointed?

Mr. JONES. I am not going to be a delegate. The delegates are to be appointed. I would like to be, I might say, but it would not be possible for me to make a trip of that kind this summer. Furthermore, I consider that a matter really for experts.

Mr. COPELAND. I will say, in the first place, that the Senator is an expert. Does the President appoint the delegates?

Mr. JONES. I think so.

Mr. COPELAND. I am going to ask the President to appoint the Senator from Washington, but since he is not yet appointed I want to say this to him——

Mr. JONES. I would have to decline an appointment of that kind.

Mr. COPELAND. If the Senator were in that conference, he would be ashamed to say that the United States of America had declined to place the load line upon the vessels of the United States, because it would interfere with the Coal Trust, and the Steel Trust, and the Lumber Trust; and the delegate would be ashamed to admit that the Congress of the United States gravely discussed the question of a load line for foreign vessels and excluded those which operate in our own waters. The only excuse given for it is the fear that the Government of Great Britain may demand, as to foreign-going American ships, that it shall examine those vessels entering the ports of Great Britain and demand that there shall be a load line marked upon them.

Mr. SACKETT rose.

Mr. COPELAND. Just a moment. The delegate from the United States would have to say, "We only did this in fear of what might happen on this side of the water." But the sailors who ply the seas upon vessels in our own waters are to have their lives and health subjected to the dangers of the sea, because the great, powerful trusts interested in owning these barges and schooners will not submit to this life-saving precaution.

Now I yield to the Senator from Kentucky.

Mr. SACKETT. Mr. President, there are certain advantages which can come to ships that travel to foreign ports by reason of a load line, in the way of safety. The Senator and I are agreed, I judge from his remarks, that what we would like to see is a load-line requirement that would apply to all vessels of every type that traverse the seas, whether they are foreign or domestic. The situation which develops is this: That in neither of the two bills that were presented and passed in the House and the Senate is there any provision which would require a load line upon the vast number of barges that ply this coast, and which are equally important. Those barges compete with coastwise shipping, and if we are to apply the load line to one class we should in fairness to the trade apply it to the other. Some of the Senator's own constituents have taken that position and taken it justly.

As barges are not included in either bill, there is no possibility of bringing in a report that would cover all kinds of coastwise trade. There would be a great advantage, as to the foreign ships, in having it, putting us in the position, when our experts go abroad to deal with the international question, on an equality with foreign countries. If, by defeating this bill, the only thing we can accomplish is to deprive them of that advantage, it seems to me the Senator ought to consider this partial legislation, which is beneficial, and in the next session of Congress I will be glad to join with him in getting legislation that shall apply to all kinds of traffic in the coastwise trade. But a defeat of this now would not gain that additional advantage, because the conferees could not put it into this conference report.

Mr. NEELY. Mr. President, with that explanation, will not the able and amiable Senator from New York permit us to adopt the conference report?

Mr. COPELAND. I am very much obliged for the kind words of my genial friend from West Virginia. Whenever I see him and talk with him and hear him in the Senate, I can not understand the shortsightedness of his State. He ran thousands and thousands and thousands of votes ahead of his ticket, but because of the avalanche down there he was not reelected. He should have been reelected by that fine State of West Virginia, which never was more ably represented in the Senate than by the Senator, my distinguished friend, Mr. NEELY. He has never failed to protect the rights and interests of his State. Until this morning the only thing I have ever had against him was that he defeated some very beneficent coal legislation. As a result of the debate on that question he advertised West Virginia coal so that there is not a man from the North Pole to Byrd's expedition in the south who does not know that West Virginia coal is the best coal that ever came out of the earth.

Mr. NEELY. Mr. President, the Senator from New York has again proved his extraordinary ability to express sublime thoughts in language that is "like apples of gold in pictures of silver." Will he not now permit the Senate to adopt the conference report?

Mr. COPELAND. The request of the Senator from West Virginia demonstrates again his devotion to his great State, because if the coal-carrying barges are not required to have load lines in order that the sailors may be protected, the profits on West Virginia coal will be greatly enhanced.

Mr. NEELY. Mr. President, sailors do not man coal barges.

Mr. COPELAND. When we get to the radio bill, I expect to speak about the wonderful development in the radio art, so that

even ships can be operated by radio. I will withdraw, therefore, the term "sailors," and say "persons."

Mr. NEELY. The question of protecting human life is not involved in the question of applying load-line legislation to coal barges.

Mr. COPELAND. What the Senator means is that human life is not to be considered when the profits on coal are involved.

Mr. NEELY. I am quite sure that the Senator from New York does not believe that I mean that. But I contend that the question of the safety of human life is not involved in the question of a load line on a coal barge. Those in charge of the movement of coal barges usually travel on the vessel by which the barges are propelled or towed.

Mr. COPELAND. There are not any little cabins on coal barges, where people live?

Mr. NEELY. Not to my knowledge.

Mr. COPELAND. Perhaps I may reply in the language of Mr. DAVIS, of the House, who said on yesterday:

> Mr. Speaker and Members of the House, every important nation on earth except the United States has long since enacted load-line legislation to protect all its citizens and their property against the overloading of ships by those who have more regard for a little more profit than for the lives of the seamen and of passengers and the property of the citizens.

Mr. NEELY. Mr. President, does not the Senator from New York observe that Mr. DAVIS was discussing ships while we are discussing coal barges? Ships transport passengers. Coal barges transport coal. Passenger ships should be made safe at any cost, because loss of life may result from the loss of a ship. But the loss of a coal barge does not involve the loss of life. Therefore, barges should not be subject to laws or rules designed solely to protect human life.

Mr. COPELAND. This bill would not apply to a scow which did not carry persons, so the Senator, after all, is not interested.

Mr. NEELY. The conference report does not make the load line applicable to barges, and I am not opposed to its adoption.

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

Mr. COPELAND. I yield to the Senator from North Carolina.

Mr. SIMMONS. I have not had an opportunity to examine this bill; I have heard something about it, however, and I want to ask the Senator from New York if the bill applies to barges engaged only in coastwise trade or does it apply equally to barges engaged on our inland waterways?

Mr. COPELAND. If this conference report is adopted and the bill becomes a law, coastwise vessels and internal-waterway vessels would not be involved.

Mr. SIMMONS. Neither the coastwise nor the inland-waterway vessels?

Mr. COPELAND. Neither class. Of course, I must say to the Senator in all frankness that I do not like that provision of the bill. I do not want him to have any misapprehension of my position; but it does not apply to such vessels as he has mentioned.

Mr. SIMMONS. I would have nothing particular to say about the bill if it did apply to the coastwise trade, although I think it would be rather hasty legislation; but if it applied to inland barge transportation I should say it was a very bad bill. I had a conference with the Senator from Washington [Mr. JONES] before the bill went to conference, or at some stage at least, and made the objection which I have just made. I understand from him that the objection would not obtain against the bill now, as the conferees agreed upon it, and he now advises me that it does not.

Mr. JONES. It just applies to ships in foreign trade.

Mr. SIMMONS. There was one section which I thought might apply to it, but the Senator from Washington assures me that that section was eliminated.

Mr. NEELY. Let me refute the implication that failure to make load-line legislation applicable to coal barges will endanger human life; let me observe that no one ever read or heard of the overloading of a coal barge causing a death.

Mr. COPELAND. Let me say to the Senator in justification of his position that there is far less objection to the exclusion of coal barges than there is to the exclusion of the lumber schooner, and the Senator can see the reason for that, because there are sailors or men aboard the latter all the time. I think the position of the Senator is not an untenable one, and I would not fail to go to West Virginia to speak for him just because he happened to be against coal barges being included in the bill. That provision is much less offensive than other features in the bill.

Mr. BROUSSARD. Mr. President, may I suggest to the Senator that my recollection is, as to coal carried upon the Mississippi River, that those barges are towed down in big fleets by small tugboats that merely keep them from the banks, and in most cases are left at place of destination and sold as junk if they can save 20 per cent of the value and not returned to the coal fields of Kentucky, West Virginia, and Ohio.

Mr. COPELAND. We have in the North River a great many barges that are engaged in carrying brick from our manufacturers up the river. Those are placed in a line and a towboat, which is a misnomer in this case, is in the rear of the line and pushes the line of boats. But on our barges there is a little cabin and people live on practically every one of them, because in that way they save rent, and so forth. But that is not particularly important.

Mr. NEELY. The Senator from New York knows that I would not support any legislation or action that would endanger the life or limb of those who toil.

Mr. COPELAND. I hasten to say that no man in the Senate has distinguished himself more by standing for human rights and human lives and human health than the Senator from West Virginia, one of the most humanitarian and kindly hearted Senators we have in the body.

Now, I will read Mr. DAVIS's statement. I am glad to do this because it fully justifies the position I am taking at this moment in opposition to the conference report. Judge DAVIS, of Tennessee, has been long in the House, a very highly respected Member of it. He and Mr. BLAND, of Virginia, another distinguished Member of the House, were managers appointed originally by the House to deal with the first conference report, which I think they signed, but when the conferees had a change of heart and brought in the last report under the instructions of their respective bodies——

Mr. JONES rose.

Mr. COPELAND. I will withdraw "change of heart."

Mr. JONES. Yes; the Senator does not mean that. There was no change of heart. They had to do the best they could.

Mr. COPELAND. Yes; and the Senator from Washington never will have a change of heart on anything having to do with human life, but he was under instructions of the Senate.

Mr. JONES. No; that was not the situation. We were not under instructions of the Senate. The provision incorporated in the place of section 9 was stricken out by the conferees the first time, but the language of a resolution was substituted for it.

Mr. COPELAND. Calling upon the Secretary of Commerce to investigate, and so forth.

Mr. JONES. Yes; and to recommend legislation.

Mr. COPELAND. That was a good resolution, I think.

Mr. JONES. I agree with the Senator. I think so, too. As a matter of fact, I want to say to the Senator, though I am not saying it with any authority, especially, even of the Department of Commerce, because that provision went out on a point of order, that I am satisfied the Commerce Department will investigate the matter very carefully and be prepared to recommend legislation during the next session. The conferees had no change of heart, as the Senator suggested, but the Senator withdrew the statement, of course.

Mr. COPELAND. Yes; I withdraw it.

Mr. JONES. But they were confronted with a point of order being sustained and the fact that they could not put anything of that kind in the bill.

Mr. COPELAND. I share with the Senator his feeling of regret that the bill did not continue to carry the language of the resolution giving to the Secretary of Commerce the authority to make an investigation. That should have been done. Now at this moment my judgment is that the report should be rejected and that the Senate should pass a resolution calling upon the Secretary of Commerce to make the recommendation.

Mr. JONES. We can do that without rejecting the conference report. We can still pass the resolution.

Mr. SIMMONS. Is the resolution a part of the conference report?

Mr. JONES. That went out in the House on a point of order.

Mr. SIMMONS. As well as the original provision?

Mr. JONES. The original provision went out in the second conference. There is nothing to prevent Congress from passing the resolution.

Mr. SIMMONS. Certainly, if the conferees were prohibited by reason of the fact that a certain provision had been cut out on a point of order, they would have no authority to include in the conference report the language of the resolution which would authorize an investigation. That would have to be done in a separate resolution of the two bodies.

Mr. COPELAND. I think that is the fact. I would like to call the attention of the Senator from North Carolina that he must not feel, by reason of the fact that coastwise vessels are not specifically included in the bill, that all of them are exempt from its operations. There are a great many vessels, as the Senator from North Carolina knows, which are engaged in

foreign traffic most of the time, but part of the time are engaged in coastwise traffic.

Mr. SIMMONS. Why, of course, and I am laboring under no such delusion as the Senator from New York implies, but I can realize, as he does, that a general provision in the bill might include coastwise traffic although it did not mention it specifically.

Mr. COPELAND. The vessels ordinarily in coastwise traffic that are occasionally in foreign service must have the load line. The significance of that is that when the vessel once has a load line marked upon it, a load line which is placed there with reference to foreign trade, if it then engages in coastwise work and carries a heavier load, which it will be justified in carrying, so that the load line is hidden from view by reason of the height of the water, and then if an accident would happen, it would be presumptive guilt of overloading on the part of the owners of the vessel.

Mr. SIMMONS. I agree with the Senator.

Mr. COPELAND. Mr. DAVIS said:

Mr. Speaker and Members of the House, every important nation on earth except the United States has long since enacted load-line legislation to protect all its citizens and their property against the overloading of ships by those who have more regard for a little more profit than for the lives of the seamen and of passengers and the property of the citizens. We have been trying for many years to enact a law of this kind, not only in the interest of safety of life and property but also in the interest of that large class of shipowners who do not want to overload their ships; in the interest of that class of shipowners who naturally do not want to have to compete with the unscrupulous operators who have no regard for life. Efforts along this line have been defeated—

Now remember this is not my language:

Efforts along this line have up to this time been defeated by that small element who have no regard for the safety of life and property, and who wish to continue loading their vessels beyond the line of safety.

We know that is the reason why these vessels, some of them in coastwise trade, coal-carrying, ore-carrying, and lumber-carrying vessels, have had no regard whatever, as Judge DAVIS said, for human life and why they ask to be exempt from the operation of this measure.

There are persons in this world who would crystallize the sweat of men into diamonds and rubies rather than to have an invasion of their money-making projects. They would even defeat legislation which makes for the preservation of human life. Judge DAVIS continues:

The Committee on the Merchant Marine and Fisheries during the present session first reported out a bill applying a load line to all vessels going to sea of over 250 tons, whether they were operating in the foreign trade, in the coastwise trade, or on the Great Lakes. Then, as it was near the end of the session and opposition arose on the part of certain interests, and it appeared unlikely that we would be able to pass a load line bill which could be filibustered to death by a few Members of Congress, the committee, not because they had yielded their opinion—

"Not because they had yielded their opinion." That is exactly where my beloved friend from Washington stands; he has not yielded his honest opinion, but because a bill which was a just bill, which sought to protect human life everywhere on the seas, could not be enacted, there was a yielding to the demand.

Not because they thought it was legislatively or morally right—

They did not yield their opinion because they thought it was legislatively or morally right to pass a measure of this sort—

but in the interest of expediency, reconsidered the bill and made certain specific exceptions, and we passed the bill through the House in that form.

Then Judge DAVIS goes on:

When it went to the Senate it developed that there was strenuous objection in the Senate.

Mr. President, this is a beautiful day, the sun shines brightly, and my advice to everybody who can get into the open air is to do so. If my colleagues who want to visit would take a walk across to the House Office Building or to the Library of Congress and enjoy the fresh air and sunshine they would benefit in health, their lives would be prolonged, and it would be easier for me to go on reading the remarks of Judge DAVIS.

Mr. HEFLIN. Mr. President, I thought the Senator from New York wanted to convince Senators that he was right in the position he is taking, but now he is suggesting to them that they vacate the premises.

Mr. COPELAND. Of course, I want those who are in their seats to stay here, but if others want to visit on the side lines they could do it to much greater advantage to health and length of life if they did it in the open air.

Mr. McKELLAR. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield.

Mr. McKELLAR. Will the Senator give us some information as to about how long we may be excused? I have been here day and night for quite a while, and I am rather inclined to take his suggestion.

Mr. COPELAND. Has the Senator from Tennessee yet had his lunch?

Mr. McKELLAR. Not yet.

Mr. COPELAND. He will have plenty of time to get it now.

Mr. BARKLEY. I desire to know if that is an invitation?

Mr. COPELAND. The Senator may consider it such if he so desires.

Mr. HEFLIN. I wonder if the Senator from New York can give us any idea of what may happen to-night if he continues a long speech to-day?

Mr. COPELAND. Fortunately for me, since I am in opposition to the radio bill, I can spend some time to the profit of the country if I can help to defeat the pernicious measure which is before us. I send forward to the desk a telegram which I ask to have read, in order to show that I have ample justification for the position I take.

Mr. HEFLIN. Was the Senator from New York here night before last during the long session that lasted until nearly 3 o'clock?

Mr. COPELAND. The Senator from New York was here.

Mr. HEFLIN. All the time?

Mr. COPELAND. All the time.

Mr. HEFLIN. Does the Senator want to stay here all night to-night?

Mr. COPELAND. I hope we shall not do so.

Mr. HEFLIN. I think the Senator is in a fair way to bring about that kind of situation.

Mr. COPELAND. Does the Senator have any suggestion to make that would do away with it?

Mr. HEFLIN. I think if the Senator from New York would speak very vigorously on this conference report for about 15 minutes and then let us vote, it would be a solution of it.

Mr. COPELAND. Of this question?

Mr. HEFLIN. Yes.

The PRESIDING OFFICER. The clerk will read the telegram sent to the desk by the Senator from New York.

The legislative clerk read as follows:

BUFFALO, N. Y., *February 20, 1929.*

Hon. ROYAL S. COPELAND,

*Senator, United States Senate, Washington, D. C.:*

We are informed load line bill now pending includes Great Lakes and St. Lawrence. Such inclusion is absolutely unnecessary in our protected inland waters and will work serious hardship on shipping on Great Lakes, and such hardship will, of course, indirectly affect commerce of the State. Suggest you oppose passage of bill as now proposed.

BOLAND & CORNELIUS.

Mr. JONES. Mr. President, may I interrupt there to say that the sender of that telegram is entirely misinformed?

Mr. COPELAND. The matter is taken care of, as the Great Lakes are exempted. Here is a telegram from the Dimon Steamship Corporation, which I ask to have read.

The PRESIDING OFFICER. The clerk will read, as requested.

The legislative clerk read as follows:

NEW YORK, N. Y., *February 18, 1929.*

Senator ROYAL S. COPELAND,

*Senate Office Building, Washington, D. C.:*

Strenuously opposed to passage of Senate bill 1781, load line regulation, reported out by Merchant Marine and Fisheries Committee, unless intercoastal carriers are also given same exemptions as coastwise barges and steam lumber schooners. Passage of bill in present form works gross discrimination against intercoastal steamers carrying lumber. Intercoastal vessels carrying lumber load approximately 25 per cent of their cargo on deck the same as coastwise steam lumber schooners, which are of the same general design as intercoastal carriers, only difference being smaller. We have never had a loss of any lumber, cargo, loss of life, or damage to vessels on account of carriage of deck load of lumber.

DIMON STEAMSHIP CORPORATION.

Mr. JONES. Mr. President, the Senator appreciates, I presume, that the sender of that telegram is also under a misconception.

Mr. COPELAND. If the Senator will be patient, we will have one that is not of that character.

Mr. JONES. I am patient; there is no doubt about that.

Mr. COPELAND. I ask the clerk to read the telegram from the Luckenbach Steamship Co., which I send to the desk.

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

The legislative clerk read as follows:

NEW YORK, N. Y., *February 22, 1929.*

Senator ROYAL S. COPELAND,

*Senate Office Building, Washington, D. C.:*

Understand Senate bill 1781, relating load-line regulation, passed House with amendments providing exemption to steam lumber schooners. This is gross discrimination to coastwise steamers in intercoastal trade carrying lumber from Pacific coast to Atlantic coast ports. Why should steam lumber schooners be permitted to sail with decks nearly under and we be required to observe arbitrary marks? At present we always sail with no less than 15-foot freeboard. We urge passage of original bill applying to foreign trade exclusively.

LUCKENBACH STEAMSHIP CO.

Mr. JONES. I suppose the Senator appreciates that that telegram expressly urges the adoption of the conference report.

Mr. BLACK. Mr. President——

Mr. COPELAND. I yield.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

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

Mr. COPELAND. Mr. President, I hold in my hand a telegram received yesterday from the American Steamship Owners' Association, reading as follows:

The load line bill as now proposed, applying only to vessels engaged in foreign trade, will work a great hardship on many vessels which are from time to time engaged in foreign trade, but which also frequently go coastwise. We are opposed to the bill, and hope that it will not be passed if section 9, as proposed by conferees, is eliminated. We urge you to do everything possible to see that bill is not passed in present form.

AMERICAN STEAMSHIP OWNERS' ASSOCIATION.

Those vessels which are engaged exclusively in foreign trade should have a load line that coincides with the best thought of the experts of the world. I am glad there is to be a conference, and I hope our delegates will bring home from that conference a knowledge of the necessities of the sea as regards protection of passengers and sailors, in order that the United States may be at least on a par with the very best of foreign nations, and I should be glad if we were in the lead. I hope these delegates will come back filled with enthusiasm and a determination to pass through the Congress a real bill, and not an emasculated one such as we have before us now.

Fortunately for us and for those who travel upon our ships, if we do not proceed to enact legislation, they will force our ships into accepting this standard whether we want it or not; but this is not the way to accomplish what we want. By the passage of this bill, according to the testimony of those who talk about the conference abroad, we will go into that conference giving the impression, or seeking to convey the impression, that we have adopted a load line in this country, when that is not the case. We are simply throwing dust into the air. To change the figure, we are seeking simply to confuse the minds of people who read of legislative acts. We are seeking to give the impression that we are striving to protect human life, when, as a matter of fact, the great offenders against life and property are not the foreign-going vessels; they are the coastwise vessels, the barges and the schooners, which are specifically excepted from the provisions of the law by the bill before us.

That has been my own confident belief; but when I find such distinguished company as Judge DAVIS and Mr. BLAND, of the House, I know that the position taken to-day is the right one.

In his speech in the House Mr. DAVIS continued:

The committee, not because they had yielded their opinion, not because they thought it was legislatively or morally right, but in the interest of expediency—

In the interest of expediency!—

reconsidered the bill and made certain specific exceptions, and we passed the bill through the House in that form. When it went to the Senate it developed that there was strenuous objection in the Senate because of the exceptions we had made with respect to certain classes, and the bill went to conference.

Mr. President, listen to what Judge DAVIS said:

Every one of the House and of the Senate conferees favored the resolution which was adopted and which was in the first report of the House managers. We declared ourselves in favor of applying the load line to all ships, and that in the next Congress we would undertake to do that. But realizing that the friends of some of these interests could filibuster the bill to death we agreed upon and reported out the bill excepting the coastwise trade and the Great Lakes from the operations of the bill.

Mind you, for the sake of expediency the bill was reported out excepting the Great Lakes and the coastwise vessels; but the committee, made up of high-minded men, were utterly unwilling to permit the matter to rest there, and they did what it seems to me was a perfectly natural and proper thing to do, quoting now from Judge DAVIS again:

But realizing that the friends of some of these interests could filibuster the bill to death we agreed upon and reported out the bill excepting the coastwise trade and the Great Lakes from the operations of the bill, and substituting in lieu a section in which we directed the Secretary of Commerce to make an investigation and study of the advisability of applying this law to all classes of vessels and to make his report and recommendations to the next Congress.

That was fine. That was a splendid thing to do. The Senator from Washington nods his head in approval, as everyone must do who knows anything about this project.

Mr. JONES. Mr. President, I want to assure the Senator that I am just as earnestly in favor of doing that, even without that resolution; and I will join with the Senator, early in the next session, in preparing and trying to secure the passage of legislation going that far.

Mr. COPELAND. I thank the Senator; and permit me to suggest to him—because I am going to be pretty busy for a little while—that he prepare a resolution and put it in in this Congress asking the Secretary of Commerce to do this—a Senate resolution that will not have to go to the House—and then he will come forward next year with some material which we can use.

Mr. JONES. Would that aid the Senator in coming to a vote on the conference report?

Mr. COPELAND. Yes; it would.

Mr. JONES. I will prepare that resolution right away.

Mr. COPELAND. It means a lot to me; and if I can have the assurance of the Senator from Washington, with his great influence, that he will present such a resolution, it will help me to leave the floor earlier than I otherwise could. I thank the Senator for his willingness to do this.

I shall continue now to read from the statement of Judge DAVIS, speaking now about this conference report, where there was an agreement for the sake of expediency that the coastwise vessels and barges and lumber schooners should be exempt from the provisions of the law, but that the Secretary of Commerce would "make an investigation and study of the advisability of applying this law to all classes of vessels" and make a report to the next session of Congress. Judge DAVIS said:

It came to the House in that form, signed by all of the conferees. The gentleman from North Carolina [Mr. ABERNETHY], who has been making a fight for the exclusion of barges, the most dangerous type of vessels of them all, made a point of order against the provision directing an investigation.

Mind you, Mr. President, I am reading from the RECORD the statement of Judge DAVIS. These are not my words. I want that clear. So a point of order was made against the provision directing an investigation. I want to make it clear now that I am quoting, and that this is not anything I am saying:

Naturally, he was afraid for an investigation to be made of the dangers with regard to barges and the necessity from the standpoint of human life of having the load line law apply to barges. So he made a point of order which the Chair saw proper to sustain.

I suppose, under the rules of the House, the Chair had to sustain that point of order.

Mr. SIMMONS. Mr. President, may I interrupt the Senator?

Mr. COPELAND. Certainly.

Mr. SIMMONS. That point of order was made in the House, and that item was eliminated from the bill, but in conference, the conferees did the very remarkable and unusual thing of incorporating it in the conference report. When the report came to the Senate, I notified the Senator from Washington that I would raise the point of order here against the conference report, and the item was dropped out of the conference report in deference to that suggestion. So I do not think the Senator need bother himself any further about that. That is out of the way.

Mr. COPELAND. The Senator has spoken plainly, and, of course, that is all right; but I was making it clear, when I spoke about a Member of the House, that I was reading from the RECORD. I did not wish to be put in the position of having done that on my own account. As the Senator has said, he would have raised the same point of order, and, of course, under our rules, it would have been sustained; and it is his absolute right, if he considers it proper, to raise that question.

Judge DAVIS further said:

Now, the conferees have reported the bill back without that provision. I declined to sign the last conference report; so did my colleague the gentleman from Virginia [Mr. BLAND]; because, speaking for myself—and I assume it is his view also—I was not willing to make any further concessions to that class of people who are not only opposed to a law that would prevent them from overloading, loading beyond the line of safety, but also opposed to an investigation, inquiry, and report by the Department of Commerce.

Then Judge DAVIS further said:

The American Steamship Owners' Association, composed of fifty-odd of the leading American steamship lines, operating in both the foreign and the coastwise trade, advocated load-line legislation. They advocated it as applicable to all ships, and said, "We are willing and anxious for it to be put on us, if you put it on our competitors." But now they are properly and logically objecting to the bill in its present form. They said, "We were not going to make any fight against a bill which contained a provision for a future investigation and report, with a promise of the consideration of the other classes of vessels in the next Congress, but," they said, "when those excepted classes put themselves in the attitude of even opposing a further investigation of the subject, we think the Congress is proposing to go too far, and we are protesting against the passage of this bill." I have a telegram, received from them this morning, in which they are bitterly protesting against the bill in its present form.

Now, that is the situation with which we are confronted. I do not suppose I could, if I would, defeat this conference report; but I think it is wrong; I think it is discriminatory; I think it is unfair; and I think it is a yielding to some of the very interests who ought to have the load-line legislation apply to them, certainly as much, if not more, than the class to which we are proposing to apply it.

Mr. President, it is very apparent from the statement of Judge DAVIS, who apparently had the support of Mr. BLAND, of Virginia, that these members of the conference committee saw the unfairness and the inhumanity, if I may put it that way, of this proposed legislation.

I trust the Senator from Washington is preparing his resolution.

Mr. JONES. I will do so as soon as I can get my stenographer.

Mr. COPELAND. If we can have the assurance—and apparently we have obtained it—that the Secretary of Commerce will be called upon for a report as to the needs of the country regarding load-line legislation, I shall be satisfied. I am not satisfied to permit this legislation to be enacted without a conviction in my heart that this is to be the end of the load-line business. We must enact into law measures which will make for the safety of American sailors and seamen and the passengers on our ships, and we can never be certain of that condition unless we have proper legislation.

Mr. JONES. Mr. President. Will the Senator yield?

Mr. COPELAND. I yield to the Senator from Washington.

Mr. JONES. I ask unanimous consent for the present consideration of the following Senate resolution.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 345) was read, considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Secretary of Commerce is requested to make a comprehensive study of load-line legislation in the coastwise and intercoastal trade and the Great Lakes and all types of vessels, and to submit his report covering the same to the Senate during the month of December, 1929, and to accompany such report with a tentative draft of a bill to effectuate his recommendations.

Mr. COPELAND. Mr. President, I am very much obliged to the Senator from Washington and to the Senate for passing the resolution. My conscience would not permit me to vote for any measure which in my opinion would postpone the time when we could have appropriate legislation which would really save human life, and I know that is the sentiment of the Senator from Washington. I know that he has been dissatisfied with what has been done. But now that the Senate has passed a resolution calling upon the Secretary of Commerce to make the investigation and present it to the Senate with a recommendation for legislation I have not anything more to say. I feel that the morning has been well spent. It would be a crime against life and happiness of our country to pass an emasculated bill solely as a sop to the public, giving the impression that American ships are safe, when as a matter of fact the load-line provision would apply only to vessels going into ports where they would not be permitted very much longer to land anyhow without a load line applied by themselves if not by our country. But now we have the promise and I know we will have the urgent support of the Senator from Washington in making effective the legislation.

Mr. JONES. I should have been very glad to do it, even without the passage of the resolution.

Mr. COPELAND. I thank the Senator and express my gratitude to the Senate. I apologize to the Senate for having taken so much of its time.

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

Mr. COPELAND. Certainly.

Mr. FLETCHER. We have been for many years trying to get a load-line measure enacted into law. Congress has had before it for 8 or 10 years measures to establish a load line. There has been objection by the coastwise people in some instances and by the barge people in some instances. Is it not well to make a start, even though the present bill applies only to ships in foreign trade? A little later on we may be able to do something that will further promote the safety of lives on barges and other vessels. But ought we not to make a start with it now and get such legislation as we can at this time?

I agree with the Senator that we must do something to insure safety of life at sea. The *Vestris* disaster and various other occurrences have made it, it seems to me, profoundly important that we should have legislation and regulations and otherwise promote the safety of life at sea. This is one step in that direction.

Mr. COPELAND. I thank the Senator. I am sorry the able Senator from Florida has not been here to hear the extended discussion we have had this morning. I would not be satisfied otherwise, and I would be on my feet for hours if need be to try to prevent the enactment of legislation that applied only to one class of vessels. But we have just passed a resolution calling on the Secretary of Commerce to present to the Congress in December next the results of his investigation of the whole problem together with recommendations for comprehensive legislation. I would feel that the passage of the bill without this further action of the Senate would have been a very unwise thing.

We enact some law that appears to be a good thing. It was introduced in an apparently satisfactory form, but it is amended here and a little is taken away there, and when it finally passes and is enacted into law it has a stately title, a title which read by the public would seem to indicate that it is something that seeks to preserve human life, and the impression is gained that the matter is settled. But it is not settled. The bill we have had before us to-day in my judgment is not worth 30 cents, but together with what the Senator from Washington has done by the passage of the resolution, in my judgment it becomes probable that in the next session of Congress there will be enacted comprehensive legislation which I know the Senator from Florida [Mr. FLETCHER] desires to have enacted, and so I am entirely satisfied to leave the matter here. I thank the Senate for its forbearance through this long period of time.

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

The report was agreed to.

Mr. JONES. Mr. President, I want to say just a word with reference to the Senator from Florida [Mr. FLETCHER]. He has been one of the most earnest Senators in behalf of legislation along this line that we have had. My recollection is that four or five years ago he introduced load line bills very much along the lines of what we have just now enacted which passed the Senate. He has been one of the earnest Senators in behalf of load-line legislation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1781. An act to establish load lines for American vessels, and for other purposes;

S. 2366. An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions;

S. 2410. An act to amend section 1440 of the Revised Statutes of the United States; and

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

EXECUTIVE BUSINESS

Mr. STEPHENS. Mr. President, a nomination for United States judge for the northern district of Mississippi has been received, and I ask that it be referred to the Committee on the Judiciary.

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Without objection, the nomination will be referred to the Committee on the Judiciary.

Mr. WALSH of Massachusetts. Other judicial nominations have been received to-day, and I make the request that they all be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, they will be so referred.

FEDERAL BUILDING SITE AT SAVANNAH, GA.

Mr. GEORGE. I ask for the consideration of the bill (H. R. 17026) granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes. It is purely a local matter, but there must be concurrence in an amendment which the Senate will ask the House to accept in order that the measure may become effective. I ask for the immediate consideration of the measure and that the Senate accept the amendment proposed by the committee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 6, before the word "feet," to strike out "Twenty-two" and insert "Not to exceed twenty-two," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized in his discretion to convey by quitclaim deed to the city of Savannah, Ga., for street purposes, the following-described strip of land: Not to exceed 22 feet south of and abutting on State Street from Bull Street to Whitaker Street, in the city of Savannah, Chatham County, Ga., in exchange for 65.5 feet, given by the said city of Savannah to the Government as part of a public-building site, in closing President Street in said city.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

Mr. McMASTER. There is a bill on the calendar, House bill 9285, to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, which was passed by the House, known as the tort bill, and it involves the settlement of claims against the United States. If it is not passed immediately, owing to a number of amendments, it will fail at the present session. I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

The amendments were, on page 1, after line 1, to strike out the following:

SECTION 1. (a) Subject to the limitations of this act, the Government of the United States authorizes the payment of claims on account of damages to or loss of privately owned property, if the claim accrued after April 6, 1925, and if the damage or loss was caused by the negligence or wrongful act or omission of any officer or employee of the Government acting within the scope of his office or employment. Contributory negligence shall operate to diminish the damages recoverable in proportion to the amount of negligence attributable to the claimant.

(b) Authority is hereby conferred upon the head of each department and establishment acting on behalf of the Government to consider, ascertain, adjust, and determine any claim liability for which is recognized under this section, if the amount of the claim does not exceed $5,000. Such amount as may be found to be due to any claimant shall be certified to the Congress as a just claim, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed, with a summary of the evidence upon which the allowance was made. Appropriations for the payment of such claims are hereby authorized and payment thereof may be made to the extent Congress may approve such claims by the granting of appropriations therefor: *Provided*, That no claim shall be considered by a department or establishment unless presented to it within one year from the date of the accrual of said claim, except that any such claim accrued after April 6, 1925, but prior to the passage of this act, may be presented within six months after the passage of this act.

SEC. 2. Upon the presentation to the Secretary of the Treasury of any such claim for payment, there shall be set off in accordance with the act of March 3, 1875 (sec. 227, title 31, U. S. C.), any claim, whether liquidated or unliquidated, on the part of the United States against the claimant. Acceptance by any claimant of the amount determined under this title shall be deemed to be in full settlement of every claim on account of such damage or loss against the Government of the United States or such officer or employee. No claim that, prior to the time of the passage of this act, has been rejected or reported on adversely by any court or department or establishment authorized to hear and determine the same, shall be considered under this title.

SEC. 3. Section 250, title 28, United States Code (sec. 145 of the Judicial Code, as amended), is amended by adding after the third subsection thereof a new subsection 4, to read as follows:

"Fourth. All claims liability for which is recognized under Title I of this act, if the amount claimed exceeds $5,000."

SEC. 4. Subsection 20, section 24, Judicial Code, as amended (subsec. 20, sec. 41, title 28, U. S. C.), is amended to read as follows:

"(20) Suits against United States. Twentieth. Concurrent with the Court of Claims, of all claims not exceeding $10,000, founded upon the Constitution of the United States or any law of Congress, or upon any regulation of any executive department, or upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect to which claims the party would be entitled to redress against the United States, either in a court of law, equity, or admiralty, if the United States were suable, and of all set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court; and of any suit or proceeding commenced after the passage of the revenue act of 1921, for the recovery of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority or any sum alleged to have been excessive or in any manner wrongfully collected under the internal revenue laws even if the claim exceeds $10,000, if the collector of internal revenue by whom such tax, penalty, or sum was collected is dead or is not in office as collector of internal revenue at the time such suit or proceeding is commenced. Nothing in this paragraph shall be construed as giving to either the district courts or the Court of Claims jurisdiction to hear and determine claims growing out of the Civil War, and commonly known as 'war claims,' or to hear and determine other claims which had been rejected or reported on adversely prior to the 3d day of March, 1887, by any court, department, or commission authorized to hear and determine the same, or to hear and determine claims for pensions; or as giving to the district courts jurisdiction of cases brought to recover fees, salary, or compensation for official services of officers of the United States or brought for such purpose by persons claiming as such officers or as assignees or legal representatives thereof; but no suit pending on the 27th day of June, 1898, shall abate or be affected by this provision. No suit against the Government of the United States shall be allowed under this paragraph unless the same shall have been brought within six years after the right accrued for which the claim is made. The claims of married women, first accrued during marriage, of persons under the age of 21 years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the suit be brought within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively. Concurrent with the Court of Claims, of all claims liability for which is recognized under Title I of the Federal tort claims act, if the amount claimed is in excess of $5,000 but does not exceed $10,000. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury."

SEC. 5. Suit under section 24 or 145 of the Judicial Code (U. S. C., title 28, secs. 41 and 250), as amended by this act, upon a claim accruing on or after April 6, 1925, and prior to the passage of this act, shall be brought within six months after the passage of this act or within three years after the accrual of the claim.

On page 6, after line 8, to insert:

SECTION 1. (a) Subject to the limitations of this act, the United States hereby grants authority as hereinafter provided for the adjudication and payment of claims on account of damage to or loss of privately owned property not exceeding $50,000 in amount, if the claim accrued after April 6, 1925, and if the damage or loss proximately resulted from the negligence or wrongful act or omission of any officer or employee of the Government within the scope of his office or employment and not out of contract.

(b) The heads of the respective departments and establishments shall promptly cause an investigation to be made under such regulations as the Comptroller General shall prescribe of any happening or event in which the United States, through its officers or employees, becomes involved, irrespective of whether or not there appears liability on the part of the United States, and shall transmit for settlement any claim for damages under this title to the General Accounting Office, together with the record and their report and recommendations as to the amount to be allowed, if any.

(c) The General Accounting Office shall settle and adjust the claims as reported, and shall deduct from the amount found due the owner the amount of any lawful claim of the United States, whether liquidated or unliquidated, against such owner. The net amount due a claimant owner shall be certified to the Congress for its consideration and action, and such certificate shall contain a brief statement of the facts and reasons for allowance of the claim and for deductions, if any. Any amount found due by the Congress and paid under this title shall forever discharge the United States from any claim or demand on account of the damage or loss involved in the particular claim. The right of Congress is expressly reserved to return to the Comptroller General, as provided in section 312 (a) of the Budget and Accounting Act of June 10, 1921 (42 Stat. 25, 26), any claim settled by him for further examination and report or to refer any such claim to the Court of Claims, as provided in section 151 of the act of March 3, 1911 (36 Stat. 1138), for the investigation and determination of facts with its conclusion thereon.

(d) No claim shall be considered under this title unless presented to the department within one year from the date of the accrual of said claim, except that any unpaid claim in excess of $1,000 and not exceeding $50,000 accruing after April 5, 1920, but prior to the passage of this act, may be adjusted and settled if presented within six months after the passage of this act, provided said claim has not heretofore been settled or adjusted or disallowed.

SEC. 2. The United States Court of Claims shall have jurisdiction in event application is duly made by claimant within 90 days from the date of the settlement to review as on certiorari any settlement made by the General Accounting Office under the provisions of this title: *Provided*, That application for certiorari be by petition disclosing the matters relied upon, supported by a brief, served on the Comptroller General of the United States, who may in person or by such person as he may designate, appear or otherwise advise the court on the action taken by the General Accounting Office. In event the petition for certiorari is denied, or where granted the settlement is sustained, the costs shall be borne by the claimant and the court shall require deposit of sufficient sum to insure payment of such costs before consideration of the petition.

On page 8, line 21, to change the section number from 6 to 3; at the top of page 9, to strike out—

SEC. 7. No suit upon any claim shall be brought under section 4 or 5 if the claim has been determined by the head of any department or establishment under section 1; and no claim shall be presented for consideration to the head of any department or establishment under section 1 if final judgment thereon has been rendered in a suit upon such claim brought under section 4 or 5.

On page 9, line 8, to change the section number from 8 to 4; on page 11, line 12, before the word "caused," to insert "proximately"; in line 15, before the word "attributable," to insert "proximately"; at the top of page 12, to strike out lines 1 to 3, inclusive, as follows: "Contributory negligence shall operate to diminish the damages recoverable in proportion to the amount of negligence attributable to the person injured or to the deceased."; on the same page, line 13, before the word "is," to strike out "Exclusive authority" and insert "Authority"; in line 15, after the word "consider," to strike out the comma and "ascertain, adjust, and determine"; in line 17, after the figures "$7,500," to insert a comma and "and said commission shall transmit the claim with the report and recommendation to the General Accounting Office for audit and settlement"; on page 13, line 2, after the word "considered," to strike out "by the commission"; in the same line, after the word "filed," to insert "with the commission"; in line 5, before the word "may," to strike out "commission" and insert "Comptroller General"; in line 14, before the word "shall," to strike out "commission" and insert "Comptroller General"; in line 17, after the word "commission," to insert "and the General Accounting Office"; in line 18, before the word "shall," to strike out "commission and the head of each department or establishment" and insert "President"; in the same line, before the word "provide," to strike out "jointly"; on page 15, after the word "grandparent," to insert "or brother or sister"; on page 17, line 3, before the word "deems," to strike out "commission" and insert "Comptroller General"; on page 18, line 7, after the word "the," to strike out "commission" and insert "Comptroller General"; in line 12, after the words "or the," to strike out "commission" and insert "Comptroller General"; in line 17, after the words "by the," to strike out "commission" and insert "Comptroller General"; in line 20, after the words "by the," to strike out "commission" and insert "Comptroller General"; in line 21, after the words "if the," to strike out "commission" and insert "Comptroller General."

The amendments were agreed to.

Mr. McKELLAR. I offer an amendment to the bill.

The amendment was read, as follows:

On page 11, line 18, after the name "Government," insert the following proviso:

*Provided*, That any suits now pending against the United States growing out of tort which may have been instituted since April 6, 1925, and which have been brought under any act of Congress heretofore passed may be heard and determined in any Federal court in which the same may now be pending, or compromised by the Attorney General of the United States, but the limit of liability to be recovered therein shall not exceed, either for property damage or for personal injury or death, the sum of $7,500.

The amendment was agreed to.

The bill, as amended, reads as follows:

TITLE I. PROPERTY-DAMAGE CLAIMS

*Be it enacted, etc.*—

SECTION 1. (a) Subject to the limitations of this act, the United States hereby grants authority as hereinafter provided for the adjudication and payment of claims on account of damage to or loss of privately owned property not exceeding $50,000 in amount, if the claim accrued after April 6, 1925, and if the damage or loss proximately resulted from the negligence or wrongful act or omission of any officer or employee of the Government within the scope of his office or employment and not out of contract.

(b) The heads of the respective departments and establishments shall promptly cause an investigation to be made under such regulations as the Comptroller General shall prescribe of any happening or event in which the United States, through its officers or employees, becomes involved, irrespective of whether or not there appears liability on the part of the United States, and shall transmit for settlement any claim for damages under this title to the General Accounting Office, together with the record and their report and recommendations as to the amount to be allowed, if any.

(c) The General Accounting Office shall settle and adjust the claims as reported, and shall deduct from the amount found due the owner the amount of any lawful claim of the United States, whether liquidated or unliquidated, against such owner. The net amount due a claimant owner shall be certified to the Congress for its consideration and action, and such certificate shall contain a brief statement of the facts and reasons for allowance of the claim and for deductions, if any. Any amount found due by the Congress and paid under this title shall forever discharge the United States from any claim or demand on account of the damage or loss involved in the particular claim. The right of Congress is expressly reserved to return to the Comptroller General, as provided in section 312(a) of the Budget and Accounting Act of June 10, 1921 (42 Stat. 25, 26), any claim is settled by him for further examination and report or to refer any such claim to the Court of Claims, as provided in section 151 of the act of March 3, 1911 (36 Stat. 1138), for the investigation and determination of facts with its conclusion thereon.

(d) No claim shall be considered under this title unless presented to the department within one year from the date of the accrual of said claim, except that any unpaid claim in excess of $1,000 and not exceeding $50,000 accruing after April 5, 1920, but prior to the passage of this act, may be adjusted and settled if presented within six months after the passage of this act, provided said claim has not heretofore been settled or adjusted or disallowed.

SEC. 2. The United States Court of Claims shall have jurisdiction in event application is duly made by claimant within 90 days from the date of the settlement to review as on certiorari any settlement made by the General Accounting Office under the provisions of this title: *Provided*, That application for certiorari be by petition disclosing the matters relied upon, supported by a brief, served on the Comptroller General of the United States, who may in person or by such person as he may designate, appear or otherwise advise the court on the action taken by the General Accounting Office. In event the petition for certiorari is denied, or where granted the settlement is sustained, the costs shall be borne by the claimant and the court shall require deposit of sufficient sum to insure payment of such costs before consideration of the petition.

SEC. 3. Nothing in this title shall be construed to affect any right of the United States to reimbursement from an officer or employee of the Government willfully causing the damage or loss giving rise to any claim against the United States under this title.

SEC. 4. (a) The provisions of this title shall not apply to—

(1) Any claim arising out of the loss or miscarriage or negligent transmission of letters or postal matter.

(2) Any claim arising in respect of the assessment or collection of any tax or customs duty.

(3) Any claim for which settlement is provided by the act of October 6, 1917 (secs. 981–982, inclusive, title 34, U. S. C.), relating to the loss, damage, or destruction of the property of officers and enlisted men in the naval service, in the Marine Corps, and in the Coast Guard; by the act of March 3, 1885 (secs. 218–222, inclusive, title 31, U. S. C.), as amended, relating to the loss, damage, or destruction of the property of the officers, enlisted men, and members of the Nurse Corps (female) of the Army; or by the act of March 9, 1920 (secs. 741–752, inclusive, title 46, U. S. C.), or the act of March 3, 1925 (secs. 781–790, inclusive, title 46, U. S. C.), relating to claims or suits in admiralty against the United States.

(4) Any claim arising out of the conveyance, transfer, assignment, or delivery of money or other property or out of the payment to or seizure by the President or Alien Property Custodian of any money or other property, in administering the provisions of the trading with the enemy act, as amended.

(5) Any claim arising out of the administration of the quarantine laws except the laws administered by the Public Health Service of the Treasury Department.

(6) Any claim arising out of the activities or work of the Government, its agents or employees, relating to flood control.

(7) Any claim arising out of the activities of the Government, its agents or employees, relating to river and harbor work.

(b) The act entitled "An act to provide for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C. title 31, secs. 215–217), is hereby repealed, except that any claim accruing prior to such repeal may be considered, ascertained, adjusted, determined, and certified in the same manner and to the same extent as if this act were not law, and nothing contained in the exceptions in section 4 of this act shall be considered as precluding the Congress from considering claims for injuries or damages arising under said exceptions.

(c) The provisions of any act, in so far as inconsistent with the provisions of this title, are hereby repealed to the extent of such inconsistency.

TITLE II. PERSONAL INJURY AND DEATH CLAIMS

SEC. 201. (a) Subject to the limitations of this act the Government of the United States authorizes the payment of claims on account of personal injury or death, if the claim accrued after April 6, 1925, and if the injury or death was either (1) proximately caused by the negligence or wrongful act or omission of any officer or employee of the Government acting within the scope of his office or employment, or (2) proximately attributable to any defect or insufficiency in any machinery, vehicle, appliance, or other materials and such defect or insufficiency was due to the negligence or wrongful omission of an officer or employee of the Government: *Provided*, That any suits now pending against the United States growing out of tort which may have been instituted since April 6, 1925, and which have been brought under any act of Congress heretofore passed may be heard and determined in any Federal court in which the same may now be pending, or compromised by the Attorney General of the United States, but the limit of liability to be recovered therein shall not exceed, either for property damage or for personal injury or death, the sum of $7,500.

(b) No compensation shall be allowed for any such injury or death if the injury or death results from the fact that the person injured or the decedent was intoxicated or under the influence of drugs, or if the injury or death is caused by the willful misconduct of the person injured or the deceased, or by the intention of the person injured or the deceased to bring about injury or death to himself or another.

(c) No compensation shall be allowed for any such injury or death to the extent that the injury is continued or aggravated, or that the death is caused by an unreasonable refusal or negligent failure to submit to or procure medical or surgical treatment, the risk of which is, in the judgment of the United States Employees' Compensation Commission (hereinafter referred to as the commission), based upon expert medical or surgical advice, inconsiderable in view of the seriousness of the injury.

SEC. 202. (a) Authority is hereby conferred upon the commission, acting on behalf of the Government, to consider any claim liability for which is recognized under section 201, if the amount of the claim does not exceed $7,500, and said commission shall transmit the claim with the report and recommendation to the General Accounting Office for audit and settlement. Such amount as may be found to be due to any claimant shall be certified to the Congress as a just claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed with a summary of the evidence upon which the allowance was made: *Provided*, That no claim shall be considered unless filed with the commission within six months after the injury or one year after death caused by the injury, except that for reasonable cause shown the Comptroller General may allow claims for compensation for such injury to be filed any time within one year after the injury, and except that any claim accrued after April 6, 1925, but prior to the passage of this act, may be filed within one year after the passage of this act.

(b) Acceptance by any claimant of the amount determined under this title shall be deemed to be in full settlement of the claim against the Government of the United States and the officer or employee.

(c) The Comptroller General shall by regulation provide for the form and manner in which claims under this title shall be presented before the commission and the General Accounting Office.

SEC. 203. The President shall provide rules, including penalties for the violation thereof, for the reporting to the commission both by officers or employees of such departments or establishments and by their immediate superiors of injuries or death which may become the basis of a claim under this title.

SEC. 204. (a) The compensation for personal injury shall be paid to the injured individual, except that if the individual dies before compensation has been paid, the compensation shall be allowed and paid as in the case of compensation for death.

(b) Compensation for death shall be allowed and paid as follows:

(1) Compensation shall be allowed only for death caused by injury and occurring within three years after the injury; except that no compensation shall be awarded where the death takes place more than one year after the cessation of disability resulting from such injury, or (in the absence of any such disability preceding death) more than one year after the injury.

(2) The compensation shall be allowed and paid to the following beneficiaries:

(A) To the widow or widower, or if there is no widow or widower, then to the children, share and share alike. Compensation to a child shall not be allowed unless the child is unmarried and is either under 18 years of age or, having reached the age of 18, is physically or mentally incapable of self-support. Compensation for a child under 18 years of age shall be paid to the legal guardian.

(B) To any parent or grandparent or brother or sister who was totally or partially dependent for support upon the deceased at the time of his death, having due regard for the extent of the dependency in cases of partial dependency under this paragraph.

(3) The total compensation which may be allowed on account of any one injury, or injury and death caused thereby, shall not exceed $7,500.

(4) The right of a beneficiary to compensation for death shall not survive the death of such beneficiary.

(c) In addition to the money compensation provided under this title—

(1) In the case of personal injury, the injured individual shall be allowed such expenses for any medical, surgical, and hospital services and supplies (including artificial members and other prosthetic appliances) as the commission adjudges necessary and reasonable for care of or relief from the results of an injury, subject to such regulations as the commission may prescribe with respect to the procurement of such services and supplies.

(2) In the case of death, the personal representatives of the decedent shall be allowed such funeral and burial expenses of the decedent as the commission adjudges to be necessary and reasonable in an amount not to exceed $200.

SEC. 205. As used in this title—

(a) The term "child" means (1) a legitimate child, (2) a child legally adopted prior to the death of the deceased, (3) a stepchild, if a member of the deceased's household at the time of his death, (4) a posthumous child, and (5) an illegitimate child, but as to the father only, if acknowledged in writing by him, or if he has been judicially ordered or decreed to contribute to such child's support or has been judicially decreed to be the putative father of such child: *Provided*, That an illegitimate child, whose father has not been determined by a competent court, shall have the same rights as a legitimate child under this act.

(b) The term "widow" means the deceased's wife living with or dependent for support upon him at the time of his death, or living apart from him at such time because of his desertion.

(c) The term "widower" means the deceased's husband living with her at the time of her death.

(d) The term "parent" means a father, mother, father or mother through adoption, stepfather, stepmother, and persons who have stood in loco parentis to the deceased for a period of not less than two years just prior to his death.

(e) The term "grandparent" means a grandfather or grandmother.

SEC. 206. The allowance of compensation for personal injury to any claimant under this title may be denied, to such extent as the Comptroller General deems necessary, unless such claimant has, as frequently and at such times and places as may be reasonably required by the commission, submitted himself to examination by a medical officer of the United States or by a duly qualified physician, designated or approved by the commission. The individual injured may have a duly qualified physician designated and paid by him present to participate in such examination. In case of any disagreement between the physician making an examination on the part of the United States and the

physician designated by the individual injured, the commission shall appoint a third physician, duly qualified, who shall make an examination. For all examinations after the first required under this title, the claimant shall, in the discretion of the commission, be paid his reasonable traveling and other expenses. Fees for examination made on the part of the United States under this title by physicians who are not already in the services of the United States shall be fixed by the commission. Such fees and traveling and other expenses shall be paid out of the appropriations for the administration of this title.

SEC. 207. (a) Any assignment of a claim of compensation under this title shall be void, and all compensation and claims therefor shall be exempt from all claims of creditors.

(b) If an injury or death for which compensation is payable under this title is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the Comptroller General may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person, or the Comptroller General may require said beneficiary to prosecute said action in his own name.

(c) If the beneficiary refuses to make such assignment or to prosecute said action in his own name, when required by the Comptroller General, he shall not be entitled to any compensation under this title.

(d) The cause of action when assigned to the United States may be prosecuted by the Comptroller General, and if the Comptroller General realizes upon such cause of action it shall apply the money or other property so received in the following manner: After deducting the amount of the compensation paid to the beneficiary, including any payments made under subdivision (c) of section 204, and the expenses of such realization, which sum shall be paid into the Treasury, the surplus, if any, shall be paid to the beneficiary.

(e) If an injury or death for which compensation is payable under this title is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a beneficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such beneficiary shall, after deducting the costs of suit and a reasonable attorney's fee, apply the money or other property so received in the following manner:

(1) If the compensation has been paid, he shall refund to the United States so much of the amount of compensation which has been paid by the United States, including any payments made under subdivision (c) of section 204, as is not in excess of the amount of the money and property received. Any amount so refunded shall be paid into the Treasury.

(2) If the compensation has not been paid, he shall credit the money or other property so received upon any compensation payable to him by the United States on account of the same injury or death.

SEC. 208. The provisions of this title shall not apply to—

(a) Any claim for which compensation is provided by the Federal employees' compensation act, as amended (U. S. C. title 5, ch. 15), or by the World War veterans' act of 1924, as amended (U. S. C. title 38, ch. 10, as amended).

(b) Any claim for injury or death incurred in line of duty by any member of the military or naval forces of the United States in cases where relief is provided by other law.

SEC. 209. The act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended (U. S. C. title 5, ch. 15), is amended by adding at the end thereof a new section to read as follows:

"SEC. 43. That this act may be cited as the Federal employees' compensation act."

TITLE III. MISCELLANEOUS

SEC. 301. When used in this act—

(a) The term "department or establishment" means any executive department or independent establishment not in the legislative or judicial branches of the Government, or any corporation acting as a governmental instrumentality or agency in which the United States owns or controls 51 per cent or more of the voting shares and securities, but shall not include the Panama Railroad;

(b) The term "officer or employee of the Government" means any officer or employee of any department or establishment as above defined, any member of the military or naval forces of the United States, or any other person acting on behalf of the United States in any official capacity under or by authority of any such department or establishment; and

(c) The term "acting in the scope of his office or employment," in the case of any member of the military or naval forces of the United States means acting in line of duty and, in the case of an officer or employee of any corporation acting as a governmental instrumentality or agency, means acting in the execution of a governmental activity.

SEC. 302. In any claim brought under this act the head of the executive department or other independent establishment, court, or governmental instrumentality shall, as a part of the determination or decision, determine and allow reasonable attorney's fees not to exceed 15 per cent of the amount recovered, if recovery be had, to be paid out of the amount recovered to the attorneys of the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount other than that allowed under this section, if recovery be had, shall upon conviction thereof be subject to a fine of not more than $2,000 or imprisonment for not more than one year, or both.

SEC. 303. Section 173 of the Judicial Code, as amended (U. S. C. title 28, sec. 280), is amended to read as follows:

"SEC. 173. No claim shall be allowed by the accounting officers or the head of any executive department or other independent establishment or governmental instrumentality, or by any court of the United States, or by the Congress to any person where such claimant or those under whom he claims shall willfully, knowingly, and with intent to defraud the United States have claimed more than was justly due in respect of such claim or presented any false evidence to Congress or to any department, establishment, instrumentality, or court in support thereof."

SEC. 304. The claims of persons under the age of 21 years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the same be filed with the head of the department, or if suit thereon be brought, within one year after the disability has ceased.

SEC. 305. This act may be cited as the "Federal tort claims act."

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JUDGE GROVER M. MOSCOWITZ

Mr. NORRIS. I have been directed by the Judiciary Committee to report favorably without amendment the joint resolution (H. J. Res. 431) providing for an investigation of Grover M. Moscowitz, United States district judge for the eastern district of New York, and I ask that it may be considered at this time.

The PRESIDING OFFICER. The Chair lays before the Senate the joint resolution from the House of Representatives.

The joint resolution was read twice by its title.

Mr. NORRIS. I have been directed by the Committee on the Judiciary to ask for the immediate consideration of the joint resolution. The House has sent the joint resolution here. It is the same kind of a resolution which passed the Senate the other day giving authority to a subcommittee of the Committee on the Judiciary of the House to act during the recess of Congress.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Whereas certain statements against Grover M. Moscowitz, United States district judge for the eastern district of New York, have been transmitted by the Speaker of the House of Representatives to the Judiciary Committee: Therefore be it

*Resolved, etc.*, That EARL C. MICHENER, J. BANKS KURTZ, C. ELLIS MOORE, ROYAL H. WELLER, and HENRY ST. GEORGE TUCKER, being a subcommittee of the Committee on the Judiciary of the House of Representatives, be, and they are hereby, authorized and directed to inquire into the official conduct of Grover M. Moscowitz, United States district judge for the eastern district of New York, and to report to the Committee on the Judiciary of the House whether in their opinion the said Grover M. Moscowitz has been guilty of any acts which in contemplation of the Constitution are high crimes or misdemeanors requiring the interposition of the constitutional powers of the House; and that the said special committee have power to hold meetings in the city of Washington, D. C., and elsewhere, and to send for persons and papers, to administer the customary oaths to witnesses, all process to be signed by the Clerk of the House of Representatives under its seal and be served by the Sergeant at Arms of the House or his special messenger; to sit during the sessions of the House until adjournment sine die of the Seventieth Congress and thereafter until said inquiry is completed, and report to the Committee on the Judiciary of the House of the Seventy-first Congress.

SEC. 2. That said special committee be, and the same is hereby, authorized to employ such stenographic, clerical, and other assistance as they may deem necessary, and all expenses incurred by said special committee, including the expenses of such committee when sitting in or outside the District of Columbia, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman of said committee: *Provided, however,* That the total expenditures authorized by this resolution shall not exceed the sum of $5,000.

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

The preamble was agreed to.

MISSISSIPPI RIVER BRIDGE NEAR HICKMAN, KY.

Mr. BARKLEY. I ask for the present consideration of the bill (H. R. 17007) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky.

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

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky., authorized to be built by A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, by the act of Congress approved March 16, 1928, are hereby extended one and three years, respectively, from March 16, 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.

REPATRIATION OF CERTAIN INSANE AMERICAN CITIZENS

Mr. JOHNSON. I ask unanimous consent that the Committee on the Judiciary may be discharged from the further consideration of the bill (H. R. 16436) to provide for the repatriation of certain insane American citizens, in order that the bill may be put upon its passage. The only reason why I make the request is because of the urgency of the measure. The State Department has asked us to pass the bill, which has passed the House, relating to the insane who are now in Canada. It is absolutely essential that we take charge of those insane and that this act be passed. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Without objection, the committee will be discharged from the consideration of the bill.

Mr. SMOOT. There has already been a similar bill here?

Mr. JOHNSON. Yes; introduced in the Senate.

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

*Be it enacted, etc.*, That upon the application of the Secretary of State, the Secretary of the Interior is authorized to transfer to St. Elizabeths Hospital, in the District of Columbia, for treatment, all American citizens legally adjudged insane in the Dominion of Canada whose legal residence in one of the States, Territories, or the District of Columbia, it has been impossible to establish. Upon the ascertainment of the legal residence of persons so transferred to the hospital, the superintendent of the hospital shall thereupon transfer such persons to their respective places of residence, and the expenses attendant thereon shall be paid from the appropriation for the support of the hospital.

Upon the request of any such patient, his relatives, or friends, he shall have a hearing in the Supreme Court of the District of Columbia upon his mental condition and the right of the superintendent of St. Elizabeths Hospital to hold him for treatment.

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

MAUMEE RIVER BRIDGE

Mr. BAYARD. Yesterday during the calendar call, when House bill 15715 was reached I objected to its consideration. I would now like to withdraw my objection and ask unanimous consent that the bill be taken up and put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15715) authorizing Eugene Rheinfrank, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Maumee River at or near its mouth.

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

COMPACTS BETWEEN COLORADO, OKLAHOMA, AND KANSAS

Mr. JONES. On behalf of the Senator from Colorado [Mr. PHIPPS], who is ill, I present five conference reports and ask for their present consideration.

The PRESIDING OFFICER. Is there objection to the consideration of the reports? The Chair hears none.

Mr. JONES (for Mr. PHIPPS) 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. 7025) entitled "An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "from any department of the United States Government"; and the Senate agree to the same.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,
*Managers on the part of the Senate.*
ADDISON T. SMITH,
W. C. LANKFORD,
*Managers on the part of the House.*

The report was agreed to.

COMPACTS BETWEEN NEW MEXICO AND OKLAHOMA

Mr. JONES (for Mr. PHIPPS) 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. 6496) entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested" 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 amendment numbered 1.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,
*Managers on the part of the Senate.*
ADDISON T. SMITH,
W. C. LANKFORD,
*Managers on the part of the House.*

The report was agreed to.

COMPACTS BETWEEN NEW MEXICO, OKLAHOMA, AND TEXAS

Mr. JONES (for Mr. PHIPPS) 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. 6497) entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested," 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 amendment numbered 1.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,
*Managers on the part of the Senate.*
ADDISON T. SMITH,
W. C. LANKFORD,
*Managers on the part of the House.*

The report was agreed to.

COMPACTS BETWEEN NEW MEXICO AND ARIZONA

Mr. JONES (for Mr. PHIPPS) 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. 6499) entitled "An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers, and all other streams in which such States are jointly interested," 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 amendment numbered 1.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,
*Managers on the part of the Senate.*
ADDISON T. SMITH,
W. C. LANKFORD,
*Managers on the part of the House.*

The report was agreed to.

COMPACTS BETWEEN COLORADO AND NEW MEXICO

Mr. JONES (for Mr. PHIPPS) 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. 7024) entitled "An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "from any department of the United States Government"; and the Senate agree to the same.

L. C. PHIPPS,
WESLEY L. JONES,
MORRIS SHEPPARD,
*Managers on the part of the Senate.*
ADDISON T. SMITH,
W. C. LANKFORD,
*Managers on the part of the House.*

The report was agreed to.

BROKERS' CALL LOANS ON STOCK EXCHANGE

Mr. WALSH of Massachusetts. Mr. President, I request that there be printed in the CONGRESSIONAL RECORD a letter written to me by Robert L. Owen, former Senator from the State of Oklahoma, commenting upon public press announcements of the Federal Reserve Board condemning the New York Stock Exchange brokers' call loans as excessive and as obstructing the power of the reserve banks to furnish adequate credit to commerce.

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

WASHINGTON, D. C., *February 22, 1929.*

Hon. DAVID I. WALSH,
*United States Senate, Washington, D. C.*

MY DEAR SENATOR: Very great publicity has been given the several public press announcements of the Federal Reserve Board, condemning the New York Stock Exchange brokers' call loans as excessive, as impairing commercial credit rates, as obstructing the power of the reserve banks to furnish adequate credit to commerce. In the published statement of February 7 the board fourteen times stigmatizes these loans as "speculative loans," as if they were reprehensible morally.

Such disturbing public declarations impair the public confidence on which our national credit structure depends and does a public injury. Such opinions, even if sound, should not be exploited in the public press for that very reason. They have a powerful tendency to chill national activities. They are a serious blow at the credits of the stock exchange. But these opinions are both unnecessary and unsound.

These call loans certainly are unusually large, but a reasonable and natural result of our stock-market activity in merchandising the securities of our vast national industries and a result of an enormous concentration of wealth. The loans are five and one-half billions, but the listed securities of the New York Stock Exchange are over seventy billions, and many billions in stocks and bonds are passing back and forth through this market.

Many great new issues are being marketed for our expanding enterprises. A huge exchange market is being maintained, where owners may sell their stocks at will and buy others. A high and rising market attracts both sellers and buyers. The average sales have been running over 3,000,000 shares of stock a day, not to mention bonds, nor curb sales of nearly 2,000,000 shares a day.

These so-called brokers are really bankers and merchants of securities and are carrying in their vaults and in banks on their own account and on account of their customers, stocks worth many billions. The exchange members are men of the highest integrity and of great financial responsibility. They borrow money on call because this vital business of the country requires these loans for its increased efficiency.

Who has the right to say these loans are excessive when required to meet the needs of this market, and when borrowers and lenders are both satisfied, or when business lends $2,600,000,000 to business for the service of business on call loans? The fact that they are needed and supplied answers this question.

The lenders are not depriving commerce of accommodation because as a matter of fact commerce is getting all the accommodation it needs, although overcharged sometimes. The banks give priority of loans to commerce and these call loans are in effect cash reserves payable on demand and available for commerce when required.

Moreover, the New York banks were lending (February 13, 1929) $55,000,000 less than a year ago, and the New York banks and the "outside banks" combined were lending only a little over a quarter of a billion more than a year ago when the Federal Reserve Board assured the United States Senate there was no occasion to be concerned over the then existing conditions. This quarter of a billion has now been withdrawn, probably in deference to the circular of the reserve board to the banks on February 2, 1929.

A year ago (February 14, 1928) the total brokers' loans were $3,819,000,000, consisting of New York banks, $1,152,000,000; "outside banks," $1,531,000,000; "others," $1,136,000,000, and the banks combined are now lending about the same amount.

The present increase is due to "others," i. e., corporations and individuals over whom the board has no color of jurisdiction.

It is an abuse of power for the board to tell a bank it shall not make a New York call loan under penalty of a denial of its legal privilege of reserve-bank accommodation on qualified commercial paper.

The reserve board has no legal right to tell "others" with idle money that their loans on call are excessive or against public policy as "speculative loans." The loans themselves are certainly not "speculative." They are secured by solvent makers of great responsibility, by collateral securities of the highest character worth on an instant established market from 130 to 150 per cent of the loan, and are payable within 24 hours on demand. They are the safest and most liquid of all loans. They are not "speculative" in any true sense. They are cash reserves on call.

But they are stigmatized by the reserve board by a careless figure of speech which many people will fail to correctly interpret. The board probably meant that the proceeds of such loans were used by brokers to accommodate those who speculate, and that it does not approve such loans to "speculators."

Such suggestions from a highly responsible body are injudicious, harmful, and no part of the board's official duty under the Federal reserve act.

Tens of thousands of the transactions on the Stock Exchange have no element of speculation. They are simply sales to millions of purchasers for investment or sales for investors who need their money or sales of stocks and bonds for industrial companies needing money for carrying on the Nation's business.

Thousands of people buy stocks for investment and sell stock for reinvestment, without loans or margins. They sell such investments when they can make a profit, or need cash. Others buy on margins until they can raise the money to pay in full for an intended investment.

Others buy on a margin because they think the stock cheap; that it will increase in value. They can buy more stock on margin and thus hope to make a larger profit when they sell.

Without these buyers and sellers there would be no stock market. Those needing credit on the wide margins required are entitled to the credit they receive, and it seems strangely inconsiderate to disparage loans to these merchants of our securities by the fourteen times repeated charge that these loans are "speculative." The buying and selling of stocks may be or may not be "speculative," and even when it is, it is not against any law or any declared public policy. All buying and selling is speculative. All merchants who buy commodities or real estate for sale are speculating on a gain when they sell and may suffer loss, but they serve the public well and deserve both credit and respect.

Moreover, credit is now abundant to easily accommodate both commerce and the securities market. The resources of the American banks reporting June 30, 1928, were over $71,000,000,000. They are now probably over $73,000,000,000. They have increased forty-five billions in 14 years, sixteen and one-half billions in 5 years past, and three and one-half billions in the last fiscal year. The productive power of the people annually is greater than the total resources of the banks. These results flow from abundant credit, not from a denial of credit.

It is not true that brokers' loans are depriving commerce of needed credit. The banks give commercial loans the preference. Moreover, commerce needs time loans and not call loans. But these call loans, subject to payment in 24 hours, are always instantly available for the needs of commerce.

It is the fact that commerce has not needed these funds that causes them to be unemployed and therefore loanable on call.

But far more significant is the fact that the reserve banks have at this moment many unemployed billions of potential credits available for commodity commercial bills if the need arose.

The reserve banks have about $3,000,000,000 of gold. They could increase these gold holdings more than $500,000,000 easily by simply exchanging reserve notes for gold certificates in transit over the counter. Every gold dollar would support two and one-half times as many reserve notes issued against qualified commodity bills. This money would support a credit structure many times as great as such a volume of cash. The potential powers of the reserve banks to serve commerce are gigantic and are relatively untouched. It is not true that the loans made by the banks or by "others" are preventing the

reserve bank of New York or any other reserve bank from supplying needed commercial loans.

It is true that commercial loans are being charged a rate so high as to hinder business, but the reserve banks are seriously to blame for not correcting that by using their present powers to fix a lower rate. Instead of doing so, the New York Reserve Bank stopped buying open-market bills and contracted outside loanable credit by selling its Government bonds. Commerce needs a lower rate, and the United States Government, in its very large refinancing for 1929, deserves a lower rate than it can receive if artificial contraction of credit is demanded by the Reserve Board. The bears should be greatly pleased with the Federal Reserve Bank of New York and probably are whispering sad and melancholy bear advice to timid reserve officials.

It is unsound and unfair to charge the member banks with obstructing the powers of the reserve banks to extend commercial credits. They are doing nothing of the kind, and the board is extremely ill-advised to make such a suggestion. The board would do better if it advised the reserve banks to be more considerate of the member banks.

THE NEW YORK STOCK EXCHANGE

is entitled to the respect and confidence of the American people. It is the greatest market for investment securities in the world. Over 2,500 separate issues of stocks and bonds are listed there, of a value of over $70,000,000,000. Every stock listed must fully expose all of the company's affairs in a manner that investors may be fully informed. Here is every practicable safeguard to insure fair dealing between those who sell and those who buy the securities. Here is the place where every great industry, by the sale of its stocks and bonds, finds the means with which to build and carry on all our great enterprises.

It was largely through its members, their affiliations, and connections that we financed the World War and marketed Government securities. It has been and is a vital center and agency of our national prosperity. Its very intricate and delicate machinery is the last word in efficiency and precision. Its standards of integrity and business ethics are of the highest. Daily contracts made only by word of mouth, but involving hundreds of millions, are all faithfully kept. It has been common to see three and four million shares a day bought and sold without error.

Without the stock and commodity exchanges American prosperity would dry up. It is deplorable for a great governmental agency to reflect on the operations of the New York Stock Exchange, or to deprive its members of needed credits. As every informed person knows, the several published declarations of the board in this matter was followed by an immediate bear reaction on the exchange, with wholesale falling in the prices of stocks. It could not possibly have been the intention of the Federal Reserve Board to create breaks in the stock market, or to injure the bulls and help the bears, yet that was the effect of its publications.

From 1900 to 1921 there were six major bull movements, averaging 25 months each, and six major bear movements, averaging 17 months each, and they have been recurring since and will continue to recur. To break up a bull market is no more the province of the board than to build up a bull market.

The reserve board is not authorized to bring on a bear market but if this policy of contracting credit is pursued it will surely accentuate and intensify the normal reaction from an active high market that always follows in due time from natural causes.

The one weak spot in the Federal reserve act is that those who sell credit (the bankers), were given a preponderance of power on the reserve bank boards over the business men who buy and employ credit (manufacturers, merchants, carriers, etc). The bankers by nature tend to sell credit high and to contract it too much out of both fear and interest. The board has not had the wit to correct this, but was unduly influenced by the banks to favor contraction in 1919–1922 when widespread ruin ensued and over 3,000 banks failed. This unintelligent and timid policy should never be repeated.

The Federal Reserve Board and the Federal reserve banks should at least keep within the duties prescribed by the reserve act and not interfere with the New York stock market by directly or indirectly contracting the credit it requires.

It was my duty as chairman of the Banking and Currency Committee of the United States Senate four times between January and June, 1920, on the floor of the Senate, to solemnly warn the country of the danger of willful, arbitrary contraction of credit and currency. The chairman's voice was not sufficiently considered and an unnecessary financial cataclysm followed. It was caused by unsound and selfish advice to the reserve board and reserve banks.

There were some great bankers who resented the excessively high commodity prices and the implied diminished purchasing power of the dollar and of gold and unduly attributed this undesirable condition to inflation of credit and currency and demanded "deflation," which policy was adopted and carried to extreme limits.

The results were disastrous. This violent change of sudden contraction gave the people no time to readjust their affairs. All debtors and debts arising from war conditions and its immediate consequences were suddenly forced to liquidation and payment when credit was artificially denied.

By giving time and extending credit freely against available security this national disaster could have been prevented and the readjustments from war prices to peace prices made with comparatively small losses. It cost the country many billions through business dislocations and bankruptcies directly due to and caused by the incredible folly of artificially denying credit to the people at such a transition stage of falling prices.

Within two years 6,000,000,000 of bank credits were withdrawn and 1,500,000,000 of currency retired, causing wholesale bankruptcy and unemployment.

After this recent national catastrophe of 1921 from arbitrary willful credit contraction the Congress and the business men of America should never again permit a repetition of such financial mismanagement.

The learned Prof. Charles A. Dice, Ph. D., etc., of Ohio University, of College of Commerce in his excellent work, The Stock Market (580) wisely says:

"The investor in stocks is one of the greatest constructive factors in the economic organization. He puts his funds into the different lines of industry when they are in a period of depression, etc.

"We need but few men who devote their whole time to the stock market but we need many men who are engaged in business and invest their funds on the long-time basis in the stock market."

The bears constantly warn the public against buying stock because too high. The New York Stock Exchange requires full information. The scales are delicately adjusted. Government officials should not interfere except as expressly authorized by law.

Yours very respectfully,

ROBERT OWEN.

FLYING OF CHURCH PENNANT

Mr. BINGHAM. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New Haven Journal-Courier relative to the use of the church flag.

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

BISHOP PERRY DEFENDS USE OF CHURCH FLAG—PROTESTS PROPOSAL TO PROHIBIT BANNER FLYING ABOVE "OLD GLORY"

Objection to the proposal recently made in the United States Senate which would prohibit the flying of the church flag above the American flag on naval vessels during church services, was voiced Sunday by Right Rev. James DeWolf Perry, D. D., Episcopal Bishop of Rhode Island, at the annual sermon to the Society of Mayflower Descendants, delivered in St. John's Pro-Cathedral at Providence.

"The hand of every American should be raised in protest against such an act of surrender," Bishop Perry declared.

"The first act performed by white men setting foot upon the shores of our western world was to raise the standard of the cross and kneel in prayer to God," the bishop said. "The first ship to land a company of Englishmen on the coast of Virginia carried at the masthead the emblem of the cross. The American Navy has for generations at the time of divine service each week raised the same cross of Christ on the church flag above the Stars and Stripes.

"In a resolution introduced by a Member of Congress last week it was proposed that this time-honored custom should be discontinued and that the flag emblazoned with the cross should be permanently removed from its place. The hand of every American should be raised in protest against such an act of surrender. The sign of the cross has symbolized throughout the ages since it first stood on Calvary, the offer of the believing heart to pay the price of faith."

HEFLIN PROPOSAL VOTED DOWN

Bishop Perry referred to a proposal offered in the Senate on February 5 by Senator HEFLIN, Alabama Democrat, which would prohibit the flying of a church pennant during the services at sea above the American flag on United States warships. The proposal was offered as an amendment to the cruiser bill and resulted in a heated discussion in the Senate. The Senate then went on record by a roll-call vote as to its views on the question and the proposal was voted down by a vote of 68 to 10.

Faith in God, Bishop Perry declared, and concern regarding spiritual welfare, played an important part in shaping the history of the Nation, and will play a similar part in the future.

"It would be impossible," he said, "to understand the background of our national life without an appreciation of its religious origin. By the same token there can be no confident approach to the future that disregards the Nation's spiritual outlook. The ultimate issue in the life of every people concerns its faith. If that be kept wholesome and vital and true, a country's destiny is sure.

"Other means of defense, whether they be intellectual, financial, or military, may avail for a while, but in the end you will find from universal experience since the world began that a race or nation will endure just as long as it preserves the qualities of trust and loyalty, obedience, and reverent devotion. When these are removed, even though the hollow form of organized religion stand, the foundations first of the home will crumble, threatening then the social order, and at last plunging the whole body politic into ruin.

"Consequently any effort to do honor to the founders of our Republic and to perpetuate their work must begin with resolute adherence to the faith which inspired them. To maintain undeviating belief in God and to award Him the supreme place in thought and worship and conduct is a policy of pure patriotism quite as much as consistent religion.

"An organization which takes for its charter the defense and promotion of American traditions can set before itself no more important objective than the witness which it may bear to the gospel of Jesus Christ."

TOLL BRIDGES

Mr. BROOKHART. Mr. President, on yesterday's Senate Calendar I counted 58 bridge bills, and then I am told that I missed some and did not count all of them. Most of those bills were passed at the session of the Senate on yesterday afternoon. Most of those bridges will be toll bridges, obstructing the freedom of the American highway system.

The question of toll bridges has reached such a stage that I think it deserves the special attention of the Congress of the United States. I think it is even an alarming situation which is developing so rapidly in our country. For this reason I want to take a little of the time of the Senate to discuss the proposition and to present a few facts in reference to the toll-bridge system throughout the entire country.

The Constitution of the United States gives to Congress exclusive power for the regulation of interstate and foreign commerce. It likewise gives to Congress the right of the establishment and control of post roads. At the present time more than 85 per cent of the railroad traffic of the United States is interstate commerce, which indicates that a like proportion of the business of the United States is also interstate.

When we contemplate these facts and view the enormous volume and size of interstate business, it is a sad commentary to see that the Government is only spending $75,000,000 a year in Federal aid to roads. A single State will put on a program for $100,000,000 in two or three years and draw only $2,000,000 a year from the Federal Government. The roads built by this cost outlay will carry heavy interstate traffic and will all be used as post roads.

The time has therefore arrived—in fact, has long since passed—when the States should demand that the Federal Government bear its just proportion of road building so urgently demanded in all parts of the country.

TOLL BRIDGES A MENACE

The most important part of any road system is its bridges. The prairie schooner crossed the broad prairies with comparative celerity, but found great difficulty when it approached the streams. The development of our country and the advancement of its civilization went with the building of bridges. Bridges can not be considered otherwise than as the most elemental part of the highway system.

In the United States we are committed beyond recall and even beyond argument to the free-highway system. The toll bridge is an offensive violation of this principle and has no standing as an integral part of the American road system. It is not only a gross obstruction of traffic, but is even more a gross insult to the American spirit of freedom. We are committed to the policy of free public roads as strongly and irrevocably as to the policy of free public schools.

This policy has been intensified manyfold by the development of the automobile and of the truck. When we know that last year's consumption of gasoline was 10,596,000,000 gallons and that these vehicles traveled more than 137,000,000,000 miles upon our roads, there is no argument left for the continuance of the toll bridge. While it is true that most of the bridges in our country are free, still private interests seeking excessive profits have succeeded in getting charters for many interstate bridges and many others over navigable streams at important points.

PRIVATE INTERESTS SEEK RIGHTS

On October 1, 1927, there were 233 toll bridges in operation on the highways of the United States. Of this number 42, or 18 per cent, were owned by the public and 191, or 82 per cent, were owned by private interests. On the same date, 29 more were in process of construction. Of these, 9, or 31 per cent, were owned by the public and 20, or 69 per cent, were owned by private interests.

Mr. ODDIE. Mr. President, will the Senator from Iowa yield to me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. BROOKHART. I yield.

Mr. ODDIE. Mr. President, I have at this session introduced a resolution providing for the appointment of a committee from both Houses of Congress to investigate the toll-bridge question. I agree with the Senator from Iowa that the principle of toll roads which was in vogue in this country for so many years has been brought back by the inauguration of toll bridges by the hundreds. I have tried numbers of times during this session to secure action on my resolution, but, unfortunately, I have not been able to get it out of the Committee to Audit and Control the Contingent Expenses of the Senate. If the committee proposed by my resolution could be appointed it would do a great good in making a thorough investigation of the question of toll-bridge legislation and in furnishing the information secured to Congress and to the American people as it should be brought before them.

Every road organization in the United States that I know anything about is anxious that that resolution be favorably acted upon. The Bureau of Public Roads, which is the guardian of our road systems to a large extent, is anxious that it be acted on, but I have not been able to get results. I want it known publicly why we have not been abe to get the resolution through at this session of Congress.

Mr. BROOKHART. Mr. President, I shall be glad to help the Senator from Nevada get his resolution out of the committee, or even to discharge the committee, if the fault is in the committee, because I agree to the proposition embodied in the resolution.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Mexico?

Mr. BROOKHART. I yield.

Mr. BRATTON. I wonder if the Senator from Iowa would be willing to have a vote on the conference report taken, and make disposition of the matter, and let the record of it follow the address of the Senator from Iowa?

Mr. BROOKHART. If the Senator refers to the conference report now under consideration, I had a different arrangement with some other Senators who are interested in the report.

Mr. BRATTON. I withdraw the request.

The PRESIDING OFFICER. The Senator from Iowa will proceed.

Mr. BROOKHART. Mr. President, the Sixty-ninth Congress authorized 55 more toll bridges on which construction had not been commenced. Of these, 12, or 22 per cent, were granted to public agencies, and 43, or 88 per cent, were granted to private interests.

Up to April 30, 1928, there had been introduced in the Seventieth Congress bills providing for the authorization of 122 new toll bridges not previously authorized.

I have already mentioned 58 such bills I counted on yesterday's Senate Calendar. Of these, 39, or 32 per cent, were for public operation and 83, or 68 per cent, were for private operation. Of the 122 bridges covered by these bills in the Seventieth Congress, 67 have been definitely authorized by the passage of the bills and the signature of the President. Sixteen of these, or 24 per cent, will be operated by public agencies, and 51, or 76 per cent, by private interests; and during the course of yesterday's proceedings the Senate passed several more such bills.

In addition to the bridges covered by bills introduced and passed by the Sixty-ninth Congress, or introduced in the Seventieth Congress up to April 30, 1928, there are 78 other bridges which, according to the information obtained by the bureau, were under consideration or proposed on October 31, 1927. Of these 28, or 36 per cent, were proposed as public bridges and 50, or 64 per cent, were to be operated by private parties. It will be noted also that most of these public bridges are toll bridges, although operated by a county, city, or a State. However, in most instances their cost will be amortized, and at the end of 20 years under the law they will become free bridges. That is not so offensive as a perpetual toll bridge, of course. Of the 424 toll bridges in operation, under construction, or proposed for which information was available on October 31, 1927, 217 are on the system of Federal-aid highways, the main traffic highways of the United States. All of the private toll bridges are dependent on their income from traffic flowing to them over highways built by public funds.

OBSTRUCT FREE-BRIDGE BUILDING

The above facts have not only been asserted by Thomas H. MacDonald, Chief of the United States Bureau of Public Roads, but he has also found outstanding examples of obstructionist tactics on the part of private toll-bridge interests to prevent the building of free bridges by the public or the securing of legislation to permit States to build bridges with advantageous loans of necessary capital from the best banking houses by issuing revenue bonds; that is, bonds to be retired from the revenue earned by the bridge itself.

I ask the Senate to notice that the bureau discovered tactics which are obstructing the enactment of laws that will permit that sort of operation by the States or the counties or the cities for the purpose of protecting this private toll-bridge system. Such bonds are not a debt in the constitutional sense against the community, and when issued for a necessary and desirable improvement, are sound financing.

Federal aid is available even under the terms of the Oldfield amendment to build bridges, and the capital supplied by the States can be retired through the collection of tolls.

Within the United States and on the international boundary on October 1, 1927, there were 233 operating toll bridges; and on the same date there were 29 other bridges in process of construction. Of the 233 bridges in operation, 42 were owned by the public, of which number 7 were owned and operated by State governments, 20 by county governments, and 15 by cities. The remaining 191 were owned privately—154 by toll-bridge companies and 37 by railroad companies. Twelve of these new private bridges are on the international boundary.

Of the 29 new structures that were under construction, 9 were owned by and will be operated by the public, 2 by States, 4 by counties, and 3 by cities. The other 20 were in process of building by private corporations, of which 18 were toll-bridge companies and 2 were railroad companies.

Following is the number and location of toll bridges in the United States on October 1, 1927. I think this table is important:

In Alabama there were 2 toll bridges in operation, both of which were privately owned.

In Arkansas there were 1 publicly owned, 3 privately owned in operation, and 1 privately owned under construction, making a total of 5 for that State.

In California there were 1 publicly owned bridge in operation, 3 privately owned, and 2 under construction by private interests.

In Florida there were 11 publicly owned in operation, 12 privately owned, and 2 private bridges under construction.

In Georgia there were 1 publicly owned in operation and 3 privately owned.

In Idaho there were 1 privately owned in operation and 1 privately owned under construction.

In Illinois there were 4 publicly owned in operation and 1 privately owned.

In Kentucky there were 9 privately owned in operation.

In Louisiana there were 2 publicly owned in operation, 1 under construction, 1 privately owned in operation, and 3 under construction.

Mr. President, I ask that this table be inserted in the RECORD.

The PRESIDING OFFICER (Mr. STECK in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

*Intrastate bridges*

| State | Publicly owned | | Privately owned | | Total |
|---|---|---|---|---|---|
| | In operation | Under construction | In operation | Under construction | |
| Alabama | | | 2 | | 2 |
| Arkansas | 1 | | 3 | 1 | 5 |
| California | 1 | | 3 | 2 | 5 |
| Florida | 11 | | 12 | 2 | 25 |
| Georgia | 1 | | 3 | | 4 |
| Idaho | | | 1 | 1 | 2 |
| Illinois | 4 | | 1 | | 5 |
| Kentucky | | | 9 | | 9 |
| Louisiana | 2 | 1 | 1 | 3 | 7 |
| Maine | 1 | 1 | | | 2 |
| Maryland | 1 | | | | 1 |
| Michigan | | | | 1 | 1 |
| Minnesota | | | 1 | | 1 |
| Mississippi | 1 | 2 | | 1 | 4 |
| Missouri | | | 5 | 1 | 6 |
| Montana | | | 1 | | 1 |
| Nebraska | 1 | | 1 | | 2 |
| New Hampshire | | | 2 | | 2 |
| New York | | 1 | 3 | | 4 |
| North Carolina | 1 | 1 | 3 | 1 | 6 |
| North Dakota | | | 2 | | 2 |
| Oklahoma | | | 4 | | 4 |
| Pennsylvania | 1 | | 18 | | 19 |
| South Carolina | 6 | | | | 6 |
| Tennessee | | | 1 | | 1 |
| Texas | | | 3 | | 3 |
| Vermont | 1 | | | | 1 |
| Virginia | 1 | | 9 | | 10 |
| Washington | | | 6 | 1 | 7 |
| West Virginia | 1 | | 3 | | 4 |
| Wisconsin | 2 | | 2 | | 4 |
| Total | 36 | 6 | 100 | 13 | 155 |

*Interstate bridges*

| State | Publicly owned | | Privately owned | | Total |
|---|---|---|---|---|---|
| | In operation | Under construction | In operation | Under construction | |
| Alabama-Georgia | | | 1 | | 1 |
| Arizona-California | | | | 1 | 1 |
| Arkansas-Tennessee | 1 | | | | 1 |
| Florida-Georgia | | | | 1 | 1 |
| Illinois-Iowa | 1 | | 6 | | 7 |
| Illinois-Missouri | | | 4 | 4 | 8 |
| Indiana-Kentucky | | | 1 | | 1 |
| Iowa-Wisconsin | | | 1 | | 1 |
| Iowa-Nebraska | | | 4 | | 4 |
| Kansas-Missouri | | | 4 | | 4 |
| Kentucky-Ohio | | | 5 | 1 | 6 |
| Kentucky-West Virginia | | | 5 | | 5 |
| Maine-New Hampshire | | | 1 | | 1 |
| Maryland-Virginia | | | 2 | | 2 |
| Maryland-West Virginia | | | 3 | | 3 |
| Minnesota-Wisconsin | 2 | | 3 | | 5 |
| Nebraska-South Dakota | | | 1 | | 1 |
| New Hampshire-Vermont | | | 2 | | 2 |
| New Jersey-Pennsylvania | 1 | | 7 | | 8 |
| New Jersey-New York | | 3 | | | 3 |
| New York-Pennsylvania | | | 3 | | 3 |
| Ohio-West Virginia | | | 9 | | 9 |
| Oklahoma-Texas | | | 14 | | 14 |
| Oregon-Washington | 1 | | 2 | | 3 |
| Virginia-West Virginia | | | 1 | | 1 |
| Total | 6 | 3 | 79 | 7 | 95 |

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

Mr. BROOKHART. I yield to the Senator.

Mr. DILL. I was not here when the Senator began his discussion. Do I understand that the Senator is critical of the building of toll bridges throughout the country?

Mr. BROOKHART. Yes; very much so.

Mr. DILL. Of course I am not as familiar with the needs of the eastern part of the country as I am with those of the far West; but, personally, I have always been very much in favor of allowing the building of toll bridges in the far West, for the reason that without them we must pay a larger toll in the form of ferries, which are unreliable and oftentimes dangerous, and with bridges the toll is much smaller. The time required for crossing is pratically nothing. It takes practically no time to cross them, and within a reasonable time the bridges are paid for and the toll removed, and thus we have the use of the bridges all the time we are paying for their building; whereas if we continued to use the ferries we would have nothing but the ferries, and at the end of the same period of time we would have paid more money, and would have been annoyed by having to use ferries, and would also be endangered continuously when the waters are high.

Mr. BROOKHART. I fully agree with the Senator that, as compared with the ferry system, that would be true; but I pointed out in the beginning that the Government is spending only $75,000,000 a year in Federal aid to roads; that one State, for instance—and I used the figures from my own State—puts on a road program that will amount in two or three years to $140,000,000, and during that time it will get only $2,000,000 a year from the Federal Government, and every one of those roads will carry a heavy interstate commerce, and every one of them will be used as a post road. Therefore, I was advocating an increase of the Federal aid, which could be done under the Oldfield bill now, and the building direct of these free bridges, which would be better than any toll-bridge system or ferry system, either one.

Mr. FESS. Mr. President——

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

Mr. FESS. I think I am as much opposed to having traffic interferred with by paying tolls as any one else who travels the highways; but my thought was that there is very little chance of having these bridges built if they have to be built through public taxation, while, on the other hand, companies would be very agreeable to undertaking the construction and completing it, and then taking the revenue as it would come from the public traffic.

Up to a certain time there were only two bridges over the Ohio from Pittsburgh down to Cincinnati; but since this wonderful new road-building movement that has come about in the last 10 years the traffic in the country has been so great that we not only have more bridges built at more places, but at some places we have two bridges built in the same town across the same river, which would indicate that there must be a profit—that is, the revenue will justify it. At the same time, however, I think if it had to be done by public taxation many a community would be denied the transport, simply be-

cause the public could not be induced to do it. I have the feeling that the traffic will be better facilitated by this plan, although I am very much opposed to the retardation of traffic by having to pay toll.

Mr. BROOKHART. There are plenty of facts to sustain a good deal of the Senator's conclusion, but when you get all the facts they make a different picture. I am sure that these profiteers who can see great profits in a toll bridge are very anxious to have the privilege of building those bridges, and I am sure they will also work up a political condition that will fight the building of them by public taxation.

For instance, there is such a situation at Council Bluffs, Iowa, and Omaha, Nebr., right now. There is an old toll bridge there, owned by the street railway company. The county of Pottawattomie, on the Iowa side of the river, voted $400,000 to build a new bridge; but the public-utility company organized a political campaign in Omaha and defeated their bond issue of $800,000, I believe—I am not quite certain as to the figures—to build their part of this bridge, and it was thereby defeated. At the same time, this public-utility company kept its political campaign well covered and hidden in every way, and did it through other arguments and other agencies. It never came out in the open.

That bridge which it owns—a very old bridge, built back before the present general toll bridge law was enacted—is earning over $600,000 a year; but it cost less than $1,200,000. It is earning more than 50 per cent on its cost, and taking that sort of a toll from the public; and at the same time, just exactly as the Senator said, by a shrewd political campaign in Omaha the public has been prevented from building and owning a free bridge. Of course, however, I am the sort of a person who is ready to fight that kind of a situation in our politics and present it to the people and the public in such a way that they can get these bond issues and can do justice to themselves.

Further, I have already shown that the automobiles of the United States traveled 137,000,000,000 miles last year. The statement of that fact is the statement of a demand so big that you can hardly measure it for free roads and free bridges. The American Automobile Association has openly decided now to fight this political combination that prevents the building of free bridges. It has become a powerful thing, and it may be able to counteract the secret political influences of the private owners of these institutions.

Mr. FESS. Mr. President, if the Senator will yield, there is now a bridge across the Ohio at East Liverpool, one across the Ohio at Steubenville, and another one building; there is one across at Marietta, another one at Portsmouth, another one at Ironton, one being constructed at Ashland from the Kentucky side, and another one at Huntington from the West Virginia side; and there is authorization for one across the Ohio at Sistersville, another one across the Ohio from Maysville, Ky., and I do not know how many others. I can not believe that private enterprise would be justified in undertaking the construction of these bridges unless there was profit in it. To me that is the greatest possible evidence of the tremendous travel of our people.

Mr. BROOKHART. I will present some figures on the profits of these bridges before I conclude.

Mr. DILL. Along that line, will the Senator yield for just a moment?

Mr. BROOKHART. I yield.

Mr. DILL. The Senator's reference to the Ohio River calls to mind the fact that we have a similar situation to deal with in connection with the Columbia River and its tributary, the Snake River, in my own State.

Twenty years ago there was but one bridge across that river for its entire length. To-day there is another free bridge, a part of the highway system, and there are four toll bridges, and another one building; and they are all paying for themselves. They are all at places where, if the bridges did not exist, literally thousands of people would cross on the ferries. They must cross; they will cross; and there are still many ferries running at other places. I am very much concerned that no rule shall be laid down by the committees or by the Congress that will prevent those sections of the country where great rivers exist from building bridges, even though they be toll bridges, if public bridges can not be built, because it is extremely important to those sections that that privilege shall be continued.

Mr. BROOKHART. I have followed that idea in this session of Congress, and had up with the committee the proposition of getting a more favorable form of bill toward amortizing and making these bridges free ultimately. That form has been adopted, and these bills, as I understand, are all framed according to that new and better form; but this private toll bridge at Omaha was built before the general law was enacted and is not subject to the provisions of the general law, and there is no regulation of its tolls by the War Department. The Senator from Nebraska [Mr. HOWELL] has on the calendar a bill to amend that law; it provides for amendment by Congress in its own provisions, so that we can get control and stop that extortionate toll if the Howell bill passes; but it is being objected to and its passage is being prevented here right now in the present session.

Mr. DILL. The other point about this toll proposition on bridges is that in every case where we have a bridge the toll for the bridge is less than the ferry toll was, which is another advantage, even though the bridges are making profits. Of course, it may be that owing to the fact that the Columbia River is a turbulent river our ferry charges are higher than they would be in some sections; but the fact remains that where the ferry charges run 75 cents and a dollar and a dollar and a quarter and a dollar and a half at certain times of the year, the automobile toll is 50 cents.

Mr. BROOKHART. I would have no argument with the Senator over that proposition and that comparison.

Mr. FESS. Mr. President, if the Senator will permit me, it was the argument of the Senator from Washington that up to this time has prevailed with the committee and with Congress; and I still have some fear of changing the policy for the same reason that the Senator has announced. That is the suggestion I made to the Senator a while ago. I do not like the idea of toll bridges; I should like to have them free; but I should hesitate to obstruct private capital in building them until at least we were justified in doing so.

Mr. BROOKHART. There is only one way to obstruct private capital successfully, and that is for the public to adopt a policy of building these bridges, and if the public would build competing bridges it would not be long before they would be rid of the private competition, because a free bridge can take the traffic away from a toll bridge any time. There is no trouble about that at all.

Quite a large number of these bridges which I have described are interstate bridges, and I have already inserted in the RECORD a list of the States, with the number of bridge that are interstate, also showing whether the bridges are publicly owned or privately owned, in operation or under construction.

Mr. President, from the tables accompanying this article it is evident that the toll-bridge question is national in character, not only because of the national use of these bridges in interstate commerce, but also because of their location in nearly all of the States of the Union. Of the 262 bridges in operation or under construction October 1, 1927, 155 are intrastate bridges, in 31 States; 97 span streams which constitute the boundaries of States; and 12 are international bridges, of which 5 are on the Canadian boundary—1 of these in Minnesota and 4 in New York, and 7 are on the Rio Grande in Texas.

There are only nine States which have no toll bridges in operation or building within these States or spanning a boundary stream. They are Colorado, Connecticut, Delaware, Massachusetts, New Mexico, Nevada, Rhode Island, Utah, and Wyoming. The other 39 States all have one or more such bridges in operation or under construction.

There are 14 toll bridges in operation on the Mississippi River and 4 more under construction. Among the bridges east of the Mississippi River there were 119 toll bridges built or building, and west of the Mississippi there were 125 financed by tolls.

Prior to 1928 there were only two years, 1910 and 1919, when there were as many as six new toll bridges opened to traffic; and the total number constructed from 1900 to 1921 was only 67, or an average of 3 a year for the 22-year period.

In 1922 the number completed suddenly jumped to 12. During the next two years there were only 9 opened, but in 1925 the number completed jumped to 15, in 1926 it was 12, but it jumped to 23 in 1927. As I have shown, there were 29 in process of building in 1927, and the indications are that the record for 1928 will approach this.

From these facts it is evident that the toll-bridge problem is a rapidly growing problem, and certainly demands the keenest attention of Congress at once.

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

Mr. BROOKHART. I yield.

Mr. SIMMONS. I have listened to the Senator with a great deal of interest, and I certainly am in very hearty sympathy with him with reference to roads that are built by a State with Federal aid; but there is a class of roads that are not built by the State and not built with Federal aid. Whether the Senator is right in his strictures or criticisms of toll bridges as applied to these lateral roads or not I am somewhat in doubt.

In North Carolina we have probably done in the last seven or eight years as much road building, in proportion to our popu-

lation and wealth, as has been done in any State of the Union. I think there is but one toll bridge in the State on what we know as the State system. The State system in North Carolina is a system of roads crossing the State, up and down the State, connecting all the county seats with the system. That constitutes the State system. The balance of the road work of the State is done by the counties.

It frequently happens that there is an outlying territory that is cut off from the State system by a wide body of water. We have in North Carolina a great many broad rivers; we have some very large sounds. The sound system of North Carolina begins probably less than 30 miles from the Virginia line and runs down nearly to the South Carolina line. One of those sounds runs east and west and the others run north and south. They separate sections of the State, so that the people have no communication except by water. They have had to use ferries or boats for the purpose of communicating. They are beginning now to bridge those sounds, some of the bridges being miles in length.

It may be necessary to bridge these rivers or these sounds in order to connect some outlying portion of the State with a road system, and these roads frequently are very short roads, and it would seem necessary to offer some inducement to secure the construction of bridges on those short lateral lines. Do I understand the Senator as condemning a system of toll bridges to those short lateral roads?

Mr. BROOKHART. I stated the figures a little earlier, showing that even those bridges draw their traffic largely from the Federal-aid roads, perhaps some distance from where the bridges begin, and would not that situation exist in the Senator's State?

Mr. SIMMONS. No; I do not think so.

Mr. BROOKHART. The travel, in other words, in this particular location would not be confined to that locality, but the interstate traffic would cross those bridges, too.

Mr. SIMMONS. I think, in most instances in my State, these bridges are built very largely to accommodate a local situation.

Mr. BROOKHART. But do not the people in that locality travel out on State-aid roads?

Mr. SIMMONS. The purpose is to provide them access to the highway. If they can not build these little local roads, they can not connect themselves with and get the benefit of the State system.

Mr. BROOKHART. It would occur to me that few toll bridges would pay unless they had a traffic that was gathered, in part, at least, from travel over Federal-aid roads.

Mr. SIMMONS. There might be but little traffic over Federal-aid roads going to and coming from these places outside of the immediate residents of that community or section.

Mr. BROOKHART. Let me ask the Senator again, would not each and all of the toll bridges he has described be traveled over by the people carrying the mail? Would they not be used for the transportation of the mail?

Mr. SIMMONS. I take it they would be used for the transportation of the mail, but the Federal Government would have no part in their construction.

Mr. BROOKHART. But the Federal Government has the benefit of their use, the same as on any other road.

Mr. SIMMONS. The Government would therefore be benefited by the construction of the road, and the construction of the road might be impossible unless it would bridge the water.

Mr. BROOKHART. That would be very true; but I made this proposition—that as to nearly all these roads carrying interstate traffic, and also being used as post roads, it is the duty of the Government to build them or to aid in building them; and this $75,000,000 that we are appropriating now for Federal aid in building roads is only a little fraction of what we really ought to be doing in North Carolina and other States.

Mr. SIMMONS. The Senator is entirely right about that; the Government is not doing its part in the construction of the interstate highways of this country. I agree with him about that.

Mr. BROOKHART. I pointed out that under the Oldfield amendment this Federal-aid money can be used in the construction of bridges. Therefore, if we had a proper appropriation from Congress, if we had three or four hundred million instead of seventy-five million—and that would be a small proportion, I think—we could build these bridges where they need to be built and where they will connect traffic with the general Federal-aid system.

Mr. SIMMONS. There is no controversy between the Senator and me about that proposition.

Mr. BROOKHART. I think not.

Mr. SIMMONS. I am in accord with the Senator, but I understood he was making a very sweeping and broad condemnation of the toll bridge.

Mr. BROOKHART. I was doing that, because I believe in the freedom of the road, as I announced in the beginning.

Mr. SIMMONS. I believe in the freedom of the road, and I am entirely in sympathy with the Senator if he confines his argument to the State highways or the interstate highways built by the State, or built by the State and the Federal Government in conjunction, but I think a different principle applies to these short lateral roads which are built simply for the purpose of accommodating a community, and in order to enable that community to take advantage of the system constructed by the State.

Mr. BROOKHART. The Senator might be able to find such a community in North Carolina, but I really believe there is no such community in all of my State.

Mr. SIMMONS. The Senator has not in his State such a system of waters as we have in North Carolina.

Mr. BROOKHART. We have a river on each side, and a few lakes out in the middle.

Mr. SIMMONS. Instead of one river, we have 20 or 30, 30 at least, I should say, quite considerable streams.

Mr. BROOKHART. We have three or four pretty good rivers.

Mr. SIMMONS. All of those streams that originate in North Carolina except one empty into the sound system rather than into the ocean.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. BRATTON in the chair). Does the Senator from Iowa yield to the Senator from Florida?

Mr. BROOKHART. I yield.

Mr. FLETCHER. I think some of the conditions the Senator from North Carolina has mentioned obtain in Florida. We have such an enormous coast line, both on the Atlantic and on the Gulf, and so many rivers and bays and bayous and bodies of water that, if they were bridged, we would connect up the whole system of highways, whereas without a bridge we would probably go hundreds of miles to get to points we could reach if we could cross by bridge. Many of the counties where that situation obtains are already taxed to the limit in the building of the highways. They have not the funds with which to build these bridges, which are sometimes 4 or 5 miles long—steel bridges, and quite expensive.

In order to induce private capital to go into an enterprise like that we must make it a toll bridge. That is the only way the investor will get back his money. It is of great benefit to certain communities and saves a great deal of trouble and expense to a territory that otherwise would not be reached.

I agree with the Senator from North Carolina that there are instances where we must invite private capital, because the local communities can not bear the burden of constructing the bridges.

Mr. BROOKHART. If proper Federal aid were accorded they might be able to do it and make the bridges free.

Mr. SIMMONS. But the Federal Government does not now assist the State in construction unless it is an interstate road.

Mr. BROOKHART. No; it is limited in that way.

Mr. SIMMONS. The little roads that I am talking about are not interstate in any sense of the word and are not provided for in the present law. If we are to enact national legislation sufficiently broad to cover the cases I have in mind, we would have to extend it to all road construction within a State. That probably would be a little further than the Federal Government would want to go.

Mr. BROOKHART. I think it should go to all of the post roads and all of the interstate-traffic roads, but let me read the figures of the department.

Mr. SIMMONS. There is no road in this country that I know anything about that does not become or is not likely to become a post road.

Mr. BROOKHART. That is what I think. The department said:

> Of the 424 toll bridges in operation, under construction, or proposed, for which the information was available on October 31, 1927, 217 are on the system of Federal-aid highways, the main traffic highways of the United States. All of the private toll bridges are dependent on their income from traffic flowing to them over highways built by public funds.

In other words, the toll bridge, unless it has the benefit of highways either built by public funds of the State or Nation, can not earn profits and can not survive.

Mr. SIMMONS. That is a misleading statement of the department. For instance, there is one county in my State that is practically surrounded by water. There is scarcely any way to get out of that county except by boat, or was not until recently. But for the fact that the State included in its highway system a provision that all county seats should be embraced, that county would have been without a national or State road.

Mr. BROOKHART. It was not able to build a bridge by itself.

Mr. SIMMONS. No; it was not able to build a bridge by itself. That county could not have gotten in touch with the State system except by building a bridge over some of those waters. That may be so not only of a county but of a township or small community. It has to build a bridge in order to come in touch with the main road, and in that sense, of course, it couples itself with the national highway system. But if those people are compelled to build that bridge themselves they will not be able so to couple themselves. Why should we interfere with their securing this communication or connection by getting some one to build a bridge for them provided they are willing to pay the tolls?

Mr. BROOKHART. I say that if the Federal Government should neglect its duty toward that community and the State should neglect its duty toward that community, it should not be prohibited from building such a bridge. What I am insisting on is that the Government shall do its duty in building these bridges and roads. Take the community the Senator has mentioned. The United States mail goes in over that bridge to those people. There is interstate traffic. They perhaps get some things from Iowa sometimes and they send some things which they produce there to Iowa or other Northern States. This interstate traffic is going in and out of that community all the time. Interstate commerce being a Federal proposition, the Government owes it to that community to aid and assist in building its bridge and its roads. The bridge is a vital part of the road system.

Mr. SIMMONS. Then the Senator does not dispute that his proposition would require the Government to construct or assist in the construction of every road built in the country.

Mr. BROOKHART. Where there is interstate traffic or the road is used as a post road; yes.

Mr. SIMMONS. If the community to which that road is built becomes engaged in interstate commerce? That is the Senator's proposition?

Mr. BROOKHART. That is my proposition.

Mr. SIMMONS. Does the Senator believe we could get such a proposition as that through the Congress?

Mr. BROOKHART. I am just starting on that phase of it. I do not know how I may come out.

Mr. SIMMONS. I am with the Senator just as far as he can get the Government to go in aiding us in building our highways. I am willing to go with him as far as he can get the Government to go, but I am afraid he is attempting to go a little further than it would be possible to induce the Government to go.

Mr. BROOKHART. I think that is right, and I think the Senator is justified even though his State pays a much larger proportion into the Federal Treasury than my State. But he will have a chance then to get some back of that tax which his State is justly entitled to have back. But on the other hand the Senator is broad-minded enough that he does not hesitate to use the Federal funds to benefit the road system of the whole country.

Mr. SIMMONS. That is true, because I think it is the duty of the Federal Government. The Federal Government is using our roads to a very large extent. Before the Federal Government began to use our roads to the extent that they do now, the Federal Government realized its interest in those roads. It is written in the Constitution. But now since we have inaugurated the Rural Free Delivery system and the Parcel Post System the Federal Government is using every post road in the country every day in the year, with its automobiles and its trucks, and helping to tear them up and contributing very little toward their construction and their maintenance—none, indeed, to their maintenance and very little to their construction.

Mr. BROOKHART. If the Senator is attracted to this proposition and we can get Congress to consider it favorably, I am sure a large majority of Senators and a large majority of the Members of the House will favor the idea. I think the trouble is that we have been going along easily and we have got a $75,000,000 appropriation which seemed to be enough when we had the old horse and wagon. We are sticking to that old idea now and are not measuring up to the present situation. In my State at this moment we are putting on a $140,000,000 road program. Within three years we will spend something like that sum, and we will get $2,000,000 a year of Federal aid, yet every one of those roads will be used as an interstate road with heavy interstate traffic, and every one will be used as a post road.

I had a little experience here in the Senate upon a similar proposition. I may refer to it again. One day the Senator from Pennsylvania [Mr. REED] put a statement in the RECORD to the effect that his State paid some $300,000,000 in Federal taxes—these figures may not be exact, because I am speaking from memory—and got back only 1.8 per cent of it in Federal aid to roads. In the same table he showed that the State of Iowa paid only some $10,000,000 in Federal taxes and got back 16 per cent, or $1,600,000, at that time in Federal aid to roads. He cited that as an instance of great injustice to Pennsylvania.

I asked him why it was that Pennsylvania paid $300,000,000 in Government taxes and Iowa paid only $10,000,000. Iowa produces more out of mother earth at least than Pennsylvania, but Pennsylvania gets Iowa's production away in the profits of the Steel Trust and the Aluminum Trust and the other financial combinations, and then objects to paying back a just proportion toward constructing the highways of the United States, although a large part of her earnings which made up the basis of that $300,000,000 Federal tax came from Iowa and North Carolina.

Mr. SIMMONS. Does the Senator think it would be possible to get the Government to consent to contribute to road construction of the several States in proportion to the amount of money they pay into the Public Treasury.

Mr. BROOKHART. Not at all, and it would not be fair.

Mr. SIMMONS. I wish the Senator might do that, because—and I do not say it to boast of it, but I say it, because it is a fact—the records show that in the present fiscal year North Carolina will pay into the Federal Treasury the largest amount of Federal taxes of any State in the Union except New York.

Mr. BROOKHART. More than Pennsylvania, even?

Mr. SIMMONS. More than Pennsylvania and more than Illinois. North Carolina is next to New York in this present fiscal year.

Mr. BROOKHART. That reflects the great industrial growth of North Carolina.

Mr. SIMMONS. We have done wonderful road construction in that State. I suppose the State and the counties have spent in the last seven or eight years something like $150,000,000 in road construction, and we are going on with the program. We have not finished it at all.

Mr. BROOKHART. How much Federal aid does the Senator's State receive?

Mr. SIMMONS. We receive very little aid from the Federal Government. It is a mere pittance in proportion to the amount that the State and the counties have paid. I am with the Senator in his desire to see that the Federal Government contributes a larger proportion to the construction of the highways of the country.

Mr. BROOKHART. The bureau cites some interesting examples of these toll bridges. For instance, there is one over the Cannonball River at Cannonball, N. Dak., which was built at a cost of $300. It was merely a 2-wheel ways supported flimsily on piles. The charge for an automobile or a horse-drawn vehicle to pass over it is 50 cents, notwithstanding the lack of a floor between the wheelways which makes it necessary to unhitch the horses and wade them over while the wagon is pulled across. This is, of course, an extreme case, but there are many other abuses. While there are many toll bridges efficiently built and operated, on the whole the public is paying an extortionate charge.

It is estimated that the total investment in the 233 toll bridges that were in operation on October 31, 1927, is approximately $118,000,000, of which about $45,000,000 is in publicly owned and $73,000,000 in privately owned structures. Bridges previously listed as under construction on the same date involved a further investment of nearly $116,000,000, of which nearly $75,000,000 is in the nine publicly owned and $41,000,000 in the privately owned structures. The probable additional investment in 162 structures known to have been contemplated at the time of the bureau's survey was estimated at approximately $313,000,000, of which nearly $255,000,000 was for privately projected bridges and about $58,000,000 for bridges proposed for public operation.

Summarizing these figures, it appears that the total capital already invested or probably to be invested in the 424 bridges which were in operation, under construction, or known to be in contemplation on October 31, 1927, was approximately $547,000,000.

EARN 11 PER CENT ON CAPITAL

Information obtained with reference to the earnings of the 233 toll bridges that were in operation at the time of the bureau's survey shows that these bridges, which were built at an estimated cost of $118,000,000, earned in 1926 a net operating income of $13,809,000, or 11.7 per cent of the estimated cost. This is the income after deduction of all usual operating expenses, but before deduction to cover depreciation and interest on the funded and unfunded debt.

Of the above total, the earnings of the 42 publicly owned bridges was $3,611,000, an amount which was approximately 8 per cent of the estimated cost of $45,000,000. The $10,198,000

earned by the 191 privately owned bridges in operation was 13.9 per cent of the estimated cost of $73,000,000. These are average figures for 233 structures.

It appears from this that privately owned bridges are earning 13.9 per cent upon their cost, and the publicly owned bridges earn 8 per cent. I think that the Chairman of the Interstate Commerce Committee ought to take notice of this statement, for it is of some importance in considering railroad valuation and railroad earnings. Both figures are excessive when we consider the American proposition in its broadest sense. The American people are producing only 5½ per cent of new wealth per year. That is the figure given by Mr. Hoover as to the increase of wealth since 1912. All the work of all the people, all the earnings of all capital, all the increase in property values, and all of this added to the depreciation of the dollar shows that there is only produced by our American country 5½ per cent of new wealth each year. If it all went to capital, that would be the limit of capital's return on an even division. But here in the case of toll bridges, we have these blocks of capital invested in a public service, in stable enterprises, that ought to be satisfied with the lowest rate of return, and yet the public is required to pay them from 8 to 13.9 per cent on the averages of the two kinds of bridges.

Our railroads get a guaranty by command of the law that the commission shall levy rates upon the people to earn enough to give them 6 per cent and later 5¾ per cent upon their valuation, and there are $7,000,000,000 of water in their capitalization over and above their market value at the time the first $18,900,000,000 value was established.

This 5½ per cent of total production is the most important economic proposition for the Congress of the United States to consider in regulating all of these matters. The Supreme Court is now passing upon a case involving the valuation of the railroads, but I have not heard a word said about a comparison with the new wealth produced by the people each year. The comparison will be made with banks that earn a much higher per cent or with industries that earn a still higher per cent, but the American Nation is one people and the basis of comparison should be the average for all the people. The basis of figuring toll-bridge earnings is the average earnings of all the people of the United States. We have seen that that figure does not exceed 5½ per cent, and that gives every dollar of new wealth that is produced by the people of this country to capital alone. I maintain capital is not entitled to all of it. Capital is entitled to a just share, but it is not entitled to everything that is produced in our country. Labor and invention and genius and management all should have some share, and that would reduce the average considerably below 5½ per cent. Toll bridges are not entitled to exceed this rate, but they do exceed it by 200 or 300 per cent.

Mr. President, the soundest economic reasons demand that the public make these bridges free. It would lower the interest rate, save a large amount in the expense of operation and collection of tolls, besides being of great value in speeding up the traffic.

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

Mr. BROOKHART. I yield.

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

Mr. BROOKHART. I am just about through. I wish the Senator would wait until I finish.

Mr. BLACK. If the Senator prefers to proceed, I will withdraw the suggestion.

Mr. BROOKHART. I will finish in five minutes.

The PRESIDING OFFICER. Does the Senator from Alabama withdraw his suggestion?

Mr. BLACK. I withdraw it, as the Senator desires to conclude.

Mr. BROOKHART. I have introduced two bills covering the toll-bridge question for the whole United States. One of them embodies an amortization plan whereby the cost of the bridges will be collected in tolls and the bridges will then be made free. I think that form has been adopted by the committee and that the new bills are all drafted on that basis. I introduced this bill after consultation with the Bureau of Public Roads in the Department of Agriculture. The other bill I have introduced on my own account, providing for the use of $35,000,000 a year from the Public Treasury for the condemnation of toll bridges for the purpose of making them at once free. In view of the small amount the Federal Government is paying in the aid of roads, this is a very moderate demand.

Objection is made by a few States to Government taxes for building public highways. They point out that a large Government tax is paid by certain States and only a small percentage of it goes back in Federal aid to roads in these States. However, they neglect to point out also that these same States earn enormous profits in their industries which do business in all the States, including those which pay a small Government tax. In fact, these States paying the big Government tax on corporation profits and on incomes derive very much the largest share of their incomes from outside their own State, and then when it comes to taxing the same incomes to build roads in the States where they were earned they object. The objection is not sound. There are only seven or eight of these States, and they are outnumbered in both the Senate and the House as well as outpointed by all the facts of the case. Their objection is therefore invalid on its merits, nor can it be sustained by numbers in Congress.

If the country will rise up to the importance of this whole question and present these facts to the Congress, the laws which I have described can be speedily enacted. I now yield the floor.

### J. H. B. WILDER

Mr. KING. I desire to enter a motion to reconsider the votes by which the bill (S. 5715) for the relief of J. H. B. Wilder was on yesterday ordered to a third reading, read the third time, and passed. It is a bill in which the Senator from Georgia [Mr. HARRIS] is interested.

The PRESIDING OFFICER. The motion will be entered.

### WILLIAM S. WELCH

Mr. KING. I also enter a motion to reconsider the votes whereby the bill (S. 2127) for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt, was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The motion will be entered.

Mr. KING. I also ask that the House be requested to return the bills.

The PRESIDING OFFICER. The House will be requested to return the bills.

### FEDERAL RADIO COMMISSION

Mr. WATSON. I ask that the unfinished business may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate House bill No. 15430.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15430) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

Mr. WATSON. Mr. President, I shall say but very little about this measure. It has been discussed until all Senators who are interested in it are fairly familiar with the provisions of the bill. It is just such a measure as we passed two years ago, and just such a one as we passed a year ago, continuing the life of the Radio Commission for another year.

Mr. COPELAND. Mr. President, ought we not to have a quorum?

Mr. WATSON. The Senator has a right to call one, if he so desires.

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

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

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

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

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

Mr. WATSON. Mr. President, I have stated that Senators, as a rule, are so familiar with this measure that I do not need to discuss it. Those who take any interest in it are informed, and those who do not take any interest will not pay any attention to it anyhow; and I, therefore, shall not take up the time of the Senate in any extended discussion of the measure.

This is simply a proposition to extend the life of the Radio Commission for another year. We passed such a bill two years ago, and another one one year ago; and we think the conditions

justify the enactment of this measure at this time. If we do not pass it, the control of this agency will be thrown back into the Department of Commerce, and they themselves say they are not in a position to take it and handle it properly. Therefore, we think the only thing to do is to pass this measure.

I have nothing more to say and am ready for a vote.

I desire to say to the Senate that I intend to insist that this body shall remain in continuous session until this measure shall have been disposed of.

Mr. COPELAND. Mr. President, I heard what the Senator from Indiana said. I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 9, after the word "period," it is proposed to strike out "of three years after the first meeting of the commission" and insert "until June 1, 1929."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York.

Mr. WATSON. May we hear it stated once more? I did not catch it.

The PRESIDING OFFICER. The Secretary will restate the amendment.

The amendment was restated.

Mr. COPELAND obtained the floor.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield to me?

Mr. COPELAND. I do not wish to lose my position on the floor.

Mr. WALSH of Massachusetts. With the permission of the Senator, I should like to offer for the RECORD, in connection with this debate, a statement concerning certain international aspects of radio.

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

The matter referred to is as follows:

SUGGESTIONS CONCERNING CERTAIN INTERNATIONAL ASPECTS OF RADIO

The major international difficulties relating to radio result from a lack of sufficient channels or wave lengths to serve the world's needs.

In the autumn of 1927 some 82 nations participated in the International Radio Telegraph Conference, at Washington, in an attempt to settle some of these difficulties. The nations agreed in allocating the available frequencies as between various uses, i. e. broadcasting, beacons, direction finding, amateur, experimental, air navigation, maritime, and services between fixed points, but whenever they approached a division of available frequencies between nations, a strong nationalistic spirit and a high sense of sovereignty in nations, large and small, prevented such division or any serious discussion of it. Each nation considered that it had equal sovereign rights with the others and had there been an attempt to divide the frequencies available for each use between the several nations, chaos would have come and the conference would never have been at an end.

The conference concerned communications. Perhaps a just method of dividing frequencies between the nations would have been to divide them in proportion to the volume of message traffic of each nation, but this suggestion received little encouragement.

The conference so left the situation that every nation has equal sovereign rights with every other nation to allocate any frequency for any purpose.

The parties in article 8 of the convention they signed did agree that "so far as practicable" stations they established should not interfere with radio communications or services of others, but no means were provided for determining how interferences should be ended, save through international arbitration as provided in article 18. Article 5, section 16, of the general regulations, however, seems to establish the principle that priority of use creates a priority in right. The section provides:

"The frequencies assigned by administrations to all new fixed land or radio broadcasting stations which they may have authorized or of which they may have undertaken the installation must be chosen in such a manner as to prevent, so far as practicable, interference with international services already carried on by existing stations, the frequencies of which have already been notified to the International Bureau. In the case of a change of the frequency on an existing fixed land or broadcasting station, the new frequency assigned to the station must comply with the above provisions.

"2. The interested governments shall agree in case of need upon the determination of the waves to be assigned to the stations in question as well as upon the conditions for the use of waves so assigned. If no arrangement intended to eliminate interference can be arrived at, the provisions of article 18 of the convention may be applied."

International complications promise first to arise from interference in radiotelegraph communication. International broadcasting, television, picture transmission, and other radio services, will bring complications enough in time, but radiotelegraphy is now, and for many years it has been, an accomplished fact.

International radiotelegraph is carried on:

(1) Long-wave bands of low frequencies.

(2) "Continental" bands of frequencies, 1,500 to 6,000 kilocycles.

(3) "International" bands of very high frequencies, 6,000 to 23,000 kilocycles.

Long waves of low frequencies can only be used in very high-powered stations of long range. These stations are complicated and expensive. They were the first stations used in radiotelegraphy. Successful international communication can now be carried on with simpler devices using high frequencies and low power, and it is, therefore, little likely that any more high-power, long-wave stations will be built in the world. Long waves of low frequencies have world-wide range. Duplicate use of such frequencies can not be made in the world. One station's use of such frequency must be exclusive.

The "continental" bands, 1,500 to 6,000 kilocycles, are effective for intermediate distances. These bands are useful for communication between fixed points on one continent only, it being possible to duplicate a few of the frequencies once on a single continent and to use most of them once only on each continent.

"International" bands of very high frequencies, 6,000 to 23,000 kilocycles, are of world-wide range. Two stations can not successfully use any of these frequencies simultaneously, however widely separated in the world such stations may be. The use of such frequencies must be exclusive.

The United States has allocated certain frequencies for use in the "continental" band and other frequencies for use in the "international" band. Allocations already made plus pending applications exceed by far the reasonable share of the United States in these bands; they nearly, if not quite, equal all the frequencies available for the use of the whole world. Congestion in the American broadcasting band is well known, but a congestion perhaps greater still in the bands useful for international communication is not so generally understood.

In this situation it becomes necessary for the United States carefully to formulate and consistently to apply correct principles:

(1) In allocating frequencies to American organizations for use in the "continental" or the "international" field; and

(2) In agreeing with foreign nations concerning division of frequencies in the "continental" or the "international" field.

The principle to be applied in awarding frequencies to American organizations for use in the "continental" or the "international" fields would appear to be the following:

"No frequency should be granted for communication between fixed points to any organization unless that organization has adequate facilities and has the obligation under the law to accept messages from the public and to serve any and every one of the public equally and fairly and without discrimination."

"Adequate facilities" should be deemed to include legal rights, patent and other, sufficient to insure the prompt beginning of service and its continued operation. "Adequate facilities," naturally, should include technical devices, technical equipment, and technical skill sufficient promptly and continuously to carry on service. Every nation has equal right with every other one to award these channels to its nationals, and unless the American licensee be in position promptly to begin and continuously to carry on service, an award of the same frequency made by a foreign country would take precedence over the American award and a frequency allocated to an American organization not in position to use it would not be a frequency saved to the United States, but would likely be one lost.

Foreign countries are establishing rights in frequencies by using them, and to the extent that the United States shall allocate frequencies to organizations not in position to make prompt and continuous use of them, to that extent will such an allocation intended to conserve American rights in reality imperil them.

No frequency should be allocated to any organization that has not demonstrated its ability to make efficient use of the facility it seeks. The public interest would require this. Until an organization has demonstrated its technical competence, the efficiency of apparatus at its disposal, the stability and scope of its international relations, its financial ability, and the sufficiency of its legal rights, patent and other, to render to the public satisfactory service, no frequency could be safely given to such an organization. In the international scramble for frequencies they can not be kept unused, and not only a legal obligation to use the frequencies in the public interest but a demonstrated ability so to use them should be a condition of their granting.

No channel can be kept unused to gather dust on the shelf. Some other nation will surely award it and use it, and the organization and the country which does not actually and continuously use a frequency it seeks to retain will very likely lose it, for the International Radio Telegraph Convention, Washington, 1927, gives approval to the principle that prior use gives better right.

The public-utility principle that all channels shall be impressed with a public trust so that all the public may be equally served should also be applied in awarding frequencies. In no other way can the frequencies, all too few, be made to serve equally all the public. If a frequency be awarded to carry the private communications of one organization, it is little likely that such a frequency would be used to

capacity. To the extent it is not used or to the extent its use gives one better service than his neighbor, to that extent preference and discrimination result.

If a frequency be granted to the exclusive use of one banker, broker, trader, manufacturer, or other private organization, by what principle may any other like organization be denied like privilege? Should the United States award a frequency to the exclusive use of one organization, frequencies being all too few, it would itself become the instrument of discrimination contrary to the principles of good government and contrary to the fundamental principles underlying the Federal radio act of 1927.

The people of the United States are coming to realize that too many competing railroads are not in the public interest. The public's money is invested in competing facilities and the public's money is lost when, there being too many competitors, some must fail. Even those who survive may not find patronage sufficient for reasonable profit and therefore may not be in position to give efficient service.

The people of the United States are coming even more to realize that it is not in the public interest to establish many competing telephone organizations. The reasons applicable to railroads are equally applicable to telephones, and in addition those who subscribe to competing telephone organizations have no means for intercommunication.

Principles applicable to both railroads and telephones are equally applicable to radio, and in addition:

It is physically possible to duplicate railroads and physically possible to duplicate telephone lines, but it is not physically possible in international radio service to make duplicate use of frequencies, and the frequencies available are all too few to serve the world's needs. A principle which would be wisely applied in allocating frequencies to American organizations for use in the "continental" and in the "international" fields would be, therefore, not to divide frequencies among too many organizations; not to attempt to establish many services, lest none have facilities sufficient to maintain effective service.

In agreeing with foreign nations concerning division of frequencies in the "continental" or the "international" fields, care should be exercised to be sure that all nations concerned in the division are present and agreeing. If all be present, it would seem appropriate that division should be made on the basis of traffic volume, but countries somewhat less developed than others might well object that however just it might be in this generation to apply only the factor of traffic volume, it might work injustice in the generations to come. Having regard to this, therefore, it would appear that if the factors of sovereignty, area, population, and traffic volume were all taken into account and a division made on the basis of a combination of all these factors, then just results might be arrived at for this generation and those to come.

Illustration of an accord which would not appear to be based upon carefully formulated principles is to be found in the accord reported to have been made between the United States and Canada.

This accord concerned "continental" bands. The report is to the effect that the interests of Mexico and Cuba were somewhat considered, but not those of any other country in the West Indies or in Central America; that such countries were not parties; that after setting aside a limited number of channels for Mexico and Cuba, it has been agreed that the remainder shall be divided on some such basis as 60 per cent to the United States and 40 per cent to Canada.

The United States has twelve times the population of Canada and much more than twelve times her volume of message traffic. Mexico has 50 per cent more population than Canada and perhaps equal prospect with Canada for a future increase in wealth, population, and traffic volume. Many countries in the West Indies and in Central America have an equal interest with the United States and Canada in the disposition of "continental" bands and an equal sovereign right with the United States or Canada to dispose of them, yet in the accord reported it does not appear that these countries were represented or their interests provided for, while the frequencies disposed of, if used by the countries parties to the accord, will exhaust the frequencies available and deny any service in these bands to many countries in the West Indies and in Central America.

Canada is far removed from the West Indies and from Central America. In the accord reported Canada received a smaller portion of the longer-range frequencies, but the lion's share of the shorter-range frequencies. Canada can, therefore, very likely use all the frequencies obtained by her in the accord without interfering with any West Indian or Central American country. The United States, however, lies midway between all the countries concerned, and the almost inevitable protest against the accord and against interferences which will result will come from West Indian and Central American countries and will be directed not against Canada, but against the United States. A proper sense of justice will demand that the United States make provision for the countries excluded, and this provision she will likely be compelled to make by a further diminution of the frequencies at her disposal, already unduly diminished by a too-generous allocation to Canada.

Unless arrangements be made applying carefully formulated principles, errors will inevitably be made whenever an international division of frequencies is attempted. Equitable division of frequencies is vital to American communications and commerce, and errors once made in international arrangements of this character likely can never be rectified.

The United States, unlike most foreign countries, is not engaged as a Government in carrying on commercial communications service. The United States, therefore, should be reluctant to enter into international arrangements without giving American communications organizations vitally concerned the opportunity to be heard in such discussions and to participate in them.

Mr. COPELAND addressed the Senate. After having spoken for some time—

MESSAGE FROM THE HOUSE

The PRESIDING OFFICER (Mr. TYSON in the chair). The Senator will please suspend while the Senate receives a message from the House of Representatives.

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House insisted on its disagreement to the amendment of the Senate to Senate amendment No. 39 to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CRAMTON, Mr. MURPHY, and Mr. TAYLOR of Colorado were appointed managers on the part of the House at the further conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 12650) for the relief of John F. Fleming.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 12106) to erect a national monument at Cowpens battle ground.

FEDERAL RADIO COMMISSION

The Senate resumed the consideration of the bill (H. R. 15430) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

Mr. COPELAND resumed his speech. After having spoken with interruptions for two hours—

Mr. BLEASE. Mr. President, as there are 11 Senators present——

The PRESIDING OFFICER (Mr. GLENN in the chair). Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. For what purpose?

Mr. BLEASE. For the purpose of asking for a quorum. There are 11 Senators present. I do not think the Senate ought to transact business without an actual physical quorum being present.

Mr. COPELAND. I yield for that purpose.

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

The PRESIDING OFFICER. The Chair rules that no business has been transacted since the last quorum call.

Mr. BLEASE. Mr. President, the Senator from Alabama raised the point that there had been business transacted on two occasions.

The PRESIDING OFFICER. The Chair ruled against him.

Mr. BLEASE. Then I move that we take a recess for a half hour, to go and get something to eat, and it may be something else.

The PRESIDING OFFICER. Does the Senator from New York yield for that purpose?

Mr. COPELAND. I do.

The PRESIDING OFFICER. The Senator from South Carolina moves that the Senate take a recess for 30 minutes.

Mr. COUZENS. Mr. President, a parliamentary inquiry. Does the Senator from New York yield for that purpose?

The PRESIDING OFFICER. The Senator from New York has yielded for that purpose. [Putting the question.] The noes have it.

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

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SCHALL (when Mr. SHIPSTEAD's name was called). My colleague [Mr. SHIPSTEAD] is ill and confined to his room. I will let this announcement stand for the rest of the day.

The roll call having been concluded, the result was announced—yeas 6, nays 52, as follows:

YEAS—6

| | | | |
|---|---|---|---|
| Blaine | Bruce | George | Waterman |
| Brookhart | Dale | | |

NAYS—52

| | | | |
|---|---|---|---|
| Barkley | Black | Broussard | Copeland |
| Bayard | Blease | Capper | Couzens |
| Bingham | Bratton | Caraway | Curtis |

| | | | |
|---|---|---|---|
| Deneen | Heflin. | Norris | Shortridge |
| Dill | Johnson | Nye | Smith |
| Edge | Jones | Oddie | Steiwer |
| Edwards | Keyes | Pine | Stephens |
| Fess | King | Reed, Pa. | Thomas, Idaho |
| Glenn | McKellar | Robinson, Ark. | Trammell |
| Goff | McMaster | Robinson, Ind. | Vandenberg |
| Hale | McNary | Sackett | Warren |
| Harris | Moses | Schall | Watson |
| Hastings | Norbeck | Sheppard | Wheeler |

NOT VOTING—37

| | | | |
|---|---|---|---|
| Ashurst | Harrison | Neely | Swanson |
| Borah | Hawes | Overman | Thomas, Okla. |
| Burton | Hayden | Phipps | Tydings |
| Fletcher | Howell | Pittman | Tyson |
| Frazier | Kendrick | Ransdell | Wagner |
| Gerry | La Follette | Reed, Mo. | Walsh, Mass. |
| Gillett | Larrazolo | Shipstead | Walsh, Mont. |
| Glass | McLean | Simmons | |
| Gould | Mayfield | Smoot | |
| Greene | Metcalf | Steck | |

So the Senate refused to take a recess.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. The Senator from Indiana.

Mr. WATSON. I desire at this time to present a cloture petition which I send to the desk.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New York?

Mr. COPELAND. Mr. President——

Mr. WATSON. I am presenting a cloture petition.

Mr. COPELAND. I have the floor. I shall be glad to yield to the Senator from Indiana.

Mr. WATSON. Mr. President, this is a privileged matter.

The PRESIDING OFFICER. The Chair rules that the Senator from New York yielded the floor for a motion to take a recess, and that the Senator from Indiana has the floor.

Mr. WATSON. In addition to that, I am offering a privileged motion.

Mr. COPELAND. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The "ayes" have it, and the decision of the Chair is sustained.

The Senator from Indiana has the floor. The Secretary will read the cloture petition presented by the Senator from Indiana.

The Chief Clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, move that debate be brought to a close upon the bill (H. R. 15430) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes:

| | |
|---|---|
| JAMES E. WATSON. | H. D. STEPHENS. |
| TASKER L. ODDIE. | F. M. SIMMONS. |
| SIMEON D. FESS. | F. E. WARREN. |
| OTIS F. GLENN. | W. L. JONES. |
| GUY D. GOFF. | GEO. H. MOSES. |
| ARTHUR R. ROBINSON. | FREDERICK HALE. |
| EARLE B. MAYFIELD. | DANIEL O. HASTINGS. |
| KENNETH MCKELLAR. | ARTHUR CAPPER. |
| PARK TRAMMELL. | |

Mr. WATSON. Mr. President, while this matter may not be brought up until day after to-morrow, under the rule——

Mr. EDWARDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Jersey?

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

The PRESIDING OFFICER. Does the Senator from Indiana yield for that purpose?

Mr. EDWARDS. It does not make any difference whether he yields or not; I have a right to suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair holds that the Senator has no right to take the Senator from Indiana from the floor unless he yields.

Mr. BLEASE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WATSON. I shall be glad to yield to the Senator for that purpose if he desires.

Mr. BLEASE. Under the rules, this matter can not be considered on the same day that it is offered. I object to its consideration.

Mr. WATSON. I did not understand the Senator.

Mr. BLEASE. I say that under the rules cloture can not be put into effect on the same day that the petition for cloture is offered.

Mr. WATSON. Certainly not.

Mr. BLEASE. I rise to propound a parliamentary inquiry.

Mr. WATSON. I am not seeking to put cloture into effect, I may say——

Mr. BLEASE. I object to the consideration of this matter now.

The VICE PRESIDENT. The Chair rules that the Senator from Indiana has not asked for immediate consideration.

Mr. WATSON. I have the floor.

Mr. BLEASE. I understand, but if the Senator is out of order, he has not the floor.

Mr. WATSON. Yes; I have the floor.

Mr. BLEASE. We will let the Chair rule whether he has or not.

Mr. WATSON. The Chair has recognized me.

Mr. BLEASE. I do not propose to submit to any gag law now, and you might as well understand that now, either from Illinois or Indiana or anywhere else.

The VICE PRESIDENT. The Chair——

Mr. BLEASE. I propounded a parliamentary inqury. I want an answer. This question is not in order for consideration for 24 hours.

The VICE PRESIDENT. The Chair rules that the Senator from South Carolina has not propounded a parliamentary inquiry but has stated a proposition.

Mr. BLEASE. I now ask the Chair to rule whether this question is properly before the Senate or if it can be considered before to-morrow?

The VICE PRESIDENT. The Chair rules that it can not be considered before to-morrow.

Mr. WATSON. Certainly not.

Mr. COPELAND. A parliamentary inquiry.

Mr. WATSON. I have the floor.

The VICE PRESIDENT. The Senator from New York will state his inquiry.

Mr. COPELAND. Of course, the Senator is not advised as to the rule——

The VICE PRESIDENT. To which Senator does the Senator from New York refer?

Mr. COPELAND. This cloture motion can not be considered until Monday.

Mr. MOSES. It can be considered on Sunday.

Mr. WATSON. Mr. President, I am seeking to explain it. Have I the floor?

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

Mr. WATSON. Having the floor, I have the right to say what I please as long as I keep within the rules. My good friend from South Carolina is entirely mistaken as to what I intended to do. I am not seeking to apply any gag rule. I am simply stating that the matter can not come up until to-morrow under the rule.

Mr. MOSES. It can not come up until day after to-morrow under the rule.

Mr. WATSON. It might require a Sunday session, but, so far as I am concerned, I am so determined on the passage of this bill that, if necessary, we shall have a Sunday session in order to consummate it.

Mr. BLEASE. Mr. President, if necessary to keep some people from being confirmed, we will stay here all day Sunday, although we are Methodists.

Mr. WATSON. The Senator is no more Methodist than I am.

Mr. BLEASE. I do not care anything about the bill; it is the things behind that radio bill I am fighting.

Mr. NORRIS. Since we are going to have a Sunday session, I suggest that the chaplain be notified, so that we can open it properly.

Mr. WATSON. We will notify the chaplain. But, to be serious about it, this is the only way in which we can be absolutely sure of the passage of this bill, if the Senator from New York persists in his filibuster.

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

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New York?

Mr. WATSON. Yes; for a question.

Mr. COPELAND. Is the Senator making a speech on the bill?

Mr. WATSON. I am making a speech, and I am yielding for a question.

The VICE PRESIDENT. Does the Senator yield?

Mr. WATSON. For a question.

Mr. COPELAND. I will put it in the form of a question.

Mr. WATSON. Very well.

Mr. COPELAND. Does the Senator from Indiana give me credit for being able to keep this going until Sunday? If he does, I certainly thank him from the bottom of my heart, and I never saw JIM WATSON frightened before. Is he frightened?

Mr. WATSON. Mr. President, I do not think that the Senator can continue this night on the floor, but this is a club,

and I intend to use it if I have to. Therefore, all I want to say is that unless the Senator will yield, and one man cease to defy the rule of 94 others, I shall apply this cloture if it be absolutely necessary to do it. I do not want to do it; I hope my genial friend from New York, who ought by this time to have satisfied his conscience, will yield, and permit a clear majority in the Senate evidently favoring this measure to have its way, as it is entitled to have.

If it were not the closing of a short session, even my genial friend from New York would not take the floor to engage in a one-man filibuster, as he has done against this proposition.

Mr. COPELAND rose.

Mr. WATSON. I yield for a question.

Mr. COPELAND. I wish the Senate would bear with me under unanimous consent for just a word or two. It would not have made any difference to me——

The VICE PRESIDENT. Does the Senator from Indiana yield for this purpose?

Mr. WATSON. I yield for a question.

Mr. COPELAND. I ask unanimous consent to say just a word.

Mr. WATSON. Then I object. Mr. President, I have not offered this petition for the purpose of introducing gag rule. This is offered under one of the rules of the Senate. Its object is well understood. Its purpose is well defined. But I am presenting it with the distinct understanding that if a majority of the Senate which I know favors this bill will stay with me on the proposition, we will exhaust the Senator from New York personally, if need be, and if that can not be done, then we will apply the cloture rule. That is all I care to say on the subject.

Mr. COPELAND. Mr. President——

Mr. BLAINE. I would like to ask the Senator a question.

Mr. WATSON. Certainly.

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. WATSON. I yield.

Mr. BLAINE. If this request, closing debate, is voted by a two-thirds vote of the Senate, that must be done after we take an adjournment to-day, as I understand it.

Mr. WATSON. The Senator is right.

Mr. BLAINE. Does the Senator contemplate taking an adjournment this evening some time?

Mr. WATSON. That is my understanding.

Mr. HALE. An adjournment?

Mr. WATSON. What is the rule? Does it not read the next "calendar day" but one?

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. WATSON. I have not the exact language of the rule before me. The rule says a "calendar day," and we do not have to adjourn.

Mr. BINGHAM. Let me read the rule.

Mr. WATSON. I would like to have the Senator read the rule for the information of the Senate.

Mr. BINGHAM. The second part of Rule XXII is as follows:

If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the presiding officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the presiding officer shall, without debate, submit to the Senate by an aye and nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

Mr. BROOKHART. Mr. President——

Mr. WATSON. I yield to the Senator.

Mr. BROOKHART. I desire to propound a parliamentary inquiry as to the interpretation of the rule just read. It says, "On the following calendar day but one." That would mean that the day after to-morrow, then, this would be presented.

Mr. WATSON. On Sunday.

Mr. BROOKHART. At 1 o'clock Sunday. I understood, from some of the previous remarks, that it could be done to-morrow, that that claim was made, and that was the point I wanted straightened out.

Mr. WATSON. I do not think so. Under the rule the Presiding Officer is required to state the question. The motion for cloture has been filed and been read, and, as I remember the rule—I am not quite clear on it, not having read it for a long time—the Presiding Officer is to state the question at once.

The VICE PRESIDENT. All that is necessary at this time, the filing of the petition and the announcement and the reading of the motion.

Mr. WATSON. Very well. I now yield the floor.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. BINGHAM. Under the part of Rule XXII just read, is it correct that, Sunday counting as one calendar day, the motion that the Senate proceed to the vote under the cloture rule could be made on Sunday?

The VICE PRESIDENT. If the Senate is in legislative session on Sunday, the motion can be made.

Mr. BLEASE. I think they lost 24 hours by offering this, Mr. President; but it is all right.

Mr. FRAZIER. Mr. President——

The VICE PRESIDENT. The Senator from North Dakota.

Mr. FRAZIER. I ask unanimous consent to have printed in the RECORD a statement in regard to the Mississippi River flood control.

Mr. BLEASE. I object.

Mr. COPELAND. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. COPELAND. What has the Chair determined about the cloture rule; that it will take effect on Monday?

The VICE PRESIDENT. The cloture motion will be laid before the Senate on Sunday if it is in legislative session on that day.

Mr. COPELAND. That is, if it is in legislative session on Sunday?

The VICE PRESIDENT. If it is in legislative session on Sunday, the question will be put to the Senate one hour after it meets, and a vote taken thereon.

Mr. BLEASE. Is it the purpose to lay it aside now?

The VICE PRESIDENT. Under the rules it is laid aside when notice is given. On Sunday, if the Senate is in legislative session, one hour after the Senate convenes, the Chair will put the question as to whether it is the sense of the Senate that debate should be closed.

Mr. COPELAND. A parliamentary inquiry.

The VICE PRESIDENT The Senator will state his inquiry.

Mr. COPELAND. Did the Presiding Officer say that the radio bill would be laid aside under this motion?

The VICE PRESIDENT. No; but all questions relating to the cloture petition will be laid aside until that time.

Mr. MOSES. Mr. President, I wish to ask for a unanimous-consent agreement.

Mr. BLEASE. I object.

Mr. MOSES. Let me state it first, please.

Mr. BLEASE. I am not going to let anything go through by unanimous consent until this cloture is voted on, if I can help it.

Mr. MOSES. Let me state it.

Mr. BLEASE. That is positive; it does not make any difference what it is.

Mr. MOSES. Will the Senator withhold that until I state my request?

Mr. BLEASE. That is a positive statement. If we are going to have gag rule, we are going to have it if one man can put it on. I am going to object to any unanimous consent on anything until this cloture rule is passed, if I can do it.

Mr. MOSES. Then it appears to me that an unpopular postmaster will be forced upon a town in North Carolina.

Mr. BLEASE. I can not help it. North Carolina went Republican anyhow. [Laughter.]

Mr. BINGHAM. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. The rule states that one hour after the Senate meets on the following calendar day but one, the Presiding Officer shall lay the motion before the Senate. In case the Senate is in session Saturday night at midnight, and continues in session throughout Saturday night, would the Presiding Officer then be justified in laying the motion before the Senate at 1 o'clock a. m. Sunday morning?

Mr. ROBINSON of Arkansas. I suggest to the Chair that that is a hypothetical question, and that the Chair is not required to rule on every hypothetical question that is submitted to him.

The VICE PRESIDENT. The Chair is prepared to rule, as far as that is concerned.

Mr. WATSON. What is the ruling?

Mr. BINGHAM. I hope the Chair will rule, as we have seen night sessions recently which were not hypothetical.

The VICE PRESIDENT. If the Senate is in session at 12 o'clock midnight Saturday, and continues until 1 o'clock a. m., the motion would be put.

Mr. WATSON. I now ask for a vote on the radio bill.

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

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. The Senator from New York is recognized. The question is on the amendment of the Senator from New York.

Mr. COPELAND. Mr. President, as I was saying——

Mr. HEFLIN. I would like to ask the Senator a question, without affecting his right to the floor——

Mr. COPELAND. Mr. President, I am sorry I can not yield to my genial friend from Alabama. If I do, I will be ruled off the floor, and then I would lose my second chance.

Mr. HEFLIN. No——

Mr. COPELAND. I must not take any chance. I can not yield.

Mr. HEFLIN. I will state that if the Senator yields, he will not yield the floor.

Mr. COPELAND. Mr. President, I wish to read further from the radio address of Mr. Lewis G. Caldwell, counsel of the Radio Commission. When I was interrupted I was discussing——

The PRESIDING OFFICER (Mr. McNARY in the chair). Let there be order in the Chamber, please.

Mr. COPELAND resumed and concluded his speech, which is as follows:

Mr. COPELAND. Mr. President, when we took up the radio matter for consideration two years ago, after extended hearings and much discussion, a bill was determined upon and enacted into law. That law prescribed that for a period of one year after its enactment all of the work of supervising the radio problem should be in the hands of a commission. The commission was to have original jurisdiction and administration of the details of radio and also to act as an appeal board from its acts as an administrative body. Commissioners were appointed, and they proceeded to act under the law.

Last year we saw fit to continue the full powers of the commission, both as an appellate body and also as an administrative body. It was argued by the able Senator from Indiana [Mr. WATSON] and the distinguished Senator from Washington [Mr. DILL] that it was wise to continue the original year's work by having all the powers in the Radio Commission. Now it is proposed that we should continue for another year this complicated situation.

I want Senators to understand that there is no difference of opinion between the present position of Senators who are advocating this bill and the present speaker except as to the date of the termination of the dual arrangement which has been in existence since the inception of the commission. As I shall attempt to develop in my talk, it is my feeling that the present arrangement is an unhappy one and an unwise one, and that it does not make for the large development of this growing institution as it should.

After full consideration originally, it was felt that many legal questions would arise, many controversies would require settlement, and it would be necessary to have a review of the acts of the technicians who might pass upon the original orders issued by the board.

I want it understood, Mr. President, that I have no criticism to pass upon the Radio Commission. In my opinion, the country has been blest by having upon that body a number of men who have had an eye single to the best interests of the Nation. They have dealt with the problem intelligently. They have been diligent in attention to their duty. In my judgment, they have accomplished a very fine piece of work for the United States.

The purely administrative features involved in the development of the radio industry have now been completed, at least to the extent of 80 or 85 per cent, according to the testimony of Mr. Caldwell, one of the commissioners who has just retired from office. Before passing on to a discussion of the question at issue here, I wish to speak about Commissioner Caldwell. In my judgment, he is better informed on the subject of radio in all of its ramifications than any other man in the world. He was a radio fan from the beginning, and was for years the editor of the leading magazine devoted to the radio industry. He is an engineer, and possesses all the technical, educational, and scientific requirements to enable him to fill a place such as that he has held for these two years, qualities which very few men in the world could match. Mr. Caldwell is resigning from the commission to resume the editorship of the magazine with which he is connected. He testified at length, both before the House committee and before the Senate committee, on the accomplishments of the commission, and on the needs of the future. I speak of this because before the discussion is ended I shall read into the RECORD some of the statements he has made.

It is needless to say that I would not undertake to express any views of my own, because what I personally know about the subject might not be of any particular importance to the country, but I hope to use my voice to convey to the country the opinions of the real experts of this industry.

The United States Daily, in its issues of yesterday and to-day, contains a very enlightening statement regarding the legal aspects of the radio industry, an article founded upon a speech made by Mr. Caldwell before one of the law associations, and the Mr. Caldwell of whom I am speaking now is not the commissioner but the attorney of the Radio Commission. I do not wish to have Senators confused regarding the two men. They bear the same name, but the Caldwell of whom I am speaking now is the legal adviser of the Radio Commission.

This address of Mr. Caldwell's is well worthy of attentive reading by every Member of the Senate, and from time to time, as the argument develops, I shall read parts at least of it to the Senate. There will not be many Senators here at the time, but perhaps to-morrow morning some of them may do me the honor of reading this material.

I do not blame any Senator for absenting himself from the Senate at this particular time, and spending his time in the sunshine. I confess that I would rather do that myself than to be here; but I really have a sense of duty to the country, and I am going to stay here.

Mr. DILL. Mr. President, if the Senator will yield, I think there should be order in the Chamber.

The PRESIDING OFFICER (Mr. BRATTON in the chair). The Senator from New York will suspend until the Senate is in order. Senators will please take their seats. Conversation in the rear of the Senate will cease.

Mr. BROUSSARD. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Louisiana?

Mr. COPELAND. I yield.

Mr. BROUSSARD. House bill 16666 has passed the House, and has just been reported by a Senate committee. I would like to ask unanimous consent for the immediate consideration of the bill.

Mr. CURTIS. Let it be reported.

The PRESIDING OFFICER. Will not the Senator from Louisiana send the bill to the desk?

Mr. BROUSSARD. It is House bill 16666. I would say to the Senator from Kansas that it has passed the House.

Mr. CURTIS. What is it about?

Mr. BROUSSARD. It provides relief for the widow of a man who was killed by an ambulance belonging to the United States Government.

Mr. CURTIS. Has it been unanimously reported?

Mr. BROUSSARD. It has.

Mr. CURTIS. Is it recommended by the department?

Mr. BROUSSARD. It is.

Mr. DILL. I wish the Senator would not ask for the consideration of that bill now, because another Senator has asked me not to permit any legislation to be passed other than bridge bills. I told him that while he was out I would not permit any other legislation to be passed, and I wish the Senator would wait until that Senator returns.

Mr. WATSON. Mr. President, what is going on? I would like to be informed.

The PRESIDING OFFICER. The Senator from Louisiana has requested unanimous consent for the immediate consideration of a bill, to which the Senator from Washington interposed an objection. The Senator from New York is recognized.

Mr. COPELAND. Mr. President, I am sorry to see any anxiety on the part of the Senator from Indiana. He need not be at all disturbed. I shall take no unfair advantage of him in any way whatever, and I know that he will be as generous to me.

Mr. WATSON. Mr. President, the Senator is very kind, and I appreciate his friendly interest, as well as his self-effacement, but I am well aware of the fact that one of the best ways in the world to kill time is to yield to everybody who wants to bring something up, because the whole Senate is filled with gentlemen with that desire.

Mr. COPELAND. Does the Senator desire to kill time?

Mr. WATSON. No; but I do not want the Senator from New York to kill time.

Mr. COPELAND. As far as I am concerned, Mr. President, I have nothing but time, and if Senators have any measures which need attention, far be it from me to interfere with their desires.

This matter of how the radio business was to be handled was thoroughly discussed, and I think one of the most illuminating statements made regarding it was made by Mr. Herbert Hoover. I have no doubt that the Senator from Indiana, who was one of his ardent supporters in his pre-election campaign——

Mr. DENEEN. Mr. President——

Mr. COPELAND. I yield.

Mr. DENEEN. Out of order I ask unanimous consent, as in executive session, to send to the Committee on the Judiciary the nomination of Mr. Charles A. Woodward for judge of the district court of the northern district of Illinois.

The PRESIDING OFFICER. Without objection, the nomination——

Mr. WATSON. What is that?

Mr. DENEEN. I have asked to have a nomination sent to the Committee on the Judiciary for its consideration at 3 o'clock.

The PRESIDING OFFICER. Without objection, the nomination will be referred to the Committee on the Judiciary.

Mr. WATSON. That is all right.

Mr. FESS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. FESS. Does not the Senator from New York yield the floor on such occasions as this?

The PRESIDING OFFICER. The present occupant of the chair would hold that he does not.

Mr. FESS. Does the Chair desire a citation of the rule that whenever any Senator who has the floor yields for anything like offering an amendment or presenting a request for a unanimous-consent agreement or permitting the introduction of bills, he yields the floor? Does the Chair desire any citation of the rule?

The PRESIDING OFFICER. If a rigid enforcement of the rule is desired, the Chair will hold that the Senator having the floor yields the floor under such circumstances; but following the custom that has prevailed thus far in the day's proceedings, and in the absence of notice of rigid enforcement of the rule, the Chair will hold that the Senator from New York has the floor.

Mr. FESS. Mr. President, I did not wish to insist upon a rigid enforcement of the rule. I thought perhaps we would reach the point in the filibuster where we would like to have a ruling on that.

The PRESIDING OFFICER. The Chair would hold that under a rigid interpretation of the rule the Senator from New York would yield the floor if he yielded for such purposes.

Mr. COPELAND. Mr. President, what was the inquiry, if I might inquire of the Chair? I could not hear the Senator from Ohio. I should like to be advised regarding any possible infringement of my rights, and nobody is better qualified to speak along that line than is the Senator from Ohio.

Mr. FESS. Mr. President, my inquiry was to this effect: If the Senator who has the floor yields for an amendment to a bill or to some Senator to introduce a resolution or to submit a unanimous-consent request, if we were rigidly to enforce the rule that would take the Senator from the floor. The reason why I am making the inquiry is that while I have no desire to do it, and shall not, yet if there is a filibuster on the bill we may be compelled to resort to that action and enforce the rule as to no Senator being permitted to speak more than twice on the same bill in the same day. That is the purpose. I want to be frank and fair about it.

Mr. COPELAND. On the same bill or amendment?

Mr. FESS. Yes; and in case amendments are being offered which are evidently and obviously and simply a matter of dilatoriness, then we may be called upon to enforce the rule with reference to dilatory amendments. I shall not take any action of that sort, but this being so close to the end of the session and some of us thinking this measure quite important we may feel influenced to demand a rigid enforcement of the rule. I shall not do it, I will say to the Senator.

Mr. COPELAND. Mr. President, I am very glad to hear that the Senator will not indulge in a filibuster against the bill. I am anxious to have the discussion go forward, so the matter may be dealt with and concluded, and I hope I will have the cooperation of Senators in that respect. I am well aware of the attitude of the Senator from Ohio. When he occupies the chair, as he will no doubt do later in the day, the rules will be strictly enforced. He is a strict constructionist when it comes to the application of the rules of debate.

So far as I am concerned about the bill, I am willing to stop the whole discussion now if the Senator from Indiana [Mr. WATSON] will agree upon a date previous to the regular session of the next Congress. I hope to be able to develop as I proceed the obvious fact that the commission is being hamstrung in its efforts to do its best for the country and the radio business.

The reason why I am against the bill in its present form is because it seeks to continue these restrictions upon the commission which prevent it from doing a fine job in dealing with the radio problem. What I am seeking to do is to help develop the great radio industry and to aid in putting into every home in America receivers which may take messages of cheer and of music and of instruction in order that the industry may progress. The bill proposed by the Senator from Indiana seeks to continue to restrict the commission and to prevent it from being perfected against the invasion which are sure to be felt by the radio industry unless the commission is permitted to exercise its whole power as a judicial body to deal with these questions.

In this connection I want to quote a few words from a statement of Mr. Caldwell, the attorney for the commission, wherein he speaks upon the legal problems which are now presented. On the question of legal problems involved in the administration of the laws concerned with radio operation, Mr. Louis G. Caldwell, in a recent address before the American Bar Association, discussed these matters at length. He said:

All the disputes that necessarily arise in such a situation are reflected in hearings before the commission which have taken place almost daily for many months. On many, many questions the commission, the commission's lawyers, and lawyers representing the stations are feeling their way cautiously, trying to find helpful analogies from the rules of law that govern other kinds of business and human relations, and to work out principles that will insure an enduring foundation for the developments that are sure to come in the future. It is in these hearings that rules are being laid down and precedents established which will form an important part of radio law, independently of any statutes enacted by Congress.

The commission's decisions are in turn subject to review by the Court of Appeals of the District of Columbia. Any applicant whose application is denied by the commission may appeal to that court. There are now 11 appeals pending before that court, only 1 of which has been decided. That court faces a tremendously difficult and important duty, and a great deal depends on what foundations it builds.

RIGHT TO REGULATE

Then, in addition, there are several cases pending in the courts in which the power of the United States Government to regulate radio at all is being challenged. To understand these cases you should be familiar with what took place during the years just prior to the enactment of the radio act of 1927. No doubt you remember what is usually called the period of chaos, or the breakdown of the law, between July, 1926, and February, 1927, when nearly 200 new broadcasting stations sprang into being, although with the 550 then in existence there were already too many. You will also remember that many of the existing stations increased their power, and jumped onto other wave lengths, including those which were reserved exclusively for Canada. Radio reception was ruined.

INCREASE IN OPERATIONS

This state of affairs followed certain court decisions and an opinion by the Attorney General of the United States on July 8, 1926. The decisions and the opinion were to the effect that under the former law regulating radio the Secretary of Commerce had no right to refuse a license to anyone who applied for one, and furthermore that he had no right to prescribe what wave length, power, or hours a station might use. So the Secretary of Commerce, who until that time had very ably administered radio, had to give it up, and for several months his authority was limited to acting as a sort of a bookkeeper in which all radio stations registered what they wanted.

Consequently, there were 732 broadcasting stations in existence when the commission was established, of which there were about 700 left last spring. The cases now in court grew out of its attempt last summer to reduce this number, and to reduce the power or hours of others so as to cause less interference. Two stations with power of 500 watts were reduced by the commission to 100 watts and promptly brought suit to restrain the United States attorney at Chicago from enforcing either the radio act of 1927 or the commission's order. Another station, with 5,000 watts, was closed down entirely and threatened to go on the air without a license. The Government brought suit against it to restrain it from doing so. These cases all involve the question as to whether Congress has any power at all to regulate radio, and many incidental questions.

One of the legal questions which you probably hear the most frequently is, Who owns the ether?

Then he goes on to speak about various international treaties and the impossibility of restraining the waves and limiting them to one country. The waves of radio are like disease. They do not respect irrevocable boundaries or international law. They go where they will. We are dealing with one of the great powers of nature, one not yet thoroughly understood.

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

The PRESIDING OFFICER (Mr. STECK in the chair). Does the Senator from New York yield to the Senator from North Dakota?

Mr. COPELAND. I yield with the understanding that I do not lose my position.

Mr. COUZENS. Mr. President——

Mr. FRAZIER. I ask unanimous consent to insert in the RECORD——

Mr. COUZENS. Mr. President, the former occupant of the chair ruled that if there were any interruptions, the Senator from New York would lose his place. I insist upon the enforcement of the rule.

Mr. COPELAND. I am very sorry, I may say to the Senator from North Dakota. I should be very happy to yield to him, but we have so many in opposition to that procedure that I suppose I must decline to yield. I am sorry, and I say that in advance and I shall say so in each instance if I am interrupted.

The statement of Mr. Caldwell, the able attorney for the commission, shows conclusively how very important it is that the rights of our country shall be thoroughly guarded in order that we may not find ourselves in the future in that embarrassing position where we have no control over the ether and where it is demonstrated that we have not the power to regulate and control the activities of the radio industry.

It must be apparent to you, Mr. President, that the legal side of the question, the settlement of controversies, the many large problems involved in the protection of the country, are quite sufficient to demand all the time and attention of this body. I am amazed to think that any patriotic citizen loving his country, interested in its development in every one of the scientific lines, and in the arts and in all things that contribute to the happiness, prosperity, and progress of our Nation, should advocate the enactment of a law which hampers and restrains the protection of our rights.

Let us look at the bill which is proposed to be enacted into law. What is its purpose? What does it do? It seeks to void the action of Congress two years ago in establishing a way of dealing with these great problems and by practically eliminating the effective action of the board to ruin the whole great industry. The Senator from Indiana was not satisfied with the bill he presented. It did not go far enough in assassinating the enterprise.

So he substitutes the House bill, which has in it all the evil suggestions of the Senate bill, and, besides that, has section 4, which I quote in part, as follows:

> The term of office of each member of the commission shall expire on February 23, 1930.

If we listen at all to what Mr. Caldwell, the attorney, said about the legal complications and the necessities of the enterprise, we realize that they can not be settled by February 23, 1930, less than one year from this date. That is all wrong. The Radio Commission should be permitted to do what it was established to do. Provision was made by law that there should be five commissioners appointed, in the first place, one for two, one for three, one for four, one for five, and one for six years, and then reappointments should be made. In other words, that there should be all the time five commissioners, not until February 23, 1930, but at least until 1935, and so far as the law is concerned, the commission would continue to operate so long as there was any need for its services.

The chairman of the committee, the distinguished, able, and astute Senator from Indiana [Mr. WATSON], not satisfied with the way he hamstrung the commission in the bill he presented, now says to them, "If you are good you may work 11 months and 20 days." These commissioners should understand that their tenure of office is for the term of the appointment and be permitted through their respective terms to accomplish the purpose for which they were appointed. However, the Senator will, of course, succeed in passing this bill. He has served notice now that we are to stay here all to-day and all to-night. I suppose that means all day to-morrow; and he might even be willing to break the Sabbath for the sake of having this bill passed, which will take the heart out of the commission and make impossible the protection of the country. That is all right; I am going to do my part, and stand off that evil time for a few hours anyway. Then I shall know at the day of judgment that I did my share to prevent the country from being raped, as it will be if this bill shall be passed.

This matter was very thoroughly considered by the House committee and the Senate committee in extensive hearings which were held in 1926 and 1927, and of all the testimony which was given there was no testimony more enlightening than that given by the distinguished gentleman who at 12 o'clock on Monday next will become President of the United States. I may say to my distinguished friend from Indiana that I believe I was mistaken about the propriety of making Mr. Hoover President. If he is as sane and sensible about everything else as he is about radio, he will make the greatest President that the country ever had.

Mr. Herbert Hoover, then Secretary of Commerce of the United States, on Wednesday, the 6th day of January, 1926, in a hearing before the Committee on the Merchant Marine and Fisheries of the House of Representatives made first a formal statement, which he read into the record. It was afterwards discussed by the committee and by Mr. Hoover. On page 11 of the hearings on House bill 5589, January 6, we find this statement. I trust I shall not find it necessary to read all of it into the RECORD. I suppose, however, it may be necessary to do it if the Senator from Ohio [Mr. FESS] shall ultimately preside. He was once in the chair when I was trying to defeat another bill five or six years ago, and he aided valiantly in defeating my patriotic purposes at that period, as I suppose he will succeed in doing this time. I congratulate him upon what he did then, and I congratulate him in anticipation of what he may later do on this date. But, in any event, I shall not at this time read all of Mr. Hoover's testimony, although all of it is interesting, instructive, enlightening, illuminating, and valuable. He divides his statement into various sections, and I find in section 5 he says:

> 5. The bill vests in the Secretary of Commerce the power to grant or refuse licenses, but his power is so limited as to obviate the possibility of its arbitrary exercise. The Secretary is required to make his determination with the public benefit as the test and standard. There is a complete check upon either arbitrary, unjust, or erroneous action by an appeal to the court by which a controversial question is determined independently and de novo. I have always taken the position that authority to control the granting of radio privileges is too great a power to be placed in the hands of any one administrative officer, and I am glad to see the checks and reviews which are imposed upon that power by this bill.

That is the end of the fifth recommendation of Mr. Hoover. See how wise that is. I do not know why I should stand here on the Democratic side of the aisle to praise the man who will become President of the United States on next Monday. If this debate were occurring on next Tuesday, of course he would be my President then, and it would be my duty to be for my President—right or wrong, my President. Yet I must confess that my study of the statement made by Mr. Hoover in this hearing has given me greater respect for him than I ever had before.

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

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Dakota?

Mr. COPELAND. Mr. President, the Senator from Ohio [Mr. FESS], who is a strict constructionist, who insists that the rules shall always be carried out to the letter, no matter what the spirit may be, thinks that it is irregular for me to yield for any purpose. If I may be assured, however, by the Presiding Officer that my position on the floor will not be endangered by reason of yielding, of course I will be glad to yield, but I want to be assured that it is all right to do so.

The PRESIDING OFFICER. The present occupant of the chair will say that he will recognize the Senator from New York at the conclusion of the business which the Senator from South Dakota desires to present.

Mr. COPELAND. I thank the Chair.

Mr. COUZENS. Mr. President, I insist upon the maintenance of the rule.

The PRESIDING OFFICER. The Chair understands that the Senator from New York has yielded to the Senator from South Dakota on the condition stated by the present occupant of the chair.

Mr. COPELAND. He does not need to consult my opponent on this bill just to get permission to have his bill considered; does he? Does the Senator wish to proceed?

Mr. McMASTER. Did the Senator yield?

Mr. COPELAND. The Chair assured me that it would be all right.

Mr. McMASTER. Mr. President, I ask unanimous consent, as in executive session, that the presidential nomination of a certain judge in South Dakota be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York.

Mr. COPELAND. Mr. Hoover, in this statement——

Mr. WATSON. Mr. President, I should like to ask——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. WATSON. No; I wish to make a parliamentary inquiry, if the Senator will permit that.

The PRESIDING OFFICER. The Senator will state it.

Mr. WATSON. Is the Senator from New York now on his second speech?

The PRESIDING OFFICER. He is on his second speech——

Mr. COPELAND. No, Mr. President.

The PRESIDING OFFICER. On the amendment.

Mr. COPELAND. My second speech?

The PRESIDING OFFICER. On the amendment.

Mr. COPELAND. When, if I may inquire, did I lose my position as making the first one?

Mr. WATSON. When the Senator yielded just now.

The PRESIDING OFFICER. The Senator from New York yielded on the statement of the Chair that he would recognize the Senator from New York on the conclusion of the business which was to be conducted at the request of the Senator from South Dakota.

Mr. COPELAND. Mr. President, it makes very little difference to me at this stage of the proceedings; but I want to say that I distinctly understood that if I yielded for this purpose I would be recognized in my original right.

The PRESIDING OFFICER. The Chair did not so understand.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Dakota?

Mr. COPELAND. If I yield for any comment from the Senator from South Dakota do I then lose the floor?

The PRESIDING OFFICER. The Senator does not?

Mr. McMASTER. I merely wish to say, Mr. President, that when I asked the Senator to yield for the purpose of sending a presidential nomination to the Judiciary Committee, I distinctly understood that the Senator from New York would not in any wise lose any of his rights.

Mr. COPELAND. So did the Senator from New York understand.

Mr. McMASTER. Otherwise, I never would have made the request, because I felt that it was an important matter, and that under the circumstances the Senator's rights should not be prejudiced because of his yielding at that time. That was my understanding.

Mr. SMOOT. Mr. President, under the circumstances, in view of the fact that neither the Senator from New York nor the Senator from South Dakota, who requested the action, so understood, I ask unanimous consent that this be not counted against the Senator from New York.

Mr. WATSON. Mr. President, I have no objection to that, but——

Mr. COPELAND. Just a moment. I am very much obliged to the Senator from Utah. The Senator is a friend of mine, and is always kind; but I claim the floor in my own right, and without any unanimous-consent arrangement or any concession on the part of anybody. I yielded the floor with the distinct understanding from the Chair that when this matter was disposed of I would have the floor in my own right and in my original right; and I claim it in that way.

The PRESIDING OFFICER. The Chair did not so understand it. The Chair stated, in response to the question of the Senator from New York, that upon the completion of the business presented by the Senator from South Dakota the Senator from New York would be recognized, understanding that the Senator from New York, from the statement he had just made, understood that the rules were to be strictly enforced, not by the disposition of the present occupant of the Chair, but by the insistence of the Senator from Ohio [Mr. FESS].

Mr. SMOOT. Mr. President, I want to say to the Senator from New York that I had no intention whatever of making a request that he was not in favor of, or that he would not receive with good grace. I had no intention whatever of casting any reflection on the position the Senator had taken. If the Senator objects to my request, I shall ask permission to withdraw it.

Mr. COPELAND. I do not want the Senator to think that I take second place in graciousness, but I do feel that there is a principle at issue here. In all good faith, relying upon what I was told by the Presiding Officer, I yielded to the Senator from South Dakota, expecting to resume my original right to the floor.

Mr. SMOOT. Under the rules, of course, the Senator did lose the floor; but that is the reason why I asked unanimous consent that he should not do so. Now, so far as I am concerned, if the Senator wants me to, I will withdraw that request.

Mr. COPELAND. No; I could not be so ungracious as that. I am very much obliged to the Senator, and I shall accept his request in the spirit in which he made it.

The PRESIDING OFFICER. The Chair did not understand that the right of the Senator from New York was being prejudiced, because he has the right to speak twice on the bill, and twice on each amendment.

Mr. COPELAND. Then, as I understand the matter, Mr. President, I am now speaking in my original right, and the first time, on the bill, by reason of the unanimous consent.

The PRESIDING OFFICER. Unless there is objection, and the Chair hears none.

Mr. COPELAND. Now, then——

Mr. FESS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Ohio?

Mr. FESS. I desire to correct a statement of the Chair.

Mr. COPELAND. Mr. President, will I lose the floor if I permit the Senator from Ohio to orate?

The PRESIDING OFFICER. The Senator will not.

Mr. COPELAND. I want to know now.

The PRESIDING OFFICER. The Chair has stated that the Senator from New York will not lose the floor.

Mr. FESS. When a unanimous-consent request is made I have a right to reserve the right to object until I have made a statement. That does not take the Senator off the floor. I wanted to make this statement:

The Chair assumed from what the Senator from New York had stated that I demanded the rigid enforcement of the rules. I had stated that I would not demand that, and I should like to have that statement corrected.

The PRESIDING OFFICER. The present occupant of the chair was attempting to repeat the words of the Senator from New York and was not quoting the Senator from Ohio.

Mr. FESS. It may be that rigid enforcement of the rules will be necessary.

Mr. COPELAND. I accept all the apologies.

Mr. WATSON. Mr. President, may I make a statement?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. COPELAND. Just a moment, Mr. President. I do not think I can yield.

Mr. WATSON. I am reserving the right to object to the unanimous-consent request made by the Senator from Utah for the purpose of making a statement.

The PRESIDING OFFICER. The unanimous-consent request has already been agreed to.

Mr. WATSON. Then I can not make the statement under that pretext.

Mr. COPELAND. The far-seeing Senator from Indiana will find a pretext, so that he will be able to make it.

I am sorry that I have to announce to my colleagues, limited in number but filled with enthusiasm, that I must refuse to yield from now on. I am the monarch of all I survey; my right there is none to dispute, provided I do not yield to some one.

In this statement of Mr. Herbert Hoover, he speaks——

Mr. COUZENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COUZENS. Under the rules, is the Senator who is occupying the floor required to remain at his seat?

The PRESIDING OFFICER. The Chair understands that there is such a rule. The Chair does not remember its ever having been enforced during the short time he has been in the Senate.

Mr. COUZENS. In view of the fact that we are enforcing the rules at this time, I request that the Chair enforce the rule.

The PRESIDING OFFICER. The Chair understood that that was a mere statement that the rules would be enforced, not by the present occupant of the chair.

Mr. COPELAND. Mr. President, am I in due form?

The PRESIDING OFFICER. The Senator from New York will proceed.

Mr. COPELAND. I thought I was imposed upon by the Senator from Ohio [Mr. FESS] four or five years ago when he called me to account for not rising to address the Chair. I had leaned upon the arm of the chair behind me. When I protested against the cruelty of his action, when I had always looked upon him as a Methodist brother and found him instead to be a rigid Presbyterian, he told me—and that is the reason why I know so well what the rule is—that if he called me strictly to account I could not perambulate about the Chamber. So that is the rule; but the Senator from Ohio said he would not be so cruel as to impose quiet upon one who likes to take exercise as I do. Now, here comes the Senator from Michigan, insisting upon the rules, helping the Senator from Indiana to pass this nefarious measure by demanding strict construction.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COPELAND. The Senator from Michigan is not in his seat. I demand that he take it. [Laughter.]

The PRESIDING OFFICER. He is not addressing the Chair.

Mr. COPELAND. Has he a right to be in the seat of another Senator? He addressed the Chair.

The PRESIDING OFFICER. The Senator entitled to that seat did not demand it.

Mr. COPELAND. He addressed the Chair from the seat of the Senator from Wyoming [Mr. WARREN]. He violated the rules of the Senate. I shall not insist, however, upon a ruling.

If the time comes when we observe the rules of the Senate there will be order in the Chamber on all occasions, and the Senate will proceed in an orderly and decent way to transact its business.

I am a loose constructionist; but I give you my word that for the rest of this afternoon, so far as I know them, the rules of debate are going to be strictly enforced.

Now, being in my own place, and having risen to address the Chair, I will proceed with the statement of Mr. Herbert Hoover; and I hope that there are those on the other side of the aisle who are not particularly respectful to me at times who at least will be respectful to their successful candidate for President.

There are lots of things that we can say to-day that we can not say after noon on Monday, and the mention of the name of Mr. Hoover is a reminder to me. There is in my State an outstanding citizen, a distinguished lawyer, a brave soldier, a man who has served his country, Mr. Donovan; and now we learn that he can not be appointed to the office of Attorney General because he is a Catholic or a "wet," I am not sure which. It is an outrageous thing that this man should be deprived of the privilege of serving his country, and serving it well, because he does not happen to conform to the standard fixed by those who dominate the next President.

Mr. SMOOT. Mr. President——

Mr. COPELAND. I can not yield.

The PRESIDING OFFICER. The Senator from New York refuses to yield.

Mr. COPELAND. Mr. Hoover, in his statement on the 6th of January, 1926, defined very clearly the distinction which should be made in regard to the arbitrary action of any body, commission, secretary, or what not. He defined the necessity of having an appeal from that body. Now, listen to me, Senators. The very group of men who establish the standards and attempt to adjust differences and sometimes fail, acting as an administrative body, acts as a court of appeals on its own decisions. Could anything be more absurd?

When we passed the law in 1927, we recognized that; we recognized that it would be an absurdity and an anomaly for an appellate court to deal with questions which the same group of men had dealt with as an administrative board. Yet Senators who favor this bill are proposing to continue that absurdity.

Mr. Hoover does not take that view. He recognized the necessity of having a different body deal with those questions. He said:

> There should be a complete check upon arbitrary, unjust, or erroneous action.

Yet here we are proposing by the enactment of this legislation to have the same men, as an appellate court, decide whether or not the action taken by them as administrators was "arbitrary, unjust, or erroneous." One has but to recite that fact to show how outrageous the proposal is.

In the further statement of Mr. Hoover to the House committee, as found on page 11 of the hearings before the Committee on Merchant Marine and Fisheries of the House, Sixty-ninth Congress, on House bill 558, I find this. I quote Mr. Hoover:

> Sixth, the bill provides for a national commission of nine members to which may be referred any questions upon which the Secretary of Commerce desires their judgment.

As we ultimately passed the law, instead of the commission having nine members it has five members; but, of course, the same principle applies.

> There are many purely administrative questions in the detail of administrative regulation, such, for instance, as the assignment of a particular wave length to a given station, which may properly be left to the judgment of a single official.

This man speaks almost as if he were inspired. Of course, I never could have split my ticket, but I declare, if I had known this before election, it would have made the campaign harder in some respects.

> There are many purely administrative questions in the detail of administrative regulations, such, for instance, as the assignment of a particular wave length to a given station, which may properly be left to the judgment of a single official.

That is exactly what I am contending for, that the details of administrative regulations should be left to the men in the Department of Commerce, where they were then, where they are now. As I shall show at a later time, while there are some employees in the commission, in general the work is done in the Department of Commerce even at this moment. I will give the facts about that.

I am about to quote now, may I say, from page 145 of the hearings before the Committee on Interstate Commerce of the Senate on Senate bill 4937, to continue the Federal Radio Commission. This is the testimony of Commissioner Caldwell. I will ask Senators not to be confused in their minds between Commissioner Caldwell and Attorney Caldwell. Commissioner Caldwell is the gentleman of whom I spoke, who has been interested in radio so many years, who is a radio engineer, and whom I designated and truly believe to be the greatest authority on radio in the world. He was the member of the commission at the hearing. I quote the language of Commissioner Caldwell:

> I think all of you gentlemen, Members of Congress, will recall that radio was handled best and the complaints were fewest when radio was under the supervision of the Department of Commerce, under Secretary Hoover.
>
> Some questions have been asked as to just what the radio division of the Department of Commerce is. That radio division at present consists of 135 people, in comparison with the Radio Commission's present staff of 82 people. The staff of the radio division of the Department of Commerce includes 65 trained radio men who are competent radio experts scattered over the country. The Radio Commission at this time has only four trained radio men outside of the two officers who have been loaned it by the Army and Navy. The ratio there is 65 to 4 trained radio men, the rest of the employees in both organizations being largely clerical.

Yet there are those who are clamoring that the administrative features of the radio business should be left with the Radio Commission, when as a matter of fact in the commission there are 4 trained technical men while in the Department of Commerce there are 65. I am not talking about ancient history; I am talking about the condition which prevails now, on the 1st day of March, 1929. The technical work is being done, as it should be, in the Department of Commerce, and that is where the work will be done if we defeat this bill. That is where the work has been done; that is where the work will be done, no matter whether we pass the bill or defeat the bill. The administrative work will be done in the Department of Commerce.

We are hampering this commission by requiring the commission to sit around in these various hearings conducted by these experts, these technical men, cluttering up the records of the commission with hearings over matters which are trivial or technical, and where there is no more need of the physical presence of the commissioners than there is need of the presence there of the President of the United States.

I know that there will be dozens of Senators who will vote for this bill who truly believe that I am advocating the destruction of the commission and its abolition. Every day some Senator has said to me, "Why do you want to abolish the commission?" I do not want to abolish the commission. I want to take away from the commission the necessity of dealing with these trivial things, in order that the commission may devote itself to the larger things which have to do with the development of the industry and the maintenance of the rights of the country in it. That is exactly the situation.

Mr. Hoover saw that. He said:

> There are many purely administrative questions in the detail of administrative regulation, such, for instance, as the assignment of a particular wave length to a given station, which may properly be left to the judgment of a single official.

That is what will happen if this bill is modified to take out that outrageous amendment which proposes to terminate the terms of the commissioners on the 23d of next February, and permit this body to do the great work which it was established to do.

Now I wish to quote again from Mr. Hoover:

> But there are other broader and more important matters, such, for instance, as the determination of the persons who are to exercise radio privileges under the rule of public interest, which involve a large element of discretion and in which it is wise to have the consensus of several minds.

He speaks as one inspired. I quote further:

> Such decisions, especially where the questions become controversial, should properly be made by a board rather than an individual. To draw a legislative line between these two classes of functions is no doubt difficult; but it seems to me the line lies at the point of controversy as to the radio privileges.

The judgment of the board is made final and binding, subject only to an appeal to the courts, and I consider this a highly important provision.

He says we should draw a legislative line between these two classes of functions; that is, the administrative on the one hand and the judicial on the other; that we should draw a line between those two classes, and the line lies at the point of controversy as to the radio privileges.

That was written into the law, and very wisely so. I want Senators to see that the committee, acting upon the wise suggestion of Mr. Hoover, did write this into the law. I hold in my hands a copy of the radio law, Public Law No. 632, Sixty-ninth Congress, H. R. 9971. This is an act for the regulation of radio communications and for other purposes. It is the original and the present radio law.

It states:

Any person—

Mr. President, I am now a strict constructionist, and order should prevail. I had a teacher once who said that "Order is Heaven's first law."

The PRESIDING OFFICER. The Senate will be in order.

Mr. HEFLIN. Mr. President, I take it from that remark that the Presiding Officer wants the Senate to be as near heavenly as possible. [Laughter.]

Mr. COPELAND. As near as possible is right, with emphasis on the "possible."

Mr. Hoover said:

That any question of dispute as to who shall enjoy the radio privilege may be referred to that body not through the volition of the Secretary of Commerce but by either applicant or disputant in the question.

Now see what was put in the law: This man spoke as one inspired, and I am amazed that the Congress of the United States adopted so thoroughly all the wise suggestions he made. I am making some wise suggestions to-day which will not be adopted. However, I shall make them anyway. The law provides:

Any person, company, or corporation, or any State or political subdivision thereof, aggrieved or whose interests are adversely affected by any decision, determination, or regulation of the Secretary of Commerce, may appeal therefrom to the commission by filing with the Secretary of Commerce notice of such appeal within 30 days after such decision or determination or promulgation of such regulation. All papers and other records pertaining to such application on file with the Secretary will thereupon be transferred by him to the commission. The commission shall hear such appeals de novo under such rules and regulations as it may determine.

"Shall hear such appeals de novo," as if they were entirely new. Does that happen? Mr. President, you know it does not. What happens now is that in the Department of Commerce the radio commissioners have to sit in to listen to all of these discussions and then, having rendered a decision, do the absurdly impossible thing of hearing de novo an appeal. I should think that anybody who has any desire in the world to protect the interests of this country would see how ridiculous it is to ask the commission to deal de novo with a problem which it has already settled by its administrative acts.

Mr. Hoover went on to say:

The judgment of the board is made final and binding subject only to an appeal to the court.

That is what the law provides. I quote further:

Decisions by the commission as to matters so appealed and as to all other matters over which it has jurisdiction shall be finally subject to the right of appeal herein given.

So Mr. Hoover recommended that we should draw a line between what he called these two classes of functions, the administrative on the one side and the judicial on the other, and that that decision when made by the board acting de novo, taking the matter all over again, acting as if it were a new question, and then that the judgment should be made final and binding subject only to appeal to the court, as Mr. Hoover said. Then I quote further from him:

As some of the members of the committee know, I have felt that the provision for a board of reference should be somewhat tightened up over the present construction of the bill.

Mr. President, there is "confusion in the temple."

The PRESIDING OFFICER. The Senator from New York requests that the Senate be in order.

Mr. COPELAND. I quote further:

In other words, that any question of dispute as to who shall enjoy the radio privilege may be referred to that body, not through the volition of the Secretary of Commerce, but by either applicant or disputant in the question. Those who have followed the details of radio regulation will recognize that a very large part of the disputes and frictions in the radio world are settled by amiable arbitration of the department and that our officials are able to wipe away 90 per cent of the disputes which occur; but it seems to me there must be some point at which no arbitrary action can be taken. The privilege of broadcasting will be of enhancing importance and, so long as the art fails to develop sufficient channels so that all comers may broadcast, that privilege will accrue more and more of public importance. And it is for that reason that I emphasize the necessity of some independent body being able to settle public disputes as to the radio privilege.

And yet almost without exception the ardent and enthusiastic followers of Herbert Hoover on the other side of the aisle intimate that Mr. Hoover is all wrong, that he does not know anything about the radio business, and we have a right to conclude, therefore, that he does not know about any kind of governmental business. Of course that is absurd. This is a man who has made an intimate study of radio and probably knows more about it than anybody in the country except Commissioner Caldwell and "whose wise guidance in the formative stages of radio communication contributed so greatly to the development of this new service to the American people." I quote those few words from the dedication to Herbert Hoover of a remarkable book by Stephen Davis on The Law of Radio Communication, a book which should be read by everybody who really wants to know something about radio and who does not depend for his information upon what he is told in a few words by the chairman of the Senate Committee on Interstate Commerce.

As I said a little while ago——

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

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Alabama?

Mr. COPELAND. For what purpose, may I ask?

Mr. HEFLIN. To suggest the absence of a quorum.

Mr. COPELAND. I yield for that purpose.

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

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

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

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

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

Mr. COPELAND. Mr. President, I hope we may have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COPELAND. Mr. President, Mr. DAVIS, of the House committee, asked a question, which will be found on page 13 of the hearings before the Marine and Fisheries Committee of January 6, 1927.

Mr. President, we are under a strict construction of the rules to-day. I hope the Chair will preserve order in the Senate.

The PRESIDING OFFICER. The Senator from New York requests that the Senate be in order.

Mr. COPELAND. I think, under the rules, if I am rightly advised, Senators have to sit down, do they not, except when addressing the Chair?

Mr. REED of Pennsylvania. Or when entering or leaving the Chamber.

Mr. COPELAND. Mr. President, I can not yield to the Senator.

The PRESIDING OFFICER. Is that a suggestion of the Senator from New York, or does he make a point of order?

Mr. COPELAND. I have no suggestion to make. I will trust to the good judgment of the Presiding Officer.

I shall now read from the hearings. Mr. DAVIS asked this question:

I should like to get Mr. Hoover's opinion on a matter of policy while he is before us. Mr. Secretary, you referred to the fact that in accordance with your views as well as the views of others on the committee, and Mr. WHITE, particularly, in the preparation of this bill, it has been undertaken to meet the situation as expressed by you just now, and which you have several times previously expressed, that you did not think sole and final authority ought to be vested in the Secretary of Commerce or in any other one man. As I say, they have undertaken to meet that situation in two particulars; one by granting an appeal to the courts in certain instances, and the other by that reference board.

You have just expressed the idea that the bill ought to be tightened up, and I presume you mean made more comprehensive, in a way, with respect to the reference board. Now, have you given any consideration to the idea of creating a permanent commission which might have jurisdiction over not only radio matters but also of the telephone and telegraph, which the Interstate Commerce Commission now has nominal jurisdiction of for the determination of what might be termed quasi judicial powers and certain matters of regulation, and then to grant an appeal to this commission where an appeal is granted from the administrative officer which, under the provisions of this bill, is the Secretary of Commerce, instead of an appeal to the courts?

Then Mr. Hoover replied—and I quote his reply:

Mr. DAVIS, I have not given the matter as much thought as I should like to.

What I am quoting from Mr. Hoover is of interest to several members of the Interstate Commerce Committee who have in mind the establishment of a communications department, to have a body like the Interstate Commerce Commission, in a sense, a body to have supervision not alone of radio communication but of telegraph and telephone communication, all forms of communication through the air or by wire.

We might just as well talk about cutting a slice of cheese out of the moon as to think that by prolonging the life of this board for one year, only at the end of that time the Congress would pass an act establishing a communications department. I have no doubt that the time may come when such a department will be instituted, but the members of the committee who are seeking to hamstring the Radio Commission for a period of one year from the 23d of last month, in order to have this matter go over to the 23d of February, 1930, are enthusiastic and hopeful, indeed, if they think that between the time we convene on the first Monday in December of 1929 and the 23d of February, 1930, two months, we are going to enact legislation to establish a communications department. Yet, when I talk to certain Members of the Senate in private, they tell me the reason they want to postpone this for one year is in order that there may be established a communications department of the Government. It is ridiculous, absurd, to think that it could be done, no matter how meritorious the project is. I am not sure but it is a good plan. However, the first question that would be raised by the thousands of stockholders of the Western Union and the Postal Telegraph companies would be: "If you have so much faith in the idea of a communications department for all lines of communication through the air, why have you not tried it for the radio?"

I am sorry, Mr. President, that I do not see in the Chamber among the 16 Senators who are present and attending to their duties one particular Senator. Pretty soon I am going to make a list of the absentees. There is not anything a Senator, when he runs for office, hates so much as the charge that he is inattentive to his duties. I do not know that I will give the names; yet I am not sure but that I shall. Already I see a distinguished Member of the Senate proceeding to his seat, and that is a good idea. I hope they will all do so.

My attention has been called to the fact that among the 16 I counted 2 or 3 are Members of the House, so I presume there are not over 12 Members of the Senate present, although it is now 25 minutes after 4 o'clock in the afternoon, the very time of day when every Senator should be in his seat, giving attention to the business of the United States. Anyway, of the Senators I have in mind who have been talking to me about a communications department of government, not one is here because they are so certain——

Mr. WHEELER. That this bill is going to pass?

Mr. COPELAND. That they will put up a lightning rod and have some sort of communication which would afford the final judgment on what is right about this measure, even though I venture to say not more than 16 of them have ever read it.

Mr. WALSH of Massachusetts. Will the Senator forgive me for not giving him my attention while I go to the desk for a moment? [Laughter.]

Mr. COPELAND. If there is one man in the United States Senate who is always attending to his duty, who never fails to study every bill and its significance to the people of his State and of the country, it is the distinguished Senator from Massachusetts [Mr. WALSH]. As he apologized just now as he passed me, he said he was simply going to the desk to get a paper and when he gets that he will return to his seat. I know he will do so, because he seeks always to widen his knowledge and to be informed on a subject which has to do with the welfare of the Nation.

Mr. WHEELER. Will the Senator tell us what he is trying to inform the Senate on now?

Mr. COPELAND. I can not yield.

Mr. HEFLIN. Perhaps the Senator from Montana wants a compliment paid to him.

Mr. COPELAND. I can not yield.

The PRESIDING OFFICER (Mr. TYSON in the chair). The Senator from New York declines to yield.

Mr. BINGHAM. Mr. President, will the Senator yield to me in order that I may put something in the RECORD?

Mr. COPELAND. I can not yield. I will not give the name of the Senator who has just passed me, because I do not want the RECORD to show that he has been out of the Chamber until now; but I must say to the Senator that we are operating under a strict construction of the rules. The hard-hearted senior Senator from Ohio [Mr. FESS] has outlined the necessity for a strict observance under certain conditions. I must not be too hard upon him, because he was willing to allow some elasticity, but he will not permit me to yield. I want to yield; I would love to yield to the Senator from Connecticut. He is a handsome man; he is a fine, lovable character, but I can not yield. I am sorry. [Laughter.]

Mr. President, the other night when we discussed this matter the question of a department of communication was raised. I think that is worthy of study. The way to find out whether or not it is practical and sensible and workable is to give the Radio Commission the power which it deserves by reason of past achievements. I want to say that it has been a good commission. I have no criticism to pass on its major acts.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BINGHAM. Is it in accordance with the ruling of the Chair that for a Senator to yield for a question is yielding the floor?

The PRESIDING OFFICER. He has a right to yield for a question only.

Mr. BLEASE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BLEASE. Is it legal to transact business without a quorum of the Senate being physically present?

The PRESIDING OFFICER. On the record, there is a quorum present.

Mr. COPELAND. Mr. President, the Senator from Connecticut addressed a parliamentary inquiry to the Chair, and I wish he would listen to what I say. I am extremely sorry about the attitude of the Chair with reference to this matter. I should like to yield; and if the Senator can discover some means by which I can yield I will gladly yield to him, in order that the matter of importance which I have no doubt he has in mind may be given the attention it deserves.

Mr. BINGHAM. I had a question in mind, but I was afraid to ask it for fear it might cause the Senator to lose the floor.

Mr. COPELAND. Mr. President, about this matter of a communications department, as it is at this moment the Interstate Commerce Commission has jurisdiction over the telephone and telegraph systems of the country.

(At this point a message was received from the House of Representatives, which appears before Mr. COPELAND's speech.)

Mr. WALSH of Massachusetts. Mr. President, may the clerk state, for the information of the Senate, the bills that have been transmitted from the House?

Mr. KING. The Senator from Massachusetts does not ask for any action upon them?

Mr. WALSH of Massachusetts. Oh, no.

The PRESIDING OFFICER. The Chair will state that the message refers to two House bills.

Mr. WALSH of Massachusetts. What are the names of the bills?

The PRESIDING OFFICER. They are House bills which require no further action on the part of the Senate. The Senator from New York will proceed.

Mr. BLEASE. Mr. President, did not the House clerk say that conferees were asked for on one of those bills? I understood him to say that the House asked for conferees on one of them.

Mr. JONES. The Clerk announced that the House had agreed to the conference asked by the Senate.

Mr. BINGHAM. Mr. President, the matter has not yet been laid before the Senate.

The PRESIDING OFFICER. The Chair will state that the House has agreed to the request of the Senate for a conference.

Mr. BINGHAM. Mr. President, has the matter been laid before the Senate?

The PRESIDING OFFICER. The Chair will state that it does not have to be laid before the Senate.

Mr. BINGHAM. How can the Chair inform the Senate as to what the message contains unless it has been laid before the Senate?

Mr. BLEASE. We will make that point later, Mr. President.

Mr. KING. The Chair has prescience.

The PRESIDING OFFICER. The Chair will state that the announcement was made at the door of the Senate by a representative of the House.

Mr. COPELAND. Mr. President, I understood that the appointment of conferees on a bill was asked for. I am perfectly willing to yield for the purpose of making the appointment of the conferees. I do not wish to hold up any important business. If I can do that without yielding the floor, I am very happy to do it.

The PRESIDING OFFICER. The Senate asked for a conference on its amendment numbered 39 to the Interior Department appropriation bill; and this is a message from the House announcing that it has agreed to the request for a conference, as stated to the Chair by the clerk.

Mr. BINGHAM. Mr. President, this seems to me a very extraordinary manner of laying before the Senate a message from the House of Representatives. I have never before known a case where it was necessary for the Presiding Officer to ask the clerk what was in the message. The usual method is to lay the message before the Senate.

The PRESIDING OFFICER. The Chair will state that that is the ruling the Chair will make, as recommended by the parliamentarian of the Senate.

Mr. BINGHAM. I appeal from the ruling of the Chair, Mr. President.

Mr. KING. Does the Senator object to the Chair laying down the message?

Mr. BINGHAM. I have no objection to that. I understood that the Chair was asked to lay down the message.

The PRESIDING OFFICER. The Chair will lay down to the Senate whatever messages are required to be laid down under the rules of the Senate.

Mr. KING. I call for the regular order.

Mr. FESS. Mr. President, a parliamentary inquiry: I understand that the Senate asked for another conference on amendment numbered 39 and the House has agreed to it. That ends it.

Mr. BINGHAM. Mr. President, I appeal from the ruling of the Chair.

The PRESIDING OFFICER. The Senator from Connecticut appeals from the ruling of the Chair.

Mr. ASHURST. Mr. President, the Chair is perfectly right. Paragraph 7, of Rule VII, reads as follows——

Mr. BINGHAM. Mr. President, a parliamentary inquiry: An appeal is pending from the ruling of the Chair.

Mr. ASHURST. And I desire to discuss that appeal.

The PRESIDING OFFICER. The Senator from New York has the floor. Does he yield to the Senator from Arizona?

Mr. ASHURST. I simply desire to read this rule, which shows that the Chair is perfectly correct. As soon as a message is received it is the duty of the Chair to lay it before the Senate, which the Chair did; and any Senator may at any time ask that it be laid before the Senate. I ask the clerk to read all of that rule—paragraph 7 of Rule VII, page 13 of the Rules.

The PRESIDING OFFICER. The rule is that—

> The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

The Chair will rule that there is no further action to be taken upon the message sent from the House of Representatives until the conference report comes in.

Mr. BINGHAM. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. BINGHAM. Has the Chair laid the matter before the Senate?

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives transmitting certain resolutions, and granting a conference with the Senate on the Interior Department appropriation bill.

Mr. BLACK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. BLACK. I understood that the Senator from Connecticut appealed from the decision of the Chair.

Mr. BINGHAM. The Chair has now laid before the Senate the message. The question which I asked the Chair was how it was possible for the Chair to tell the Senate what was in the message from the House through the medium of asking the clerk before the matter had been laid before the Senate; but the Chair now has performed his duty in accordance with the rule, and laid the matter before the Senate.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Mexico will state the parliamentary inquiry.

Mr. BRATTON. As I understood, prior to that action, however, the Chair had made a ruling from which the Senator from Connecticut appealed, and unless he withdraws the appeal it is pending before the Senate.

The PRESIDING OFFICER. Does the Senator from Connecticut desire to have his appeal submitted to the Senate?

Mr. BINGHAM. No, Mr. President; I withdraw the appeal.

Mr. COPELAND. Moreover, Mr. President——

The PRESIDING OFFICER. The Chair asks the Senate what action they will take upon the message from the House of Representatives?

Mr. WALSH of Massachusetts. I move that the bills be referred to the appropriate committees.

The PRESIDING OFFICER. You have heard the motion.

Mr. JONES. Mr. President——

Mr. WATSON. What is the business before the Senate that the Chair is laying down?

The PRESIDING OFFICER. The radio bill is before the Senate, and the Senator from New York has the floor.

Mr. COPELAND. Mr. President, we know the rules very well when it comes to where a Senator shall stand on his feet; but we do not seem to know them very well when it comes to a matter of vital importance.

I want the Senate to listen to this fine report made by Mr. Caldwell, the commission's special counsel. Before doing so, I will return for just a moment to the communications department.

I observe that one or two Senators have returned to the Chamber. I have already said that from time to time I shall include in my remarks the names of the absentees, but I notice one or two here who were not here a little while ago.

Mr. President, there is one rule that I am going to insist on, and that is the rule of order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COPELAND. Nothing could be more ridiculous than the argument that we should continue this Radio Commission to the 23d of February of next year in order that we may arrange for a communications department. Before a communications department is arranged for, the Committee on Interstate Commerce in the Senate and the appropriate committee in the House will have hearings that will extend over years, if I am any prophet. If I were to defeat this bill on the theory that it is going to facilitate the establishment of a communications department I should not be very far-seeing, to say the least, and I should feel that I was utterly unpatriotic to do a thing which is going to hamstring the commission and defeat it in carrying on a work of vast importance to every home in America.

In the United States Daily of February 28 I find this address, and I shall read part of this report. It is found on the first page of the paper, and is headed:

> Development of laws on radio said to be proceeding slowly. Commission counsel declares lawyers are seeking analogies from other legal rules in working out principles to be applied in litigation.

I quote from the article:

> Radio, with its rapid growth, has opened a new legal field in which many disputes are arising and the Federal Radio Commission, its counsel, and lawyers of radio stations and associations appearing before the commission "are feeling their way cautiously, trying to find helpful analogies from the rules of law that govern other kinds of business and human relations and to work out principles that will insure an enduring foundation of the developments that are sure to come in the future," according to Louis G. Caldwell, the commission's special counsel.
>
> Mr. Caldwell's statements were made as chairman of the committee on radio law of the American Bar Association, which is sponsoring a weekly radio program on jurisprudence.

I hope that the Official Reporter will not get into the RECORD the conversations which are being held in such loud tones that they fill the Chamber. I hope he will distinguish between my own remarks and those of Senators at a distance.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COPELAND. I read:

"At these hearings, which have been held almost daily at the commission," said Mr. Caldwell, "the rules are being laid and precedents established which will form an important part of radio law, independently of any statutes enacted by Congress." "Proper laws," he said, "can do a great deal to encourage a useful art; unfortunately, improper laws can do a great deal to stifle it."

He speaks as a prophet, because, if this measure is enacted, it will be another improper law which will have a part in stifling this great art. I continue the quotation:

Popular belief that one of the most important legal questions of radio is "Who owns the ether?" was discounted by Mr. Caldwell. "As a practical matter it is probably the least important," he declared, stating that "until somebody finds out what the ether is, or whether it even exists, it is hardly worth while speculating as to who has title to it." The full text of Mr. Caldwell's speech follows:

It is altogether fitting, I think, that one of this series of talks which is being sponsored by the American Bar Association, should have to do with the law regulating the very means by which the talks are brought to you.

Senators will bear in mind that, as chairman of this committee of the Bar Association, he was speaking over the radio and giving to the world his views of the radio problem. So he said:

It is altogether fitting, I think, that one of this series of talks which is being sponsored by the American Bar Association should have to do with the law regulating the very means by which the talks are brought to you. The association took an early interest in the development of this branch of law. Up until this last year, however, the air and the ether were both in the province of the same committee, which handled the complicated problems that came with the airplane and the even more complicated problems that centered around radio.

This was the air-law committee, formerly headed by Mr. William MacCracken, now Assistant Secretary of Commerce in charge of aviation.

I am not advised how well informed the Members of the Senate are regarding the important work done by Secretary McCracken. I think that he has done more to establish the commercial air service than any other man in America. We owe a great debt to him for what he has done to put commercial aviation on the successful plane on which it is at present. Therefore, whenever I see his name mentioned in connection with any activity, I am pleased to know exactly what his views are regarding it. So Mr. Caldwell said:

This was the air-law committee, formerly headed by Mr. William McCracken, now Assistant Secretary of Commerce in charge of aviation.

He continued:

Last year the association decided that the combination of the air and the ether covered a little too much ground, so to speak, for any one committee. The result is that we now have a separate committee on radio law which began functioning last fall, and of which it is my privilege to be chairman.

That is an interesting thing, Mr. President, to think that within a few years the radio art has so developed that the great American Bar Association considers it essential to have a committee to give its attention to radio law, and it is very proper, too, that in making the appointments to this committee Mr. Caldwell, who has had such wide experience in connection with the Radio Commission, should be chosen chairman. Mr. Caldwell continues:

You will be interested in knowing the make-up of this committee. On the far east Boston is represented by Mr. Fred C. Fernald; New York by Mr. Robert T. Levaine; Chicago by Mr. Edward A. Zimmerman, and Seattle by Mr. Cassius E. Gates. As for myself, I have a family in California, an apartment in Chicago, and a job in Washington, all of whom and which I trust will be reunited soon in Chicago

I wish him well if he is going to Chicago. That is the community where every citizen lives within gunshot of his neighbor, and I hope that he will be safe when he gets to Chicago. However, it is a charming place, and I am always glad to go there, and to leave, if I leave, with my life. Continuing the quotation, Mr. Caldwell said, speaking to the radio audience:

Your interest in radio may be simply based on the occasional evening's pleasure it gives you, or it may mean a great deal more. Perhaps you rely upon it for information in your business or on your farm. Whatever your interest, you will certainly agree that it is too important a part of the daily life of the American people to permit its full and free development in the interest of the public in any way hindered. Proper laws can do a great deal to encourage a useful art; unfortunately, improper laws can do a great deal to stifle it.

This is the man who is the special counsel for the Radio Commission, who is so highly respected by the American bar that he was made chairman of this committee, made up of other distinguished members of the bar, and he laments the fact that the passage of improper laws may stifle the radio art. Pretty soon he is going to scold me for being one man in a movement. I read further:

It is the ambition of our committee to be of such assistance as we can by presenting to the association, and through the association to Congress, a picture of the problems as we understand them and suggestions for their solution. Naturally I do not wish to be understood as meaning that Congress in particular needs education on the subject.

He was very modest in that statement, Mr. President. If there is one place in the world where education on the subject is needed, it is in the Congress of the United States. It would not have been seemly, however, for Mr. Caldwell to say that, and I want the RECORD to show distinctly that I said it. Perhaps he merely thought it. Of course, there are 13 Senators present at this time—five minutes to 5 o'clock—who are receiving some education in radio. The others, I assume, are enjoying the sunshine, which I hope continues. We never have any here. We do not even have natural light in this Chamber, and fresh air is unknown. I suppose on that account it is wicked for me even to speak in the atmosphere and further contaminate it.

I will continue the statement made by Mr. Caldwell.

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

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Vermont?

Mr. COPELAND. I am sorry; I want to yield, but the Senator was not here when the rule of strict construction was placed upon us. I want to yield; I am just hungry to yield; but if I do, I will lose the floor; and therefore I must appear to be discourteous. I am sorry, because the Senator who has asked the question is one of the kind and considerate Senators, who always tries to be helpful to his associates. I am sure he will forgive me for my position.

Mr. DALE. I thank the Senator. I did not understand the ruling.

Mr. COPELAND. Nobody else does. [Laughter.]

Mr. BLACK. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BLACK. Is it true that if a Senator yields for a question he loses the floor?

The PRESIDING OFFICER. The Chair will rule that he will not.

Mr. COPELAND. Does the Senator wish to ask me a question?

Mr. BLACK. I thought the Senator from Vermont did.

Mr. COPELAND. May I say to the Senator from Vermont that the Chair rules that if he desires to ask a question I will not lose the floor?

Mr. DALE. Mr. President——

The PRESIDING OFFICER. The Senator from Vermont.

Mr. DALE. As I came in I caught some remark from the Senator to the effect that we did not have any light in the Senate Chamber, and I really want to ask him if he does not think it would add to the beauty of the Senate Chamber as well as to the lighting capacity if we could have it finished in lining marble?

Mr. COPELAND. That is a very proper question, and an important one.

Mr. DALE. Mr. President——

Mr. COPELAND. I will answer the question.

Mr. DALE. The Senator from New York has not answered my question.

Mr. COPELAND. I am going to do so.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Vermont?

Mr. COPELAND. No; but if the Chair will inform the Senator from Vermont, I am going to answer his question in a moment.

Our genial and beloved Vice President—and to mention his name, I am sure, brings a responsive thrill in every heart. No man ever came to Washington and in so short a time endeared himself more to his official associates and the community than General Dawes. I am sure everyone will concede that. He is beloved of everybody. It will be recalled that he is very critical of filibustering. I am sure he would disapprove of this if he were convinced it were a filibuster, which of course

it is not. But he said that when a Senator takes the floor for the purpose of filibustering, he talks on everything in the world except the subject before the Senate. He is right about that in general. I made up my mind that whatever I had to say to-day would relate to the question before us; but I think I may turn aside long enough to say to the Senator from Vermont that I think it would be a splendid thing when we refinish this Chamber as it should be done, if we had the lining marble from Vermont. I am sure it would add dignity and beauty to the Chamber.

But, to return to our mutton, in Mr. Caldwell's radio talk he said further:

There are individual Senators and Representatives who have made a very intensive study of radio and who may be trusted to do their best to safeguard the true interests of the listening public. There are, naturally enough, many others in both Houses who, in the multitude of important questions which come before them, must rely on studies made by others. The same is true of the membership of our association. The great majority of lawyers have not yet had occasion to come into contact with radio matters, and we regarded it as one of our duties to place before them such information as we can give them, so that they in turn may have in mind the essential problems when occasions arise for presentation of them to the courts of the land.

FIVE RADIO BILLS PENDING IN CONGRESS

Just to give you an idea of the problems Congress is facing, let me give you a list of the bills that are now pending before it. So far as I know there are five different bills all told. The principal one has to do with the Federal Radio Commission itself and proposes to extend its present powers for another year. Under the radio act of 1927 the commission was established and was given direct jurisdiction over radio communication for a period of one year.

When I say direct jurisdiction, I mean that it decided who should or should not have licenses; it had the power to adopt regulations which stations must observe in order to keep these licenses, and it held all the hearings on controversies. The Department of Commerce, which was the licensing authority before that statute was passed, still retained some power. For example, it still assigned call letters and had control over the inspection of stations, the licensing of station operators, and the reporting of violations of the law or the commission's regulations.

I want to show you something about that. Mr. Caldwell, speaking now of Commissioner Caldwell, called attention to the very large work which is being done in the Department of Commerce. I stated, for instance, that there are 65 trained radio men in the Department of Commerce and only 4 on the Radio Commission. The question was asked by the distinguished chairman of the committee:

What do these trained radio men do in the radio division of the Department of Commerce?

Mr. CALDWELL. In the radio division of the Department of Commerce, under the Secretary of Commerce, these men supervise the operation of all the radio stations of the country, including the ships, the land stations, the broadcasting stations, and 16,000 amateurs.

The CHAIRMAN. Do you mean to say the commission has no authority or jurisdiction over them?

Mr. CALDWELL. The commission has no authority or jurisdiction over the commerce radio division staff except they cooperate together very successfully.

Mr. WAGNER. Mr. President, will my colleague yield?

The PRESIDING OFFICER. Does the Senator from New York yield to his colleague?

Mr. COPELAND. For what purpose?

Mr. WAGNER. I make the point of no quorum.

Mr. COPELAND. I yield for that purpose.

Mr. WATSON. Mr. President, I make the point of order that there has been no business transacted since the last quorum call.

The PRESIDING OFFICER. The Chair will rule that the point of order is well taken.

Mr. BINGHAM. Mr. President, I am surprised that the Senator should make that point of order. I understood that business had been transacted when the Chair had laid before the Senate a message from the House of Representatives.

Mr. COPELAND. Mr. President, I think the Senator from Connecticut is speaking on a parliamentary question and is entirely right. We have had business transacted by the Senate. I have no particular desire to press the matter, but since a message came from the House and was laid before the Senate, business has been transacted and my colleague was perfectly in order in his suggestion of the absence of a quorum.

The PRESIDING OFFICER. The Chair will state to the Senator from New York that no action was taken upon the message from the House of Representatives; therefore no business has been transacted.

Mr. COPELAND. I do not desire to press the matter so far as I am concerned.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BINGHAM. Is it not the case that when the Chair laid the message from the House of Representatives before the Senate the bills were referred to their appropriate committees by the Chair?

Mr. WATSON. Mr. President, I did not understand there was any action whatever taken, but they were simply handed down.

The PRESIDING OFFICER. The Chair understands no action was taken and therefore rules that no business has been transacted.

Mr. BINGHAM. What I asked was whether the Chair did not refer the bills to the appropriate committees.

The PRESIDING OFFICER. The Chair does not remember, but it was an erroneous ruling if he did.

Mr. BINGHAM. In view of the fact that the Chair did refer the bills to the appropriate committees it would seem to the Senator from Connecticut that business has been transacted and therefore the point of no quorum was well taken.

Mr. WATSON. The Chair has ruled that no business has been transacted, and therefore such a ruling would be a mistake. I think the Senator is standing on thin ice.

Mr. BINGHAM. Then I appeal from the decision of the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The ayes have it, and the Chair is overruled.

Mr. BINGHAM. The Chair being overruled——

The PRESIDING OFFICER. The Chair was in error. The decision of the Chair is sustained.

Mr. COPELAND. My colleague has raised the point of no quorum, which I renew.

The PRESIDING OFFICER. The Chair will rule that no business has been transacted since the quorum was called before.

Mr. COPELAND. A question of parliamentary procedure was ruled on by the Chair.

The PRESIDING OFFICER. The Chair understood his ruling was sustained by the Senate and therefore that no business had been transacted.

Mr. BINGHAM. Mr. President, a parliamentary inquiry?

The PRESIDING OFFICER. The Senator from Connecticut will state it.

Mr. BINGHAM. Does the Chair rule that when the Senate votes to sustain a decision of the Chair, that is not the transaction of business?

Mr. COPELAND. We had that very question before us the other night when the distinguished Senator from Indiana [Mr. ROBINSON] was in the chair, and it was ruled to be business, of course.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

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

Mr. COPELAND. Mr. President, I was attempting to place before the Senate the fact that the Department of Commerce is now doing a large part of the administrative work which it has a right to do and which under the proper administration of the radio law it would be required to do. If the Radio Commission will perform its functions as the radio law contemplated it

should perform them—Mr. President, I dislike to be fussy about disorder in the Chamber.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. COPELAND. What I am doing in this matter, Mr. President, is because of a deep-seated conviction that the enactment of the proposed law would damage the radio art and incidentally harm the country.

Mr. SIMMONS. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from North Carolina will state his question of order.

Mr. SIMMONS. I wish to hear the Senator from New York. I do not know what he is discussing, but he is discussing it in a very illuminating way, I know, and I think we ought to have order in the Chamber so that we may hear him.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. COPELAND. Mr. President, I am very much obliged to the Senator from North Carolina, and I want to say to him that I am striving to confine myself strictly to the question at issue. We have had one or two pleasantries, but I think that 99 per cent of everything I have said has been along the line of the question we are discussing.

I feel very strongly on this subject. I feel that Senators should be informed regarding it, because it is a matter of vital interest to the Senators who represent every State in the Union and every section of the country. An effort is being made here to hamstring the radio commission, to keep it from doing its full duty for the protection of the country in order that rights may be safeguarded, and the great art may develop without interference. I have been reading and shall continue pretty soon to read——

Mr. SIMMONS. Mr. President, I knew the Senator was discussing something, but I could not hear him, and I wanted order so I might find out what he was discussing.

Mr. COPELAND. I fear either that the Senator has been absent from the Chamber or that I have failed more miserably than I had expected.

Mr. SIMMONS. There has been too much disorder in the Chamber; that is all.

Mr. COPELAND. Mr. President, I appeal to you, if need be, to station the Sergeant at Arms at the head of the center aisle to see that order is maintained. We should have quiet. Every Senator should be permitted to hear, if he so desires, and if he does not wish to hear what I have to say, the Marble Room and the cloak room are available, and more than that, all of God's out-of-doors.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COPELAND. Mr. Caldwell pointed out in his testimony that practically all of this work, which is supposedly done by the Radio Commission, must of necessity be done, because of the lack of available technical help in the commission itself, by the Department of Commerce, which is fully equipped to do the work.

The PRESIDING OFFICER. The occupants of the galleries will be in order.

Mr. COPELAND. The other night, when we discussed this subject somewhat, I suggested to the chairman of the committee in debate that the bill ought not to pass; that we should permit the law that is now on the statute books to operate, in which event the Department of Commerce would do all this technical work, and the commission would act as an appellate body. He said it would take three or four months for the department to prepare itself for this work; and the matter now before the Senate is my amendment to the bill proposing to extend the operation of the present plan to the 1st of June, which will give three months—March, April, and May. If Senators feel that that time is too short, I am willing to extend it more than that; but I am, personally, utterly unwilling to have it go over until another Congress comes into being.

That is the scheme. That is what is intended by many who advocate this measure, because they want to have it an open question when the next Congress—the Seventy-first Congress—meets in regular session, in order that they may attempt to build up another great body, a communications division, to take care of radio, telephone, and telegraph.

That is the scheme. That is the plan. That is the system that they have in mind. It is to have another great body of government, with hundreds of employees, and spending millions of the people's money—a communications division.

I am unwilling to have that happen. The arrangement that we have now is an inexpensive one. These men will be paid $10,000 a year—they have been paid that; that is, $50,000—and there will be the usual appropriations for clerk-hire and clerical expense generally. Comparatively modest sums will take care of the judicial side, the appellate side, of the radio work. We have all the machinery in the Department of Commerce already arranged for and now operating to take care of the administrative side, and those administrative details are practically finished at this moment.

Now, listen to the testimony.

Mr. Caldwell was on the witness stand.

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until the Senate is in order. [A pause.] The Senator will proceed.

Mr. COPELAND. In reply to a question in the hearings, Commissioner Caldwell said (p. 147):

> At the present time all of the amateur licenses of the 16,000 amateurs, which is the largest class of radio licenses, are being issued by the Department of Commerce, are being handled by their local supervisors, which has lifted a great load off of the commission.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Delaware?

Mr. COPELAND. I must warn the Senator that under the strict-construction rule that has been placed upon me I can yield merely for a question.

Mr. BAYARD. Merely for a question. I merely want to ask the Senator what was the date of this hearing, and what was the date to which Mr. Caldwell referred when he made this statement in regard to the amateur radio operators?

Mr. COPELAND. This was in February of this year—last month.

Mr. BAYARD. And what was the date of the operation of these 16,000 radio operators?

Mr. COPELAND. At that time.

Mr. BAYARD. At the same time?

Mr. COPELAND. At the time he was testifying; that is, last month, February of this year; all of the amateur licenses of the 16,000 amateurs had been issued, and these stations were being operated under the Department of Commerce.

By the way, it is an interesting thing to know that these boys, these amateurs, have tremendously developed the art of radio. They were the ones who discovered the tremendous value of the short waves. Some of those boys are picking up stations all over the world. It is a very interesting thing to note what they are doing; and the work done by the so-called amateurs has been one of the most important features of radio development.

In addition to these licenses which the amateurs get from the Department of Commerce are the technical schools where teaching is done. I quote further from Mr. Caldwell:

> All of the technical schools also have their licenses issued by the Department of Commerce. So that the Department of Commerce, with its trained staff of 65 technical men and about 60 clerks, is handling a tremendous inspection and supervision job, and, in addition, there has been delegated to it an administration job.

Mr. President, the Republican cloakroom is just the other side of the partition.

The VICE PRESIDENT. The Senate will be in order.

Mr. COPELAND. I do not spend much time in that cloakroom, but I understand it is very comfortable; and if Senators would use it, it would relieve the disorder of the Senate.

Since the Vice President has returned to the chair, I should like to repeat what I said a little while ago; and he will forgive me if I say it. I may never have another opportunity during his administration to say that no man ever came to Washington and more endeared himself to the people of this community than the genial Vice President of the United States. On this side of the aisle, Mr. President, you are just as beloved as you are on the other side; and we never can fail to thank you for your fairness and the splendid way in which you have conducted your office. You have found a place in our hearts that will endure forever and ever; and I speak of that because I want to put a little sugar coating, if you will permit me, on this statement which I shall make:

The Vice President has been very critical of filibusters, and of the rules which permit many delays and obstructions in business, and all that sort of thing. I find myself in perfect accord with his view. I have believed in, and have had pending in the Congress ever since I came here, a rule to do away with unanimous consent. That is, so much of our business is done under unanimous consent.

A question comes up, and it is Monday morning, and a Senator has that "blue Monday" feeling, or things have not gone to suit him, and he is somewhat disgruntled, and he objects. Under those circumstances, I think the rule ought to provide for this question from the Chair: "Is the objection sustained?" or "Is the objection seconded?" or "Is the objection indorsed?" and to require that four other Senators, or some number—we

will say four—should indorse that objection. In other words, I believe that one Senator should not have the power to say, "The Senate can not proceed," but that at least five men or three men or seven men should be required, whatever number might be determined upon. Then we would do away with the obstruction to legislation which so frequently is observed in this Chamber. I think that is one of the great faults of our system, and I believe the suggestion I have made would do much to relieve it. I discussed this matter at great length with the late Senator Cummins when he was the acting Vice President, and he thoroughly indorsed it. He said he believed it would do much to facilitate the work of the Senate.

Before I end this particular diversion, I want to make this further observation in the hearing of the Vice President:

I determined that if it ever became a matter of conscience with me to hold the floor for a long time, I would devote myself exclusively to the subject. That is the fault with what we call the filibuster.

I determined that I would either not speak at all, or else attempt, in an honest way, to present my views regarding the pending question, and not permit myself to be led into quotations from works entirely foreign to the question at issue. We have here a subject which has overwhelmed the world. The development of radio is an amazing thing. Men stand in astonishment at what has happened in the development of this great art. But there has been made no effort in the Congress of the United States to study these measures, and I believe from the bottom of my heart that this proposed legislation is detrimental to the development of the radio art, and particularly detrimental to the preservation of the rights of our country in the matter of radio, and the development of radio.

I have in my system more material relating to this subject, and when the time comes in this discussion that I can no longer talk about radio, I am going to leave the floor, but in the meantime there are things which it may be well to consider, and if we do consider them and study them, in my judgment, any Senator is likely to take the same view that I take as to what should be done.

We were speaking about the relationship of the Department of Commerce to the commission. We have the commission. The law of 1927 provides for a commission of five. But we immediately proceeded to hamstring the commission. We appointed the commissioners for 2, 3, 4, and 5 years, respectively, and then we venture to say in this bill that all the commissions shall expire next February.

We have this division of work between the Department of Commerce and the commission; that is, we have it theoretically. We should have it actually. We are providing for the commissioners to sit in on a lot of conferences and take sides in controversies, consuming their time; but, worse than that, disqualifying them to judge impartially, as the law says, de novo.

These same men, I may say to the Senator from North Carolina [Mr. SIMMONS], who make the decisions about wave lengths, stations, and all the petty affairs connected with the technical side of the radio, are the men who are appealed to to pass judgment on whether their administrative acts are correct or improper. I do not need to say to any Member of the Senate, or to point out, how absurd that arrangement is. It is not right at all. It is not fair to men who have controversies with the Radio Commission. If the man who has a measure of importance to him takes it to the technical men in the Department of Commerce, or the Radio Commission, wherever they are, he fights his battle there, and he wants fresh judgment on the case, and he has a right to say, "Let us take this to some men who will review the facts." As it is now, Mr. President, you take your question for review to the very men who rendered the decision in the first place.

That is not common sense, and I am sure every Senator here must recognize that fact. That is the way it will be if the law is put into operation as contemplated in 1927, and the thing that is the law, but because these extensions have been made, one last year, and the one talked about now, the Radio Commission is prevented from being free from those details of administration.

How far have they gone in the matter of that administration? Every Senator knows, because we had great debates here, with the charts all around the sides of the Chamber, the question about the division of wave lengths and power between the States and the sections, zones, and so forth.

How far have they gone with that work? How much longer do we need to have the Radio Commission to do the work which these technical advisers should long since have been doing successfully?

I do not ask Senators to take my judgment. Let us see what Commissioner Caldwell said about it. I quote from page 147 of the hearings on the question of continuing the Federal Radio Commission.

The PRESIDING OFFICER (Mr. GLENN in the chair). The Senate will be in order.

Mr. COPELAND. I wonder why it is that the disorder is always on the Republican side? I have observed for years the dissensions in that party, the divisions that have taken place, but it does seem to me as if there should be order on the other side. I ask the Presiding Officer if he will not see to it that the Republicans are in order. I dislike to have the RECORD show that the Republicans are in great disorder, but I confess they are. The CONGRESSIONAL RECORD is read by thousands of citizens of this country, and they will be grieved to learn that Republican Senators have not been observing the rules of strict construction imposed upon the speaker by a Republican.

As regards the division of work between the Department of Commerce and the commission, Mr. Caldwell had something to say. He had first described that the 16,000 amateurs and the technical schools were under the department, and this occurred:

The CHAIRMAN. Well now, let us find out about that. They handle the licensing of all of the amateurs?

Commissioner CALDWELL. Yes, Senator, and of the technical schools.

The CHAIRMAN. Was that turned over to them by the commission, or did the commission never have authority itself to issue the licenses?

Commissioner CALDWELL. The original authority resides in the commission.

The CHAIRMAN. Yes.

Commissioner CALDWELL. But as a matter of practical operation the commission has turned that class of licensing over to the Department of Commerce, which has carried it on and very successfully, because the commission is not equipped and has not equipped itself to handle that vast amount of amateur work.

As I have already pointed out, there are 16,000 of these amateur licenses. If the pending bill shall pass, the Congress will express its unwillingness to have the commission relieved of the responsibility of original jurisdiction. If this bill becomes a law, it will provide in effect that the commissioners must continue to be busy about details which could be handled by the clerks in the department, or by the technical men.

So, simply because some men think that by holding this matter open they can bludgeon the next Congress into passing a bill to provide for a communications department, because they want to do that and saddle upon the taxpayers of the country another great big department costing millions upon millions of dollars, because they have that scheme in mind with the appointment of a lot of new officials and to have more patronage and to make a political machine more powerful, they are unwilling to let this department do the work in the reasonable way provided by law which was enacted in 1926. That is what we have before us. That is the plan innocent men are fooled into supporting unaware of the significance of the undertaking.

But what can men say who study the RECORD to find out just exactly what this diligent and heartbreaking commission has done? There undoubtedly was good reason in the first year of the life of the commission to do as we propose. The legal questions had not risen as yet. The distribution of the short waves and long waves and all the waves had to be arranged. It was undoubtedly wise for a period of time, and perhaps up to this time, to let the commission do those things. But what is the situation to-day? Commissioner Caldwell said, on page 147 of the hearings:

As I see it, the clean-up work of reconstruction which followed the 1926 breakdown of the law (and which, of course, was the chief reason for appointing this Federal Radio Commission) this work of reallocating the broadcasting band is now 80 to 85 per cent finished.

Eighty to eighty-five per cent finished! Think of it. The administrative work is 80 to 85 per cent finished; and there is no reason under the sun, so far as I can discover, why this commission now might not be given the job of acting as an appellate court, as an advisory body to supervise any enterprise where there was a question in the Department of Commerce—as Mr. Hoover pointed out—where there was need of advice of an unbiased tribunal to determine whether or not the act of an individual administrator was wise or not. But now the time has come when we should give the commission its powers as an appellate body exclusively.

Mr. President, the Republicans have broken loose again. Will you not exert your large influence to see that there is order on the other side of the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr COPELAND. I was reading a little while ago from a statement made by another Mr. Caldwell, not the commissioner, but in order that the RECORD may be clear I remind Senators

that it is Mr. Lewis G. Caldwell, general counsel of the Radio Commission and chairman of the bar association committee on radio. He spoke about the act of 1927, to which I have just made reference, and said:

The first year passed and Congress extended this state of affairs for another year, so for almost two years the commission has been exercising this direct authority over radio. This authority expires on March 15, less than three weeks from to-day, unless Congress passes the bill. The bill that is now pending proposes to extend the commission's powers for still a third year. It passed the House of Representatives almost unanimously but is having a run for its life in the Senate where, although a clear majority seems to be in favor of it, one Senator is conducting a determined opposition to it.

That is what we intended after the first year, that all detailed matters should be handled in the Department of Commerce and appeals should be taken to the commission. Mr. Caldwell in his radio talk continues:

This session of Congress draws to an automatic close on March 4, when the new administration comes in, and consequently there are only a few more days left. So far when the bill has come up this Senator has let it be known that he is going to keep on talking on it until the time is up, and other Senators are accusing him of a filibuster, a charge which he denies. So right now it is impossible to say whether during the coming year radio licenses will be issued by the commission or the Department of Commerce.

I suppose, Mr. President, that Mr. Caldwell was referring to the Senator from Indiana [Mr. WATSON], who seems determined to pass a bill which is a very unwise measure. So I suppose that he is the man Mr. Caldwell has in mind.

Mr. BLEASE. Mr. President, I would like to ask the Senator from New York a question, if he will permit.

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

Mr. COPELAND. I yield for a question.

Mr. BLEASE. I do not know much about the radio business. I have been opposed to the bill and the commission ever since it started. I have noticed recently that there is a report that it is intended to put a radio in the Capitol; in fact, in this very room. Four years ago when I was here on the 4th day of March they brought into this Chamber the President and the President elect, the Vice President and the Vice President elect, the Congress of the United States, the Supreme Court judges—in fact, the whole Government was here present. I was thinking if we bring in that same group this year—the President and the President elect, the Vice President and the Vice President elect, and all the others—that it might be possible, if a radio is put up in this room, for some fellow to destroy the whole American Government in one blow. For instance, if some one should have one of these bombs and throw it over into this room, as has been done in the city of the present occupant of the chair [Mr. GLENN], it would kill the President and the President elect, the Vice President and the Vice President elect, all of the judiciary, all of the Senators, and all of the Congressmen in one blow. See how easily we could all be wiped out. I want to ask the Senator, who is an expert on radio, if that radio is put back in the corner of the Chamber here close to my seat whether it would be possible for one of these anarchists to send something through it and blow us all out of here? [Laughter.]

Mr. COPELAND. That would be a calamity too dire to contemplate.

Mr. BLEASE. It would if I had to go. I do not know about some of the others. [Laughter.]

Mr. COPELAND. I hope such a calamity will not happen.

Mr. BLEASE. But the Senator can see the danger that all of us would be in.

Mr. COPELAND. There are infinite possibilities in the radio business.

Mr. WATSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. WATSON. No, Mr. President; I am not asking the Senator to yield. I desire to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WATSON. Did the Senator from South Carolina ask a question or make a speech?

Mr. BLEASE. I asked a question. In all seriousness I asked it. With all of us in here and with a radio outfit in here, I still say it is a serious proposition, because the man who wanted to do it could destroy the representatives of this entire Government almost in a second. I do not think they all ought to be in here at once. I am asking the Senator from New York as an expert on radio. If we all get together in here and he says it will be dangerous, then I propose to move to-morrow to prevent it being put in here. I have just been informed that that is a fact that it might happen. If it is dangerous I think some precaution should be taken. The doorkeepers we have at the doors of the Senate could not prevent such a thing. They are all mighty nice gentlemen and I like them, but I could go up there myself and throw five of them over into this Chamber, and I am not a physically strong man myself.

Mr. WATSON. Mr. President, I want to ask whether the Senator from South Carolina has asked a question or made some observations?

Mr. BLEASE. I say that is a question.

The PRESIDING OFFICER. The Chair rules that the Senator from South Carolina made some observations as well as asking a question.

Mr. WATSON. I understand from that that the Chair——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. WATSON. This is a parliamentary inquiry. I am not asking the Senator to yield. I understand that the Senator from New York now enters upon his second speech.

Mr. COPELAND. Mr. President, the Senator from Indiana is out of order.

Mr. WATSON. No. I am submitting a parliamentary inquiry.

Mr. COPELAND. The Senator from Indiana is not in his place.

Mr. WATSON. I do not have to be.

Mr. COPELAND. The rules require that he should rise in his place and address the Chair.

The PRESIDING OFFICER. The Senator from Indiana will return to his place, and then, if he desires, submit his parliamentary inquiry.

(Mr. WATSON returned to his seat.)

Mr. WATSON. Mr. President, I rise to submit a parliamentary inquiry from my own place. Am I to understand that the Senator from New York is now making his second speech?

Mr. COPELAND. The Senator from New York said that he would reply to a question. It was the business of the Presiding Officer to see that the statement made by the Senator from South Carolina was in the nature of a question.

The PRESIDING OFFICER. The Chair rules that the Senator from New York in yielding stated that he yielded only for the purpose of a question and that this is only a continuation of his first speech.

Mr. BLEASE. Mr. President, I want to state that if the ruling of the Chair had been to the contrary I would have taken the floor and made a little longer speech possibly than the Senator from New York will make if we let him go on.

Mr. COPELAND. To continue the statement of Mr. Lewis G. Caldwell:

There is another bill which has been introduced in both Houses of Congress, declaring that all broadcasting stations are public utilities, and requiring all of them that are commercial in nature to transmit for all persons on equal terms at rates to be fixed by the Federal Radio Commission.

Of course that raises a very important question, one that will have to be dealt with in some appropriate way, as it will be in the course of time. Then he says further in this article:

Another bill proposes to prohibit the commission to authorize any station to use more than 10,000 watts. Still another would require the commission to provide for 50 cleared channels of the total of 90, instead of 40 as at present.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Alabama?

Mr. HEFLIN. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HEFLIN. The Senator from New York [Mr. COPELAND] yielded to the Senator from South Carolina [Mr. BLEASE]. The Senator from South Carolina did not stop with a question; he made some observations as to his own views about putting the radio in this Chamber. I submit that that was a speech injected by the Senator from South Carolina into the speech of the Senator from New York with his consent, because he made no protest, and that, therefore, that is the end of his first speech, and that he is now proceeding on his second speech on the same subject. I make that point of order.

The PRESIDING OFFICER. The Chair previously ruled upon that point of order to the effect that the Senator from New York is now continuing his first speech. The point of order is the substance of one heretofore raised.

Mr. McKELLAR. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. If the Senator from New York shall take his seat and then offer another amendment and speak to that,

he may continue to offer amendments so long as he desires, may he not?

The PRESIDING OFFICER. The Chair rules that he may.

Mr. WATSON. Another parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. WATSON. If the Senator from New York shall offer an amendment and that amendment shall be voted on, he then loses the floor.

The PRESIDING OFFICER. The Chair rules that the Senator from Indiana is correct.

Mr. DENEEN. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Illinois?

Mr. COPELAND. Just a moment. What is my status now, Mr. President?

The PRESIDING OFFICER. The Senator has the floor and is continuing his first speech.

Mr. COPELAND. I am on my first speech?

The PRESIDING OFFICER. The Senator is on his first speech.

Mr. DENEEN. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. Mr. President, I must know why the Senator from Illinois desires me to yield.

Mr. DENEEN. I desire to ask to have certain nominations referred to the appropriate committees.

Mr. COPELAND. Is there any reason why that may not be done, Mr. President? I am perfectly willing it shall be, so far as I am concerned.

Mr. McKELLAR. I ask unanimous consent that it may be done.

Mr. COUZENS. I object.

Mr. WATSON. What is the proposition?

Mr. DENEEN. The proposition is to refer certain nominations which have just come in to the appropriate committees for consideration.

Mr. COUZENS. I object unless the Senator from New York shall then begin his second speech.

Mr. COPELAND. I am sorry, but I could hardly do that; I am very sorry, indeed; but the RECORD will show that the objection which has prevented his request being complied with has come from the side of the Chamber of the Senator from Illinois.

Mr. WHEELER. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. COPELAND. I can yield merely to a question, and provided I do not lose the floor.

Mr. WHEELER. I do not want to cause the Senator to lose the floor.

Mr. COUZENS. The Senator from New York will lose the floor if he yields, unless he is willing to go on with his second speech.

Mr. WHEELER. The Senator from New York could offer another amendment, if he desired to do so.

Mr. McKELLAR. He can offer as many amendments as he wishes and speak to them; there is no doubt about that.

Mr. COPELAND. I think, Mr. President, that it is utterly unfair to Senators here who have committee reports, who have minor matters——

Mr. COUZENS. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. COUZENS. Is the Senator from New York remaining at his seat?

The PRESIDING OFFICER. The Chair rules that he is.

Mr. COPELAND. Mr. President, may I ask the Senator from Montana what it is that he wishes to present, so that I may determine whether or not I shall yield for the purpose? I can not yield for a speech. What is the question that the Senator from Montana wishes to ask?

Mr. WHEELER. I want to ask the Senator from New York if he will yield to me while I ask unanimous consent of the Senate to consider and pass a bill which has passed the House providing:

> That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Frank C. Russell, who was a member of Eighth Battery, Field Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 3d day of October, 1904: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act?

Mr. REED of Pennsylvania. Mr. President, if that request shall be made, I shall object.

Mr. COPELAND. I am sorry, I will say to the Senator from Montana. I should have been very happy to have him ask for unanimous consent for the purpose he has indicated.

Mr. HEFLIN. Mr. President, I make the point of order that the Senator from New York has permitted another Senator to bring up an entirely different question than the one the Senator from New York is discussing. He has also permitted another Senator, in his time, to read a bill to the Senate and after the bill was read the Senator from Pennsylvania stated that he would object to allowing consideration of it at this time. That is transacting business. The Senator from New York yielded to it; and I submit if that is within the rule there will be no end to a filibuster in this body. If a Senator can be allowed to permit another Senator to do that, he could be allowed to let another Senator read a book. For instance, if a Senator should rise and say to the one occupying the floor, "I should like to print this in the RECORD," and the Senator holding the floor should say, "What is it?" the Senator interrupting could stand up and read 40 pages of a book; he could do that just as much as the Senator from Montana could read a 1-page bill. I submit the point of order that the Senator from New York is entering on his second speech since the interruption of the Senator from Montana.

The PRESIDING OFFICER. The Chair rules that no objection was made by the Senator from New York, and no objection was made by any other Senator, and that the Senator from New York is still on his first speech.

Mr. COPELAND. I should like to say, Mr. President, that I want to observe the rules of the Senate strictly, and not only to observe the written rules of the Senate, but I shall undertake so long as I have the floor to discuss the question at issue and not outside questions. It is strange that Senators on the other side who have become remarkably active in the last hour or so, although most of the time they are less active, should be so trivially technical.

I have in my possession 40 or 50 amendments. I have technical ways of getting the floor. I do not want to do it in that way. I want to observe the amenities and to present my cause in a gentlemanly way, and likewise in harmony with the letter and spirit of the rules of the United States Senate. That is my purpose. If Senators are displeased because I am taking a lot of time, I am sorry. This is called a "great deliberative body." The traditions of the Senate indicate the right of a Senator to discuss matters. I must confess that in my discussion here to-day I am not discussing a subject with Senators, for they are not here, but I am trying to let the country know what sort of a game is being put over, or at least what the effect will be of the proposed legislation, which I think is harmful to the country, and in that sense is a game in the way I have used the word.

This proposed legislation is dangerous legislation; it is unwise legislation; and, in the large sense, it is improper legislation, and should not be permitted to be enacted into law. I would not be true to myself, and to my convictions if I did not do what I could to educate the country to what, in my judgment, is best for the country as regards the radio problem.

I am not intimidated or discouraged or particularly annoyed by the trivial technicalities of Senators across the aisle. If they choose to resort to them, let them do their worst. I am going to tell my story in any way I can and in spite of the constant interruptions of others, no matter what may be the motives which inspire them to make those interruptions.

Mr. Caldwell was speaking about providing for 50 cleared channels of the total of 90, instead of 40 as at present.

He was speaking along that line, and then he said:

> You probably know that by cleared channel is meant one on which only one station is operating during the evening hours, so that the channel will be entirely free of the form of interference known as heterodyne, and which is usually perceived in the form of a whistle.

When we listen to the radio occasionally we hear a shrill whistle showing interference in the channel, indicating that two stations are getting into the same channel and producing that heterodyne effect. Then Mr. Caldwell continues his statement, as follows:

> Still another bill proposes to take radio and combine it under one authority with our wire systems, such as telegraph, telephone, and cable lines, the whole to be regulated by what will be known as a communications commission.

That is the milk in the coconut; that is what this is all about. We are going to have a communications commission; we are going to set up another three or four hundred million dollar department with a lot of Republican employees, and add to the machinery of the party. I want to say to the communications commission party that I do not believe Herbert Hoover will tolerate any such nonsense when he comes into office. I do not believe Mr. Coolidge would either. The country is sick and

tired of expensive commissions; it is sick and tired of paying taxes. This year Congress will appropriate nearly five billion dollars—think of it, nearly $5,000,000,000, five thousand millions of dollars—and the State governments another billion, and local governments five billions more. Eleven billions of taxes placed upon the shoulders of the American people, and the productive income of our people amounts to only ninety billions. One-eighth of the earnings of our people spent to pay taxes. That means that every wage earner gives six or seven weeks of his earnings every year to pay the taxes.

Do we want any more commissions of that sort? Mr. President, you know we do not; and the people will not tolerate any such scheme as a communications commission.

No action is expected on any of these bills at the present short session, and there will not be any action on any such bills for many a long session, if I am any prophet.

(At this point Mr. COPELAND yielded to Mr. BLEASE, who moved a recess, and the roll was called, after which Mr. WATSON presented a cloture petition and debate took place.)

Mr. COPELAND. Mr. President, I want to say a few things to the Senator from Indiana, if I may be honored by his attention.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The attention of the Senator from Indiana is requested.

Mr. WATSON. I beg the Senator's pardon.

Mr. COPELAND. In the first place, I want to thank the Senator from Indiana for the great compliment he has paid me. I possess a considerable degree of physical energy and I had not realized that he feared that I might talk until the Sabbath. I knew he had the cloture petition in his pocket. It has been used as a club in the corridors against me—not by the Senator from Indiana but by others. But I want to say that it would not make any difference to me whether the debate were in the closing days of the session or the beginning of the session; I should express my views anyhow.

I am inclined to resent the imputation that I am speaking as I am to-day because I am hoping at the last minute of this session to defeat the pending legislation. I should make that effort if it were the beginning of the session, and I shall make the same effort if the Senator brings the matter up in the next Congress. It was not necessary for the Senator from Indiana to bring in his cloture petition. Common sense dictates that it is not humanly possible to carry on this particular matter until next Sunday, but I am going to have my say regardless of whether we vote on the matter next Monday or to-morrow or at any other time. It was not necessary, so far as I am concerned, to spring a cloture petition on me on the theory that I would then keep still because I am apparently defeated. Defeat is not the worst thing in the world. It is worse to lie down and take things without a fight than it is to be licked in a square fight. I am going to say what I think about this business. If it takes me until Sunday, all right, I will keep on until Sunday. If I get through by midnight, I will stop at midnight. But I am going to send a message to the American people, and it makes no difference to me whether a cloture petition or 100 of them be presented, I am going to have my say. I represent a sovereign State, a State of some consequence in this Union, with one-tenth of the people of all the United States living in it. Those people have honored me within a few weeks by reelecting me to the Senate, and I am not going to be driven off the floor by technicalities or "clubs," to use the word of the Senator from Indiana, who said that he had this cloture as a club to hold over the Senator from New York. I was brought up where clubs are common, and this particular common club does not frighten me.

In his radio address Mr. Caldwell said further:

> Congress is not the only legislative body which has given attention to radio legislation. One of the most interesting and difficult problems of radio law to-day is the extent to which State legislatures and city councils can go in the subject.

How many of us have thought of that? This is not a problem that can be dealt with by Congress alone. It is a problem that runs into the States, into the municipalities, into the various localities. All of which indicates to me that it is very necessary that we should have an alert commission made up of men not alone technically trained, but particularly who have had legal training, because to preserve the national rights to radio it is necessary that they should be the most alert sort of a commission with time enough to devote to the particular matters of legal interest.

The Senator from Indiana, the possessor of the club that he is going to use to smash the Senator from New York, wants to take the commission by the throat, wants to stifle it, and say to it, "Just do the best you can with your job, but you can not stay longer than a year." What can we expect in the way of personnel on such a commission? I have no criticism of the commission we have had. I think those men have made great personal sacrifices, and I honor them for the sacrifices they have made. They were interested in the pioneer work, the development of this great art, and so they gave of their time and of their power. They have rendered a public service, but in the nature of things we can not expect men to come to that commission simply because of their enthusiasm for it. It must become a life calling. It must be an appointment of sufficient length of tenure to justify a man in changing his manner of life, in giving up his career and coming here to the seat of government to devote himself to this cause. I read to you what Mr. Caldwell, the counsel for the commission, said about having a home in Chicago and another one somewhere else and was living here in Washington. He gave up all those because of his interest in this particular cause, because it was a pioneer and developing cause.

But we are down now to "brass tacks," if I may use a slang phrase. We have reached the point now where this is a real, honest-to-goodness business, and we can not expect men of the talent such as we wish to command to leave their localities and give up their professions and come to Washington unless it is known by each man that he has a secure tenure of office for a given time. That is why in the first bill we provided that men should be appointed for 2, 3, 4, 5, and 6 years, and that ultimately all of them would serve for 6 years in order that they might carry on through a long period of time the many details of this great work. So among the problems with which we have to deal is the problem of the relation of the Federal Government to the States and municipalities.

Mr. Caldwell continued:

> Some time ago I sent out to the attorney general of each State, and to the corporation counsel of each city in the United States having a population of 50,000 or more, an inquiry as to what laws and ordinances, if any, had been enacted. A very generous response resulted and it has provided the commission with a wealth of extremely interesting material.
>
> Let me give you examples of what some of the States have done.
>
> In Michigan a statute gives a State commission extensive authority over the operation of radio stations, authorized the State commission to prescribe time schedules and to prohibit the operation of two stations simultaneously if interference results. Violation of the act is punishable by fine or imprisonment. These powers overlap a great deal of the powers conferred by Congress on the Federal Radio Commission.

Mr. President, what is going to happen? Suppose the Federal Government through its Department of Commerce attempts to regulate broadcasting and then the State of New York—or, to be specific, I will take the State of Michigan, because they have actually done it. Suppose the State of Michigan enacts laws to regulate broadcasting, and then the appropriate legislative body in the city of Detroit, perhaps the city council, enacts regulations relative to broadcasting in the city. Think of the complications with which we have to deal. We have the Federal regulations, the State regulations, and the municipal regulations. Somebody must coordinate those different activities and legislative acts. Then there is a very important work to be done by the legal department of the Radio Commission. Any man who is interested in the development of the short wave or any other activity involving radio distribution must be interested in the question and he must have some place where he can go for some sort of action, and the natural place is the Federal Radio Commission.

I was thinking just now, as I looked about the Chamber, that it is very interesting to see it when it is empty. It seems we are top-heavy, without any reflection upon the two or three Senators who are now in the Chamber. How much more brains we have in the galleries, have we not? [Laughter in the galleries.] Really the whole establishment is top-heavy, because all the brains are up there in the galleries. [Laughter.] I want the country to know the details of this problem; and they, the great citizenry of our country, are the ones qualified to pass judgment upon it and to determine whether the country wants to have the commission hamstrung and deprived of full authority to deal with the questions involved, or whether it wants it to continue to be a commission like the department of licenses, below the head of the commissioner in some city, and require of the commissioners that they should spend all their time in petty details. Of course, common sense says that the proper way to deal with the problem is to permit the board to be the appellate body, the advisory body, the judicial body, to deal with these problems in a large way, and let the petty details be done in the offices of the Department of Commerce.

It is not alone in the State of Michigan where we find activities carried on in the name of the State or the locality. I

quote once more from the statement of Mr. Louis G. Caldwell, the general counsel of the Radio Commission:

In Nevada broadcasting stations are classified as public utilities, and the public service commission of that State is invested with the same power that is has over other classes of public utilities. I think most lawyers will agree with me that the validity of such statutes is very doubtful.

That is an interesting statement which is made by Mr. Caldwell:

The validity of such statutes is very doubtful.

Who is going to test the validity of those statutes? Who is going to determine whether the rights of the public are conserved or not? Who is going to determine the best way of handling a problem of this nature? That is the sort of problem that the Radio Commission has to deal with, and it should be given money enough to be supplied with all the talent it needs to carry on this work of coordination. As Mr. Caldwell has suggested, somebody must determine the validity of such statutes as we find in Nevada.

Then, too, quoting further from this radio talk, I find this:

Now let us see what cities and villages have done. They have been chiefly interested in ordinances of three kinds.

A large number of them have made it unlawful to operate various instruments or machines that cause electrical interference between certain hours in the evening. Some of these ordinances list the instruments and include a large variety of devices, such as electric signs, electric pianos, violet ray and X-ray machines, laboratory chargers, etc.

Some of the ordinances which were carelessly worded, if read literally, would prohibit the running of any street car between 6 o'clock in the evening and midnight.

Senators know if there be an electric refrigerator in their apartments or houses, and they turn on the radio at the same time that the motor is operating in the electric refrigerator, an interference occurs that is distressing. In these days, where that particular fact has been called to the attention of at least one legislative body, an ordinance has been passed seeking to prohibit any sort of activity which will produce interference with the radio reception. That raises another question that must be dealt with by somebody. All these things ought to be studied and reviewed by the Radio Commission.

Then, to quote further from Mr. Caldwell, he says:

Another set of ordinances is aimed at the operation of loud-speakers in such a way as to disturb the neighborhood.

That is what the Senator from South Carolina [Mr. BLEASE] was afraid of, as he stated a little while ago. He is afraid that the radio, if accompanied by a loud speaker, might bring so much noise from the outside that it would disturb the Senate. Nothing disturbs the Senate at meal time. Senators now are in the dining room. Of course, it is a great temptation for me at this point to read a lecture on health. A man lives on one-third of what he eats, and the doctors live on the other two-thirds. [Laughter.] I am afraid that the Presiding Officer did not get that. Mr. President, you live on one-third of what you eat and the doctors live on the other two-thirds. Senators know everything except how to live. It is only by the strict observance of the rules of hygiene that a man can keep in proper condition to conduct a filibuster. [Laughter.] Of course, Mr. President, I am not conducting one; so my state of health is of small concern; but I recommend this suggestion to any who may be interested.

To repeat the quotation, Mr. Caldwell said:

Another set of ordinances is aimed at the operation of loud-speakers in such a way as to disturb the neighborhood. Still another set of ordinances covers the manner in which your aerial shall be constructed.

Both of those are important. There is nothing more important in a city than to control the noises and nuisances that affect people and keep them awake and shatter their nerves. So far as the aerials are concerned, it is important to regulate them in order that fire protection may not be interfered with. In case of fire an aerial improperly constructed might be in the way of a fire apparatus. Furthermore, it might be dangerous in other respects than that, particularly one which might be put up insecurely on poles, as the poles might fall. Those, it strikes me, are very proper ordinances dealing with local matters wholly, but when it comes to the consideration of the question of whether radio is a public utility and whether the Government owns the ether, those large questions of legal construction must be determined by somebody, and they are among those matters which must be determined by the Radio Commission acting as a judicial body.

One city at least has an ordinance that no broadcasting station may be operated within the city without a permit, and that none may be operated either within or in 2 miles outside the city with more than 500 watts power.

Probably some of these ordinances are perfectly valid, but others, if they were allowed to stand, would run directly counter to the power of the Federal Government over radio.

That is perfectly apparent; it is a matter of vital importance, and one which must be studied and a proper remedy discovered. So there is a great work to be done by the Federal commission in determining the power of the Federal Government.

To quote further from Mr. Caldwell:

I feel that it is very important that, before cities and States rush into hasty legislation on radio, they consult with attorneys for the Federal Radio Commission.

They would have to consult with somebody besides the Federal Radio Commission, because so long as we leave in the hands of this commission the petty details of administration they will have no time to deal with the larger problems which have to do with the oversight and control of the radio art.

I quote further:

In what I have to say to you I find it difficult to refrain from telling you of things that have come to my attention, not only in connection with the committee's work but also during my brief period of service as general counsel of the Federal Radio Commission. I went off the pay roll last Saturday night, but am still lingering to try and complete certain work in which I have been engaged.

If you could only drop in at the commission's offices in Washington and observe the daily routine of work, I am sure that you would express your heartfelt sympathy for its members. They are all able men of high integrity, working longer hours, I think, than any other tribunal in Washington and facing more baffling problems.

The broadcasting stations alone, there being over 600 of them, would be enough to drive any regulating authority to desperation, with their conflicting claims, charges, and countercharges. Nearly all of them want more power, or better wave lengths, or more time, and, since there are only 96 channels to put them on—and 6 of these belong exclusively to Canada—they can not possibly all have what they want.

Occasionally one of them that is dissatisfied proceeds to stir up its listening public, sometimes without explaining just what the difficulty is, and the result is a deluge of mail headed for Washington. Some of it goes to Senators and Congressmen, some of it is addressed to the President, but most of it arrives at the commission.

In order to make sure that the commission is impressed with the importance of these communications, a large proportion of the senders use registered mail, special delivery, air mail, and the telegraph office. Then, in order to clinch their claims to better assignments, such stations send in support either by affidavit or personal witnesses, from all the local authorities and notables, the mayor, the aldermen, the judges, the presidents of all the clubs, and particularly the women's clubs, the hospitals, and in many cases the governor of the State and its Senators or Congressmen.

Those are some of the things which have to be faced by the Radio Commission. No wonder that they have no time to give to the judicial functions which are intrusted to them under the law but which they are not permitted to exercise because of the insistence of Senators who want to extend the commission for one more year and then another one more year, and heaven knows how many such extensions of time after that. It is utterly wrong; it is conducive of harm to the enterprise and bound ultimately to do it irreparable damage.

I wish to quote further from Mr. Caldwell; and I do this to impress upon you gentlemen—upon you, Mr. President, and the Senator from Texas [Mr. MAYFIELD], who is always faithful to his duties—I want to impress upon both of you the significance of the detail work of the commission.

In passing, I want to say to the Senator from Texas that I am going to miss him greatly. He has been a companionable, sweet, and fine friend, a useful Senator, and we are going to miss him very much indeed when he leaves the Senate. We have no doubt that the changes of time will land him in the governor's chair, if they do not bring him back to the Senate itself; but, wherever he goes he takes the good wishes of his colleagues.

Mr. Caldwell was speaking about what these men have to put up with. He said:

If you could only drop in at the commission's offices in Washington and observe the daily routine of work, I am sure that you would express your heartfelt sympathy for its members. They are all able men of high integrity, working longer hours, I think, than any other tribunal in Washington, and facing more baffling problems.

I am in the fullest accord with that. I think these men—Judge Robinson and Commissioner Sykes and Commissioner Caldwell and Mr. Lafount and these other men upon the commission—have done wonderful work. They have devoted themselves to the cause of the public.

To quote again from Mr. Caldwell, he says:

A hearing took place last week which is a noteworthy example of what the commission has to face at these hearings. An Oklahoma station applied for the channel which has heretofore been used by two Louisiana stations. One of these stations introduced into evidence 170,000 affidavits in its support. Senators and Congressmen and other men holding public office testified in substantial numbers on both sides. One of the States was represented through its attorney general. My resignation has come just in time to enable me to avoid reading the 170,000 affidavits and I am passing the job on to my successor.

That is an example of the detail work which has to be done by a very limited number of persons in this commission.

Last fall in connection with the new allocation, many stations suffered a cut in time. One such station sent in 400,000 letters from the listening public.

Think of it, Mr. President—400,000 letters!

At times the mail is flooded against certain kinds of advertising, and yet when the commission proceeds to take disciplinary measures against a station that has apparently been engaged in improper use of its privileges then there is a flood of letters the other way. There are letters protesting against too much duplication of chain programs.

This is very interesting. I am sure you will find it so, because of the debates which have taken place regarding the chain programs.

I quote again from Mr. Caldwell:

And yet whenever the commission has attempted to cut the time of such a station a torrent of abuse descends upon it. Among the miscellaneous mail which daily reaches the commission officers, some of it addressed to me as general counsel of the commission, are many inquiries as to what is the best receiving set, many inquiries as to how to build a receiving set, many complaints insisting that the commission do this or that with regard to local interference from electric ice boxes, dentists' machines, power plants, and the like, and such matters over which the commission has, naturally, no power or jurisdiction.

It may or may not surprise you, however, to know that broadcasting stations are only one of the commission's problems, and perhaps not the most important at that. Your receiving set, if it is one of the usual kind, is built so that it takes in only the wave lengths or channels that are in what we call the broadcast band. There are 96 of these channels. If your set covered a wider range, and you should be able to turn the dial either above its present high point or below its present low point, what would you find? In one direction you would run into what is known as the low frequency or long wave band, in which there are about 1,000 separate channels wide enough for wireless telegraphy. The first channels you would turn are used by ships chiefly, and one channel in particular is the international distress call channel. There are channels used by airplanes, and by stations which give services enabling either ships or airplanes to get information about their bearings and directions. Then come Government stations in large numbers, and channels that are used for wireless communication across the ocean, both telegraph and telephone.

Then if you should turn the dial the other way you enter the high-frequency or short-wave band where there are at present about 1,260 channels available for practical use. This is newly discovered territory in radio.

This is an interesting thing; and those who read the CONGRESSIONAL RECORD I believe will find it worth their attention.

I quote:

The short waves used to be thought fit for nothing but use by amateurs. But within the last two years our laboratories and the amateurs have shown that they are tremendously valuable, particularly for long-distance communication. These waves have a peculiar habit of taking a long jump before coming to earth in a way so as to be satisfactorily received. The shorter the wave the longer the jump, so that when you get to waves below 50 meters the jump is sufficient to make the waves suitable for communication across the Atlantic and even the Pacific Ocean, with comparatively little power. In the short-wave or high-frequency band, there are many channels given over to ships and airplanes, many to amateurs, and for experimentation. Some channels are being used for exploration for oil. Some are being reserved for television which is only just barely emerging from the laboratory and may have emerged too soon. One company has established wireless connections with 30 different other countries in the world.

I want to tell you about that. Sometime when you are in New York, go down on Broad Street, away down in the financial district; go down in the evening when there is no travel there, because all the people who congest that section of the city in the daytime have gone to their homes in the country; but down there is the station where international messages are received and sent.

I was there with a committee of gentlemen some weeks or months ago; and it was the most uncanny thing in the world to listen to messages coming in from London and Paris and Brussels and Berlin, from Rome, from Athens, from Constantinople, from Alexandria, from Jerusalem, from the Orient, from China and Japan, and from Australia—messages coming from every part of the world. Why, what is being accomplished by the radio is the most amazing thing. This great invention, which has done so much for the happiness and convenience and safety of the human family, must be safeguarded.

I want to say that one further reason why I am insistent upon the defeat of this bill is because, in my humble opinion, the problems are so great from an international standpoint that the President of the United States should have his eye upon what is going on in radio. These waves can not be confined to this country. While they are inventing now a sort of reflector, which, in a certain sense, keeps the waves going in one direction, yet, in the nature of things, the whole world is covered; every country of the world is reached by these waves; and so we have great international problems—the division of wave lengths with other countries. It is not a thing that we can settle ourselves. We must consult the other nations of the earth; and the only way in the world that that can be done, so far as I can see, from the American standpoint, is that in one of the executive departments under the President of the United States there shall be supervision of the details of this work.

It was a very wise suggestion that Mr. Hoover made, in his appearance before the committee in 1926 or 1927, when he suggested the wisdom of having the administrative side in the Department of Commerce, with an appeal board such as we have provided for in the law; but we can never hope to solve the problems of radio unless we take into consideration the rights and the privileges of the other nations of the world, and in the problem of the short waves of which I have told you we have a problem which reaches to every locality on the face of the earth.

There can be sent out from this city these waves which will traverse the ether and be received in every square mile of the earth's surface. It is an amazing thing—an amazing thing.

Yet there are men in the United States Senate who are seeking to have us ruin the enterprise by turning it over for a few months at a time to a radio commission, when we ought to have one made up of the strongest men in the United States, with legal talent and technical advice and assistants, so that they can solve problems, and solve them to the advantage of our country.

I think, having spoken the second time upon this first amendment, as far as I am concerned I am content to have the amendment go to a vote.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 5045. An act authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt.;

S. 5493. An act relating to the construction of a chapel at the Federal Industrial Institution for Women at Alderson, W. Va.;

S. 5677. An act to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.";

S. 5758. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

S. 5824. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

S. 5825. An act extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark.;

S. 5834. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.;

S. 5835. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.;

S. 5836. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.;

S. 5837. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo.;

S. 5844. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa; and

S. 5845. An act granting the consent of Congress to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Ohio River near Cincinnati, Ohio.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4848) for the relief of T. L. Young and C. T. Cole.

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

H. R. 16395. An act to amend the World War adjusted compensation act, as amended, by reducing the rates of interest on loans made by the Veterans' Bureau upon the security of adjusted service certificates, and for other purposes; and

H. R. 16819. An act to amend the World War veterans' act, 1924.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

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

S. 4039. An act to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended;

S. 5544. An act to increase the membership of the National Advisory Committee for Aeronautics;

H. R. 1625. An act to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells;

H. R. 2137. An act for the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. S. Heydeck;

H. R. 2659. An act for the relief of Annie M. Lizenby;

H. R. 3044. An act for the relief of Leon Freidman;

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

H. R. 3677. An act for the relief of F. M. Gray, Jr., Co.;

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

H. R. 4029. An act for the relief of Maude A. Sanger;

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

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

H. R. 4440. An act for the relief of Frederick O. Goldsmith;

H. R. 4611. An act for the relief of Marion M. Clark;

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

H. R. 5264. An act for the relief of James P. Cornes;

H. R. 5338. An act for the relief of Roland M. Baker;

H. R. 5341. An act for the relief of the Staunton Brick Co.;

H. R. 5399. An act for the relief of George Heitkamp;

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers, and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested;

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River, and all other streams in which such States are jointly interested;

H. R. 7173. An act granting compensation to the daughters of James P. Gallivan;

H. R. 7230. An act for the relief of Charles L. Dewey;

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

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

H. R. 7930. An act to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve";

H. R. 7976. An act for the relief of Mrs. Moore L. Henry;

H. R. 8223. An act to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md.;

H. R. 8423. An act for the relief of Timothy Hanlon;

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

H. R. 8886. An act for the relief of Luc Mathias;

H. R. 8987. An act for the relief of John R. Butler;

H. R. 9530. An act for the relief of W. L. Inabnit;

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

H. R. 9862. An act for the relief of M. T. Nilan;

H. R. 9972. An act for the relief of Charles Silverman;

H. R. 10045. An act for the relief of Robert S. Ament;

H. R. 10178. An act for the relief of the H. J. Heinz Co., Atlantic City, N. J.;

H. R. 10417. An act for the relief of George Simpson and R. C. Dunbar;

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

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

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

H. R. 11500. An act for the relief of Ella Mae Rinks;

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

H. R. 11698. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes;

H. R. 12189. An act for the relief of Marie Rose, Jean Baptiste, Marius François, and Regina Lexima, all natives of Haiti;

H. R. 12198. An act to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.;

H. R. 12359. An act for the relief of the widow of Edwin D. Morgan;

H. R. 12548. An act for the relief of Margaret Vaughn;

H. R. 12650. An act for the relief of John F. Fleming;

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

H. R. 13132. An act for the relief of J. D. Baldwin, and for other purposes.

H. R. 13258. An act for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office;

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

H. R. 13430. An act for the relief of Arthur E. Rump;

H. R. 13521. An act for the relief of Minnie A. Travers;

H. R. 13573. An act for the relief of Pedro P. Alvarez;

H. R. 13869. An act for the relief of John Wesley Clark;

H. R. 13888. An act for the relief of Charles McCoombe;

H. R. 13992. An act for the relief of N. P. Nelson & Co.;

H. R. 14242. An act for the relief of Everett A. Dougherty;

H. R. 14663. An act directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate;

H. R. 14823. An act for the relief of the Meadow Brook Club;

H. R. 14850. An act for the relief of Leo Byrne;

H. R. 14873. An act for the relief of Chesley P. Key;

H. R. 14897. An act for the relief of Matthias R. Munson;

H. R. 14975. An act for the relief of Capt. William Cassidy;

H. R. 15220. An act for the relief of Francis X. Callahan;

H. R. 15292. An act for the relief of the First National Bank of Porter, Okla.;

H. R. 15293. An act for the relief of Lieut. John J. Powers, Quartermaster Corps;

H. R. 15421. An act for the relief of D. B. Heiner;

H. R. 15570. An act authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.;

H. R. 15717. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.;

H. R. 15718. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River at or near Lake Street, in the city of Gary, county of Lake, Ind.;

H. R 15723. An act authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes;

H. R. 15916. An act to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal;

H. R. 16126. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.;

H. R. 16131. An act to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries;

H. R. 16169. An act to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind.;

H. R. 16170. An act authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.;

H. R. 16205. An act authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.;

H. R. 16345. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

H. R. 16382. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16383. An act to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16384. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

H. R. 16385. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 16386. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 16387. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 16388. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

H. R. 16389. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 16393. An act to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes;

H. R. 16406. An act to repeal the provision of law granting a pension to Annie E. Springer;

H. R. 16407. An act to repeal the provision of law granting a pension to Lottie A. Bowhall;

H. R. 16423. An act to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.;

H. R. 16425. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16426. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.;

H. R. 16427. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky.;

H. R. 16430. An act extending the time for constructing a bridge across the Kanawha River at a point in or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.;

H. R. 16431. An act to extend the times for commencing and completing the construction of a bridge to be built across the Kanawha River at or near Henderson, W. Va., to a point opposite thereto at or near Point Pleasant, W. Va.;

H. R. 16432. An act granting the consent of Congress to the Highway Department of the County of Etowah, State of Alabama, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry;

H. R. 16433. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 16436. An act to provide for the repatriation of certain insane American citizens.

H. R. 16640. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 16641. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.;

H. R. 16645. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.;

H. R. 16448. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 16499. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W Va.;

H. R. 16531. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.;

H. R. 16433. An act to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J.;

H. R. 16603. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

H. R. 16604 An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

H. R. 16605. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

H. R. 16606. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.;

H. R. 16609. An act extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

H. R. 16610. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.;

H. R. 16659. An act to authorize an appropriation to pay one-half the cost of a bridge across Cherry Creek on the Cheyenne River Indian Reservation, S. Dak.;

H. R. 16660. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota;

H. R. 16714. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16719. An act granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River, at or near Chattanooga, Hamilton County, Tenn.;

H. R. 16725. An act authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La.;

H. R. 16791. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 16818. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.;

H. R. 16824. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 16867. An act for the relief of H. E. Jones;

H. R. 16985. An act 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;

H. R. 16988. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

H. R. 17001. An act for the relief of Capt. Walter R. Gherardi, United States Navy;

H. R. 17020. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 17023. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.;

H. R. 17079. An act to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools;

H. J. Res. 377. Joint resolution authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus; and

H. J. Res. 431. Joint resolution providing for an investigation of Grover M. Moscowitz, United States district judge for the eastern district of New York.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Finance:

H. R. 16395. An act to amend the World War adjusted compensation act, as amended, by reducing the rates of interest on loans made by the Veterans' Bureau upon the security of adjusted-service certificates, and for other purposes; and

H. R. 16819. An act to amend the World War veterans' act, 1924.

ENTRY OF CERTAIN ALIENS TO THE UNITED STATES—CONFERENCE REPORT

Mr. JOHNSON submitted the following report, which was ordered to lie on the table:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That (a) if any alien has been arrested and deported in pursuance of law, he shall be excluded from admission to the United States whether such deportation took place before or after the enactment of this act, and if he enters or attempts to enter the United States after the expiration of 60 days after the enactment of this act, he shall be guilty of a felony and upon conviction thereof shall, unless a different penalty is otherwise expressly provided by law, be punished by imprisonment for not more than two years or by a fine of not more than $1,000, or by both such fine and imprisonment.

"(b) For the purposes of this section any alien ordered deported (whether before or after the enactment of this act) who has left the United States shall be considered to have been deported in pursuance of law, irrespective of the source from which the expenses of his transportation were defrayed or of the place to which he departed.

(c) An alien subject to exclusion from admission to the United States under this section who is employed upon a vessel arriving in the United States shall not be entitled to any of the landing privileges allowed by law to seamen.

(d) So much of section 3 of the immigration act of 1917 (U. S. C. title 8, sec. 136 (j)) as reads as follows: "persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port or their attempt to be admitted from foreign contiguous territory, the Secretary of Labor shall have consented to their reapplying for admission" is amended to read as follows: "persons who have been excluded from admission and deported in pursuance of law, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory the Secretary of Labor has consented to their reapplying for admission."

(e) So much of section 18 of the immigration act of 1917 (U. S. C. title 8, sec. 154) as reads as follows: "or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless prior to reembarkation the Secretary of Labor has consented that such alien shall reapply for admission, as required by section 3 hereof" is amended to read as follows: "or knowingly to bring to the United States any alien excluded or arrested and deported under any provision of law until such time as such alien may be lawfully entitled to reapply for admission to the United States." The amendment made by this subsection shall take effect on the expiration of 60 days after the enactment of this act, but the provision amended shall remain in force for the collection of any fine incurred before the effective date of such amendment.

"SEC. 2. Any alien who hereafter enters the United States at any time or place other than as designated by immigration officials, or eludes examination or inspection by immigration officials, or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than one year or by a fine of not more than $1,000, or by both such fine and imprisonment.

"SEC. 3. An alien sentenced to imprisonment shall not be deported under any provision of law until after the termination of the imprisonment. For the purposes of this section the imprisonment shall be considered as terminated upon the release of the alien from confinement, whether or not he is subject to rearrest or further confinement in respect of the same offense.

"SEC. 4. Upon the final conviction of any alien of any offense under this act in any court of record it shall be the duty of the clerk of the court to notify the Secretary of Labor, giving the name of the alien convicted, the nature of the offense of which convicted, the sentence imposed, and, if imprisoned, the place of imprisonment, and, if known, the place of birth of such alien, his nationality, and the time when and place where he entered the United States.

"SEC. 5. Terms defined in the immigration act of 1924 shall, when used in this act, have the meaning assigned to such terms in that act."

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

HIRAM W. JOHNSON,
WILLIAM H. KING,
DAVID A. REED,
COLE L. BLEASE,
HENRY W. KEYES,
*Managers on the part of the Senate.*

ALBERT JOHNSON,
BIRD J. VINCENT,
GEO. J. SCHNEIDER,
A. J. SABATH,
*Managers on the part of the House.*

FEDERAL RADIO COMMISSION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15430) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

Mr. BLEASE. Mr. President, a while ago, while the Senator from New York [Mr. COPELAND] was delivering his address, I interrupted him for the purpose of asking a question, and in order to ask that question intelligently I had to make a statement. The then occupant of the chair ruled that when the Senator from New York yielded the floor for the purpose of allowing that question to be asked, he thereby yielded the floor. I differed from that opinion of the Chair, which was appealed from, and when it was appealed from, a majority of the Senate sustained the Chair.

If everything moves along nicely, as I hope it will, I will have two more years to serve in this very distinguished body; and I want to keep that precedent before the Senate, because it may be very useful.

The question I wanted to ask the Senator from New York I shall ask now. On the 4th of March those who have the privilege of sitting in the Senate and in the galleries will hear the announcement, "The President of the United States." Mr. Coolidge will come in—a man who, in my opinion, in many respects has been a great President. I do not think he has measured up to Theodore Roosevelt. In some respects I do not think he has measured up to one of the best men who ever lived who occupied the White House—William McKinley. I wish I could have been standing right behind that fellow when he attempted to assassinate Mr. McKinley.

I would have liked to cut his head plumb off his shoulders, and taken some of his blood back down to my State and spread it around in order that the bloodhounds might smell it, the meanest smell that could possibly have been given to a dog.

Then there will be announced, "The Vice President of the United States." The genial, pleasant, very able, and very distinguished gentleman who occupies that position now will be in the Senate, a man of wonderful genius and splendid character.

I do not believe there is a man in the Senate, either Democrat or Republican, or quasi Democrat or Republican, or Progressive, but will regret to see Charles G. Dawes give up that office, notwithstanding the fact that it is to be occupied by a man who is loved by every man in the Senate, and who I believe in many respects will command more influence and more respect as the Presiding Officer of the Senate than any man who has ever sat in that chair. While he in politics is a Republican, for four years in my experience here I have never seen him do one act or say one word but what was fair, conscientious, honest, and clean.

Then they will announce the Cabinet, and the Cabinet are supposed to march in. As I understand the Constitution of the United States, in the case of the death of the President and Vice President the Secretary of State would be President, although I understand that my good personal friend Senator MOSES will be President for a short time between 12 o'clock on March 3, which is the Sabbath, and 12 o'clock on March 4.

Then they will announce, "The Chief Justice of the United States and the justices of the Supreme Court of the United States." Everybody knows what I think of the Chief Justice of the United States. If they do not believe I think a good deal of him, they can just look at the calendar and see how many judgeships have been created since he called around to my office.

Mr. DILL. Including the judgeship the Senator wanted.

Mr. BLEASE. Yes; the judge has not been appointed yet, but I hope to get him appointed pretty soon.

The Senators elect will be here. Then the Members of the House of Representatives will come over, and there will be assembled in this little bit of a small Chamber the entire Government of the United States of America. I think it is a mistake, though it may be none of my business. My friend the junior Senator from Louisiana [Mr. BROUSSARD] suggests that the diplomatic corps will be here. I am not very much worried about them, as long as they let them drink liquor and do not let me have any.

Think of it. Some fellow might slip up to one of these doors, or up in the press gallery, as the newspaper men do sometimes when they want to hear what is going on in executive session, and drop a bomb down here on this floor and blow the whole American Government up at one time. I do not know whether many people have ever thought about the seriousness of that situation or not.

It may be considered that we are guarded. It is said there are guards up there. They have a man up there, who sits over at one door, who looks like Gen. John A. Logan. I call him General Logan. I love every one of them. They sit all around up there. I know a 14-year old boy who could go up there and whip any four doorkeepers up there in three minutes, and throw every one of them down here on this floor just like rag dolls. But they say we are protected, and possibly we are. I do not say we are not.

Now they want to put a radio back here right behind me so as to broadcast what is going on in the Senate. I do not know anything about radios; I never listened to one of them in my life. I am supposed to be speaking on the radio bill, as the junior Senator from Texas [Mr. MAYFIELD] suggests. I do not know what they might do, and that is what I want to ask Senators. They might fill that thing up with gas, some deadly gas, and just about the time the crowd assembled in this Chamber, everybody in control of the Government of the United States, some fellow might turn on a machine down here and just gas out the whole business.

That is what I wanted to ask the Senator from New York, and that is what the Chair ruled on, not the present occupant [the Vice President in the chair]. I do not believe he would have ruled that if a Senator rose and asked the Senator from New York a question, he would lose the floor. Some people laughed, I suppose, thinking that was a pretty good idea, but the Senator did not object, it was all right.

I do not consider that the making of a statement by a Senator in order to make intelligent a question he desires to ask is enough to deprive a Senator of the floor. But I want the precedent which was established to-night to be remembered.

I do not care very much about the radio bill. I will be honest about it. I am opposed to it. I was the only man who voted against it when it came up. I have rather peculiar ideas, I guess, and perhaps a lot of people think they are fool ideas. I suppose some would put a "d" in front of that word to better express the kind of ideas they think I have. But to save my life I can not see what right we have to control the air that God Almighty gave the people.

Right here on the main street in this city, where are the poor folks going to see the inaugural parade. I get up in the morning and look out of the window of my room at the Washington Hotel, and I can not see room enough on the sidewalks for people to walk. Everything on the Government grounds is covered, the Treasury Department space is all covered, there is not a sidewalk left, they are all clogged up, and the seats are $7.50 apiece. You may come on down to the Post Office Department and find it all blocked up; the Municipal Building is all blocked up, and it is just that way all the way down Pennsylvania Avenue. I would like to have somebody tell me where they expect the poor white folks and the niggers to stand on inauguration day. They ought to have some privileges. God knows they ought to be allowed the freedom of the streets. But if they go out in the streets the police will rush out and knock them to one side and say, "Get out of the way of the parade." If they get on the sidewalk, the people up there will say, "That fellow is in front of me. I paid $7.50 for my seat," and they will knock him out of the way.

Now, in the Senate it is said we are going to control the air. The Government already has control of fish, the sidewalks, the birds, the trees, they have already taken the Atlantic Ocean and the Pacific Ocean. Now, they come here and say, "We are going to take the air away from the people. Let no man breathe air unless he gets a license from the Radio Commission."

I do not blame the Republican Party; I want to be understood. If I could have had the radio last summer and worked it as they did, I do not believe I could have elected Al Smith, but if I had had a good, honest-to-God Democrat, I could have elected him.

I was surprised this afternoon to hear a certain Senator bragging about this Radio Commission.

The candidate for Vice President on the Democratic ticket came to my city, a little place of only 60,000 inhabitants, all Democrats. He did not have any business coming down there. I told him he was wasting his time. Hoover only got 5,000 votes in my whole State. I do not know whether he would have got that many if Joe Tolbert had not been told they were planning to cut down his representation in the National Republican Convention. We did not want him to have it cut down so we got Joe 5,000 votes to keep up his credit. [Laughter.]

They charged, as I understand it, $3,000 for JOE ROBINSON to make that speech in Columbia, S. C. He never made a vote for the Democratic Party. He never made a vote for the Republican Party. Why such an exorbitant price, such an outrageous price, for a man to make a speech over the radio? As I said the other day, I do not want to make any speech over the radio; I do not want to talk to any audience I can not see. A negro preacher down home said he "didn't want to talk to no audience he couldn't take up a collection from." [Laughter.] I do not want to talk to any audience I can not see.

We all know that the Republican Party under the present radio law and Radio Commission had every advantage that it is possible for the commission to give to put their speakers on the radio. Motion-picture shows did the same thing.

I have seen a lot of pictures up here worn out from being shown for the purpose of intimidating the voters of this country. Other pictures were brought out displaying certain things. The whole system of radio and the whole system of moving-picture shows and the whole editorial columns of certain papers were bought, regardless of sympathies and regardless of price, and paid for by the Republican Party. They know it and I know it. The honest-to-God man in this country who is at home working to-night has very few representatives in this body or in the body at the other end of the Capitol. The money power of the country has got control of it all. You know it, Senators, and your Congressmen know it and your President knows it.

We have in our country to-night thousands of women and children who are going to bed hungry, thousands of them. We have right here in the city of Washington men and women committing suicide, out of work, American citizens, and yet we are bringing into this country every day thousands of foreigners to do work that should be going to American citizens. What is the purpose? It is time for these little societies—I will not designate them—which go around here writing letters to Senators about legislation and talking about the D. A. R.'s and "original origins" and other propositions like that, to stop that line of activity and consider how long it is going to be before the foreign element in this country will outvote the American-born citizens.

Take some of the States—I will not call their names but Senators know them. Right now the Democrats do not control them. The Republicans do not control them. The foreign elements of those States control them. People are being brought in here that control them. A son is born to one of you Senators and a daughter is born to one of you. It takes 21 long years of life in America for either one of them to become a voter—21 years,

and long years, too, for an American boy to be able to vote for a President of the United States or for a United States Senator or a Congressman.

But what about the foreigner? He is dragged over here from Italy, England, Germany, and all the other countries, and while your boy and your girl will have to grow for 21 years before they can have the privilege of voting for the President of this great Nation, that foreigner will come over here and in just a few years he will cast his ballot, while your boy and your girl have been waiting for 18 or 19 years and are still deprived of the right to vote. How long are you going to let that go on, you people in the galleries? You are too particular about hurting somebody's feelings.

I went up into one of the departments the other day. I hardly ever go to them. I have been in two since I have been in Washington. I have had people write and ask me to go there and I tell them "No." I did not come here to be a lobbyist or a lackey or a messenger boy running to the departments asking for favors. I do not want any favors. I want to attend to my own business. But I did go up there on this occasion. I saw men and women sitting in their offices, with their typewriters covered up, reading newspapers and smoking cigarettes and not doing a bit of work; yet they will run down to the committees of Congress and say, "We are worked to death. Can not you raise our salaries a little bit?" Half of them ought to be turned out and the other half ought to be made to work. But it is all right; the Republican Party has to have votes, so why not create jobs for pets and let the pets loaf and vote on election day? I do not blame them. Go ahead. [Laughter.]

But these are facts and we can not get away from them. Then Senators come here and say "we do not want certain bills passed because they will do so and so; we want other bills passed because they will do so and so." Why do not these societies go to work and advocate or disapprove of the things that will help this country or will ruin this country?

You know as well as I do, Mr. President and gentlemen of the Senate, that the foreign element is driving from our cities and our States our people who are entitled to the positions which the foreigners are getting. I am not speaking for South Carolina, God bless her. She has the purest, unmixed American blood in the United States. We have very few of this element I speak of in my State and I think it will be a long time before we have too many of them. It does not take them long when they get down there to find that they have a very unwholesome and unwelcome home. We tell them in such a way that they know it. If they do not learn it by words then we teach them in some other way. We let them know we do not want them.

I am speaking for this great Nation that I help to represent in this body. Take the colored race. I have been held up as one of their bitterest enemies notwithstanding the fact that when I was governor of my State I pardoned more of them than every other governor we have ever had all put together. The bootblack shop belongs to the colored man. The barber shop belongs to the colored man in certain respects. The shoveler's job belongs in certain respects to the colored man. What are you northern people going to do with the colored man? Thank God he is leaving us and coming to you. The more he comes the better we like it. You drive them out of every profession and business and then a man comes to you and says, "Are you shaving down here at a certain negro shop?" "Yes, I shave down there." "If you don't quit shaving down there we will not vote for you." "Do you go over to a certain shoe-shining parlor run by colored people and have your shoes shined?" "Yes." "If you do not quit that we will not vote for you."

In other lines of business and menial labor this foreign elemen is driving out the colored men. I have no apologies for them. They are driving them out of the trades that God Almighty intended them to be in, and in order to make a living many of them are stealing and committing all kinds of crimes when, if they were not driven out by this foreign element, but allowed to hold their jobs that God Almighty intended for them to hold, they would be making a good living and getting along all right.

I warn you Senators from States north of the Potomac River that this is a question you have got to settle. The South has settled it. It is getting to be a serious proposition with you, too. In Illinois they have a serious situation—and you Republicans have it, too. You have a serious proposition facing you when this negro is brought here to be sworn in on the 4th of March. You may think it is a laughable matter, but you will find it is a very serious matter. Mr. Hoover has a very serious problem in that matter, too. He may say to old North Carolina and Virginia, "I will turn out the negroes of the South and I will put in white people"; but remember when he does it that Pennsylvania has a few negroes; Illinois has a few; Ohio has a few; and other States have a few negroes. West Virginia has a good many negroes. When he slaps the negro of the South in the face that fact must be remembered. If he slaps the negro of those States in the face, then you will find it is your problem and not the problem of the Confederate States of the American Union.

Mr. President, we could correct those evils. We could correct them by stopping this foreign population from coming in. In my own State we have very little of it. They have run the white people out of the restaurant business. The Greeks are running it, and some of them are mighty good people. Some of them are my clients. Some of them are friends of mine. I know several in my town that I would loan the last dollar I have, because I know I would get it back. They are nice people; they are all right.

Take other occupations, such as the fruit business. Who is selling the fruit? The Italians. They have driven American citizens out of the business. In the departments right here in Washington there are people working and drawing good salaries who are not American citizens, while American citizens are idling on the streets and asking for work. Senators, that is not right; it should be corrected. An American-born boy or an American-born girl should first be offered the position. If we can not find an American boy or an American girl to take it, then give it to the foreigner, but the Americans are entitled to the first choice. It is not right to discriminate as we now discriminate.

Mr. President, when first I came to the Senate I did not know anybody here. I got up and made a little speech. In that speech I referred to a man who was dead. I did not say a word about that man that I had not said in his lifetime; I did not say a word about him but what I had said when I knew that spies sent by him and his henchmen—and I use the word "henchmen" advisedly—were trailing me all over South Carolina trying to find some excuse to put me in jail. They watched my home at night; they took note of every man who came there, every visitor, and everyone who went out. They did not think I knew it, but I did. They followed me when I would go to make a speech; they had stenographers to take down what I said. Night after night, when I would go home and go to bed, they would have spies standing outside of my home and around my yard watching me, to see if I held conferences there.

There was not anything for them to get. I was glad they watched me. I have never done anything in my life—not a thing—that I would not be willing to have shown on the screen of any picture show in America.

I have never been hunting in my life; I have never been fishing in my life; I have never played baseball nor football; I have never had time to do so. I have never gambled a cent in my life. I used to ride horse races, but I got somebody else to bet for me when I was on the horse; but there is not one thing in this world in my private or public life that I have ever done that I would be afraid to have shown on any picture screen in America, provided, as I have stated, those who might have been present were protected.

There has not been a word that I have ever said that I would not be willing to see printed in the newspapers; for my father told me when I was a little boy never to put my name to anything unless I was willing to see it published in a newspaper.

I started a poor boy without very much influence; I passed through several offices into the Senate, thank God and the honest laboring people of South Carolina; and I might add, possibly, a few thanks to a lying press and the preachers—

> Who stole the livery of the court of Heaven,
> To serve the devil in.

Oh, but there was a great deal said. One Senator who is dead and gone, who sat right over there [indicating]—I hope he is in Heaven; I have no reason to believe he is not—got very much excited about what I said. Another Senator ran in here and said something about the vultures tearing the bowels out of Prometheus. Well, I took it all; I said nothing. I was a young man up here then.

Mr. President, Robert Lansing died the other day, and let us consider for a moment what some people said about him after he was dead and when he could not answer. The man of whom I spoke was living; he was the President of these United States of America, and he could answer what I said. Therefore, I said nothing about any man who is dead, but what I had said about the man living and in the pride of his power. I have got the same respect for him now that I had for him when he was living, and my friends in South Carolina know what that respect is.

Now, what says the State, of Columbia, S. C., on Friday morning, November 2, 1928? I read as follows:

[From the State, Columbia, S. C., Friday morning, November 2, 1928]

THE STATESMAN ON PAPER

How are heroes made?

Political ones can be manufactured by "talk." Let a few newspapers with large circulations and a few magazines that are read throughout the country "get behind" any man and what a wonderful reputation they can build for him. It may be all "paper stuff"—special articles at so much a word by this and that writer, cartoons and laudatory editorials, but if continued long enough the public, made up in large measure by those who are anything but analytical, comes to accept the propaganda as truth. It is so much easier to swallow soft stuff than to chew and digest facts. It is by such process that a halo was made to surround Mr. Coolidge—a silent person with quite a treasure of common sense in his make-up, and that common sense being nowhere more markedly displayed than in talking little and moving with the sedateness counseled by extreme caution.

We have before us one of the New York Tribune's syndicated cartoons pretending to present a Smith-Hoover "balance sheet." As a sample of first-rate bunk handed the public this is a fine illustration. For "native ability" Smith and Hoover are credited with 100 each. But if the cartoonist were required to show where Mr. Hoover has one-fourth the "native ability" of Mr. Smith, how could he do so? On "Making the Best of Opportunities" each is credited with 100. Yet Hoover started out with a first-rate college education, and Smith had to go to work selling newspapers when 12 years old to help support a mother and brothers and sisters—and he has made New York a great governor and is his party's candidate for the Presidency!

But yet more ridiculously unfair and unsustainable are the relative credits for "Self Education." Smith is given 75 and Hoover 1,000! Were the figures reversed they would be far nearer the truth. For "Record of Achievement" Smith is given "(local) 10" and Hoover "(world) 1,000." What "world" achievement of his own can be credited to Mr. Hoover? And if Mr. Smith is not entitled to a rating of 1,000 instead of 10 for his achievements that Dr. Nicholas Murray Butler and Charles Evans Hughes grossly falsified conditions and grossly deceived the American people when they, eminent citizens and conspicuous Republicans, gave Smith the highest praise that could be bestowed for his achievements in government.

"National Experience"—whatever that may mean—comes next. Smith is allowed 1½ and Hoover 1,000. Smith has had far more national experience as Governor of New York than that of either Coolidge, Wilson, or Roosevelt had when elected to the Presidency. And at what point has Hoover's experience ever touched government? His "experience" is such that when those at his elbow in the Harding administration were laying plans to steal the earth and all that is in it, he didnt smell either oil or rats; didnt know what it was all about.

On "world knowledge" Smith is given zero and Hoover 1,000. Hoover's "world knowledge" has been largely confined to engineering projects, especially in mining. He has had no experience in government or diplomacy. He has never demonstrated ability to handle men, to bend them to his ideas; his dealings, when acting for this Government, were the dealings of an autocrat. He held all the power and the money the American people put at his command. On the other hand, Smith has the knowledge of human beings; the understanding of men.

For "business experience" Smith is credited with nothing and Hoover with 1,000. Yet the "business" of running a great government like that of the State of New York for many years gives an incomparably more valuable experience for a President of the United States than the business experience of trading for mining interests or running our Department of Commerce. Ten thousand men in business in this country are successfully performing the same sort of work.

Mr. Hoover may have the makings of a great President—and the ability to win and lead strong men in a most important part of such equipment—but such has not been proved. If he has great progressive ideas and great courage to press them, he has revealed neither to the American people. The laurels accorded him as statesman of heroic stature are, so far, "paper made."

Mr. President, I particularly want to call attention to the statement in the beginning of this article that the newspapers of this country, the boast being made by the editor of one of them, can make or ruin any man they please.

Mr. President, I will cut my remarks short in accordance with some information I have received. Before concluding, however, I ask unanimous consent to have published in the RECORD along with my remarks an article from the New Leader, of New York, of December 29, 1928, in reference to certain correspondence between Secretary Bryan and Ambassador Page in London.

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

The article referred to is as follows:

[The New Leader, New York, December 29, 1928]

Publication by the State Department of certain official correspondence in the year 1915 lets a few secrets out of the bag. One of the most valuable documents is a cable to Secretary Bryan of May 8 from Ambassador Page in London, who reports confidential information he had received from the political editor of the London Times regarding the secret bargain made by England, France, and Russia with Italy to bring the latter into the war. The consideration was Italian annexation of Austrian territory, including many Serbs. Of course, the bargain was unknown to Serbia.

Woodrow Wilson always insisted that he knew nothing of the secret bargains of the Allies till he arrived in Paris, but here is evidence that his ambassador to England reported one of the bargains to his Secretary of State in 1915, the year in which the bargain was made! Are we required to still believe that Wilson was ignorant of these secret treaties?

The more we learn of the inner history of the "war for democracy," the more we are convinced that it was a crime against humanity.

Mr. BLEASE. I also ask to have published in the RECORD along with my remarks an article from the New Leader, of New York, of December 29, 1928, entitled "Lansing Called Britain 'Inhuman' and 'Repugnant.'"

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

The article referred to is as follows:

[The New Leader, New York, December 29, 1928]

LANSING CALLED BRITAIN "INHUMAN" AND "REPUGNANT"

The curtain is lifted a bit higher on the diplomatic machinations which eventually led the United States into the World War and the sacrifice of 120,000 American lives in a "war to end war." Several years behind the foreign offices of Germany, Russia, England, and Austria, the United States Government at last is publishing "diplomatic papers" dealing with the World War. Like the series of papers issued by England and France, and like those dishonest books issued by Germany and Russia and France in the earlier of the postwar years, the American Papers Relating to the Foreign Relations of the United States, World War supplements, carry with them no assurance that the documents presented were not "selected" or "edited" to please the war-makers' sensibilities.

The 1915 supplement to the foreign-relations papers, issued this week by the State Department in Washington, offer sufficient material, however, to uphold the position of the Socialists and others who opposed entrance into the war by the United States. The charge made by so eminent a historian as Charles A. Beard that the Wilson administration did not exercise as firm a hand against British "atrocities" and violations of American rights on the seas as it did finally against German activities is substantiated by none other than Robert Lansing, Wilson's Secretary of State during the war period.

Robert Lansing, while counsel to the State Department, made a memorandum on a conversation he had with Sir Cecil Spring-Rice, then British ambassador to the United States. In this memorandum Lansing expressed himself firmly against the British policy of trying to starve the civilian population of Germany. This policy Lansing termed "inhuman" and "repugnant." He urged the British Government to discontinue its food blockade.

This memorandum reads:

WASHINGTON, *May 27, 1915.*

In a conversation which I had this afternoon at the department with Sir Cecil Spring-Rice I said to him that information received from many sources indicated that Germany was not suffering from lack of food, but on the contrary had sufficient to last until the harvest, and that after that there would be a great abundance, as all arable land had been planted with grain and other food crops.

I asked him why, in view of this fact, his Government should be so determined to keep foodstuffs out of Germany. I said, "You admit that you can not starve Germany by interrupting food and imports, and yet you continue your efforts to stop the trade and lay yourself open to the charge of inhumanity by attempting to reduce Germany by starvation."

He replied that what I said was true, but that knowledge of Germany's food supply had been only recently obtained by his government.

I asked him if, knowing the facts and the futility of their "starvation policy," it would not be a wise course for his government to accede to the proposal, which was made some time ago, that Great Britain would permit foodstuffs to go to the civil population provided Germany would cease her submarine warfare on merchant ships.

I pointed out to him that the idea of starving men, women, and children seemed to many people as inhuman as drowning them; that the legality of the attempt was neither here nor there, since the very idea was repugnant to the humane sentiments of modern society; that the attempt offered a more or less plausible excuse for Germany's sinking of unarmed merchantmen, and that Germany was, as he knew, using this excuse with considerable effect.

The ambassador replied that what I said was convicting; that he knew that the purpose of starving the German people had made a bad impression in this country, although we had done the same thing in our Civil War, and that the Germans asserted that their submarine warfare was only retaliatory.

I asked him, "Why, then, does not your Government relieve themselves of the odium of pursuing an inhuman policy by agreeing to allow food to go to the civil population of Germany? You have nothing to lose, because you admit you can not starve the nation into submission, and you have much to gain, because you will put Germany in the position of having to stop her submarine attacks or else bear alone the stigma of being cruel and inhuman. Whichever way the German Government decides, Great Britain would seem to be the gainer. I do not suggest this course on humanitarian grounds, but solely on the ground of expediency. It seems to me the politic thing for your Government to do."

He replied with marked emphasis, "You are entirely right. It would be the very best course my Government would take, and would put Germany in a serious dilemma. I shall suggest it to Sir Edward Grey and urge its adoption."

I said to him that if he proposed to his Government to take that action I earnestly hoped that he would not mention having had any conversation with me on the subject, that he must understand I had spoken confidentially and personally, and that to have anyone in the department making, even unofficially, such a suggestion, and especially advancing argument in its favor from the British standpoint, would be most embarrassing.

The ambassador replied that he understood my position and would promise that our conversation would be treated as secret and not mentioned in any way. He added, "The suggestion will be my own, and so will the arguments in its favor. I will not mention your name or your Government in connection with the subject."

He spoke again of the tactical benefit to his Government if the course proposed should be adopted, and of the favorable effect which he knew it would have on public opinion in this country.

He left me with the impression that he was heartily in favor of the suggestion and would do all that he could to have his Government adopt it.

ROBERT LANSING.

Lansing, as he admits, did not make these suggestions to Britain because of his "humanitarianism." It was "expediency" he was interested in. He suggested that his plan would put Germany into a hole. He thus revealed a partiality to Britain long before his country had entered the war against Germany. In the light of this partiality it is easy to understand why he was so anxious to conceal his part of the conversation with Spring-Rice.

Despite Lansing's strong characterization of England's war-time tactics, he, like Wilson, who is reported to have expressed similar views before he decided to enter the "war for democracy," within a year had conciliated themselves to the idea of fighting side by side with this nation which used "inhuman" and "repugnant" means. Spring-Rice had given the impression that he would do all he could to have his Government adopt Lansing's suggestions. He failed. England preferred to give her small army of propagandists in the United States and the interests of American holders of British bonds more time to whip up a war spirit here.

Sensational and sordid is the story of war-time intrigue by the great military powers to secure the support of Italy, Bulgaria, and Rumania in the year 1915, as related by official dispatches and correspondence just made public by the State Department. Incidental to the purchase of Italy and Rumania by the Allies and the buying of Bulgarian support by the Central Powers is a revelation of the strictly business attitude taken by the Wilson administration toward the conflict at that period. The *Lusitania* sinking and the stopping of American cargoes by the British fleet caused endless protest from Washington, which was not at all concerned with the rights of small nationalities or the right of self-determination.

Ambassador Walter Hines Page, in a cable to Secretary Bryan, May 8, 1915, reports a confidential disclosure made to him by the political editor of the London Times, that "England, France, and Russia made a bargain with Italy April 30, agreeing to cede to Italy very large parts of Austria, some of which has a Slavic population, if Italy comes into the war within a month. This was done without consulting Serbia and against her wishes. Italy will soon come in if she keeps her agreement, to be followed by Rumania. I have heard unofficial confirmation of this agreement here."

Minister Charles Vopicka, at Bucharest, October 19, 1915, reported to Secretary Lansing that the Rumanian King was trying to prevent Rumania from going into the war for the Allies "against Bulgaria." He added that "there is a scheme on foot to sell to Germany at fancy prices the whole of Rumania's crop through an economic society which was formed here a few days ago—of course, for the consideration that the members of the society, which would mean more or less all Rumanian landowners, would favor Germany."

On October 27, Vopicka reported a detailed plan he had made earlier for the Allies to get Bulgaria's support by pledging to Serbia enough of Austria's territory to lure Bulgaria into a similar deal for Macedonia. But it was Germany and Austria who bid highest for the Bulgarian armies.

Mr. BLEASE. I also ask unanimous consent to have printed in the RECORD as a part of my remarks an article from the Evening Star of Washington, D. C., of the issue of Tuesday, November 20, 1928, entitled "Lansing memory paid high tribute."

The PRESIDING OFFICER. Without objection, it is ordered.

The article referred to is as follows:

[From the Evening Star, Washington, D. C., Tuesday, November 20, 1928]

LANSING MEMORY PAID HIGH TRIBUTE—JAMES M. BECK AND OTHERS PRAISE HIM AS "PERFECT GENTLEMAN"

A high tribute to the memory of Robert Lansing was paid yesterday at the twenty-seventh annual meeting of the Archæological Society of Washington, held at the residence of Mrs. Henry F. Dimock, 1301 Sixteenth Street, by JAMES M. BECK, who succeeded Mr. Lansing as president of the organization at the late president's request, and by other notables.

Mr. BECK, who was inducted into office with Irwin B. Laughlin, former Minister to Greece, in the chair, declared that Mr. Lansing was "the scholar in politics, a type of statesman of which our country stands in sore need."

"Robert Lansing was not merely a good lawyer and an able Secretary of State," Mr. BECK asserted, "but he was always a gentleman in the truest and noblest sense of that word, and a gentleman he remained to the end. I believe it could be said of him, as truly as it could be said of any public man of whom I have any knowledge, that he never did an unjust thing or uttered an inconsiderate word or harbored an ungenerous thought."

SIR ESME SPEAKS

Sir Esme Howard, British Ambassador and dean of the diplomatic corps, paying a tribute to Mr. Lansing, recalled that he had met him in Paris in 1918 and 1919 during the conference that led up to the peace of Versailles.

"It was easy to recognize in him at once a man of cultivated mind and wide reading, of great charm of manner, and of readiness—that most important qualification for a diplomatist—to listen to the other side," Sir Esme told the society—"a man who did not allow himself to be swayed by prejudices or by gusts of emotion, but one who, while always upholding the interests of his country, could yet keep a judicial attitude toward all the most difficult and complicated questions of that time as they arose. He was always courteous but firm in his dealings with others, and his quiet, judicial handling of all questions was, I believe I may say, universally appreciated."

JUSSERAND PAYS TRIBUTE

Arthur Stanley Riggs, director and secretary of the society, read this brief message of tribute from former Ambassador Jules Jusserand of France, a life member of the society:

"Our hearts ache at the news that Robert Lansing is no more. His youthful appearance, his lucidity of mind, his ever-active pen seemed to promise years and years of useful life.

"I mourn a friend of many days, one ever to be trusted, in stormy times or calm, a level-headed man if ever there was one, bent on duty, whatever the consequences, and following the dictates of his conscience with no trace of ostentation, doing what he considered right as the most natural thing in the world, simply because he thought it right.

"Deeply concerned in general problems and questions of principle, he was a thinker and a sage.

"Wisdom was the characteristic of his advice; those who were chiefly struck by his quiet tones did not always notice how firm that advice could be and did not remark the subdued, never bitter, humor that flavored his judgments.

"His loss is a grievous one for all those who knew him; it is a grievous loss for the Republic."

RESOLUTION ADOPTED

Mr. Riggs read a resolution adopted by the board of trustees and a formal report of the scientific and financial achievements of the society under President Lansing's term of nine years in office.

The society's next meeting will be held December 3 at the National Museum. Count Byron Khun de Prorok will address the meeting on his two and one-half years of exploration in the Libyan Desert, where he studied the almost unknown oasis of Jupiter Ammon and the fortified citadel of Siwa.

Mr. BLEASE. I also ask unanimous consent to have printed in the RECORD an article from the State, of Columbia, S. C., of the issue of Thursday, November 1, 1928; an article from Time, of the issue of November 12, 1928, and an article from the Fort Mills Times, of Fort Mills, S. C., of November 8, 1928.

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

The matter referred to is as follows:

[From the State, Columbia, S. C., Thursday morning, November 1, 1928]

ROBERT LANSING—AN ECHO

Robert Lansing, Secretary of State for a part of the administration of Woodrow Wilson, had so withdrawn from public affairs and interests

since his break with the President in 1920 that his quiet death, October 30, seemed no more than a faint echo of a career of controversy and frustration.

It will invite certain students of recent history, particularly, perhaps solely, the circumstances and friction connected with the peace and the league, and new questions raised as to new international relations and responsibilities, to review some of these matters and the controversial part played in them by Mr. Wilson's disputatious but unforceful Secretary of State. But to most readers of history these controversial and personal questions have long since been closed, and remain only as ashes of spent fires.

Robert Lansing was appointed Secretary of State to succeed William Jennings Bryan, with whom Mr. Wilson could not agree as to a correct policy toward German atrocities at sea. And it was soon apparent that, in raising Lansing from his post as a department counselor to supplant the Commoner, Mr. Wilson had merely swapped one bag of quarrels for another. Lansing soon made himself almost intolerable in the office of Secretary of State by intimating—to gratify the lust of the Allies for news that we should join in the struggle against Germany—that we were gradually drawing nearer to the fatal lines of war.

It is frankly admitted by Lansing in his "Personal Narrative" on "The Peace Negotiations," that he could not agree with Wilson. "We did not agree," he says, "we could not agree, since our points of view were so much at variance."

Feeling this way, Lansing should have retired—before the inevitable clash with Wilson's fiery personality moving at high and perilous speed on his "single-track mind." He should not have awaited the brusk dismissal from office.

But the Secretary seemed to be heading a crusade of one against Wilson and all his plans and policies. He opposed almost every proposal of the President in regard to his policy of war or peace and the great covenant of peace. He opposed the President's going in person to Europe, although he was aware that to do so made inevitable the suspicion that Lansing wished to head the delegation which, with Wilson present, would, of course, consist of Wilson only.

The Secretary made the egregious blunder of supposing that he was practically a prime minister. The President is that, plus a little more glamor and authority than the premiers of Europe possess. Whether or not we approve the presence of Wilson in Europe, and agree with Lansing that he should have remained at Washington, leaving to his pallid and disputatious Secretary of State the conduct of the negotiations, there is no doubt that the presence of the Chief Magistrate gave to our embassage a dignity, puissance, and prestige that captured the imagination of the world. We question if the negotiations by cable and letter from the remoteness of Washington would have bettered the situation, for we were playing a game in which the cards were stacked against us by our European opponents and partners.

But, as if all these clashes and crossings of the President's purpose and will were not enough, Lansing took advantage of Wilson's temporary illness to summon meetings of the Cabinet and to discuss the business of the Nation. He even continued to hold such meetings after the crushing rebuke by the President, who sent his private physician, Admiral Grayson, to demand by what authority the Secretary of State had summoned the Cabinet. It is curious that Lansing made no reply to that demand, for another member hastened to say that they had met merely to inquire concerning Mr. Wilson's health * * * a subterfuge that Lansing accepted, and went on holding the banned meetings.

Space nor time nor warrant exist for a discussion of the unhappy conflict between the President and Secretary Lansing; but it is perhaps sufficient to know that, at this fiery point, Mr. Wilson bruskly dismissed the offending Secretary:

"* * * I must say that it would relieve me of embarrassment, Mr. Secretary," he wrote in a famous note that has become a "document," "the embarrassment of feeling your reluctance and divergence of judgment, if you would give your present office up and afford me an opportunity to select some one whose mind would more willingly go along with mine."

To await, in fact to challenge, this curt and justified dismissal was, perhaps, the greatest of the many serious blunders of Secretary Lansing. He could have retired with some degree of dignity, but he courted the shame of being thrust out of the door.

Lansing, although possessed of much personal attraction, was a man of no considerable ability and utterly without power of adaptability and adjustment. He had nothing to offer, and could only oppose, thwart, interfere. Such a character could not exist in the same administration with Woodrow Wilson.

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[From the Times, November 12, 1928]

DEATH OF LANSING

Few men were as eager for the portfolio of Secretary of State. Few were as well qualified by experience. Ever since his college days at Amhurst, Robert Lansing's sphere of interest had been world-wide. At 28 he was associate counsel for the United States in the Bering Sea arbitration. Later he represented his country in more international controversies than any other living man. As Undersecretary in 1914 he was the real functionary in Washington while Secretary William Jennings Bryan preached pacifism throughout the country. Once Mr. Lansing was aroused from bed to digress on international law. It was held "unnecessary to disturb Mr. Bryan." In the tense crescendo of feeling which led to the war, Mr. Lansing succeeded Mr. Bryan, was shrewd, logical, firm. He squashed propaganda, refused to be gulled by German Ambassador von Bernstorff. Elihu Root remarked an improvement in State papers.

Naturally, when President Wilson went to the Versailles conference he took the Secretary of State. Mr. Lansing opposed linking the league covenant with the peace treaty, was antagonistic to the treaty itself. He had many erudite theories. But President Wilson had long felt the onrush of foes, foreign and domestic. His visionary ardor had become imperiousness, self-sufficiency. He conferred with the Secretary only once, ignored his ideas. Robert Lansing impotently watched the wise foreign diplomats, wrote in his diary that Mr. Wilson was a "catspaw." The forcible, white-haired Secretary was himself not even permitted the directed force of a paw. His rôle was mere ritual. Often he pondered resigning, often refrained.

Then came the climax. Back in the United States, the President suffered a collapse. The incessant conflict between ideals and adamant realities had begun shattering his nerves. Even Private Secretary Tumulty was denied access to the sick man. Minor crises arose. Spurred by certain Cabinet members, Mr. Lansing called informal conferences. In the distorted imagination of the invalid President this seemed usurpation of authority. The harried idealist, taut with mental anguish, was goaded by a final sense of frustration. He complained. Mr. Lansing resigned.

The Secretary's experience aroused no bitterness. In his writings on the peace negotiations he analyzed President Wilson with the lucidity, penetration, impartiality of a psychologist. He testified to an understanding, a sense of human tragedy which transcended the personal equation. Last week he died of heart disease in Washington, D. C.

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[From the Fort Mill (S. C.) Times, Fort Mill, S. C., Thursday, November 8, 1928]

LANSING'S DISLOYALTY

Spartanburg Journal: However able and brilliant the record of the late Robert Lansing as a diplomat and statesman, it is shadowed and eclipsed by his disloyalty to his chief. It was while Woodrow Wilson, the great World War President, was stricken with the illness that resulted in his death, that Lansing, as Secretary of State, dealt himself a hand to run things according to his own ideas. The information was spread, not by him personally, that the President was incapacitated from attending Cabinet meetings and attending the duties of his high office. Lansing would have been in line of succession and upon his own initiative he called a Cabinet meeting. Then Mr. Wilson, President of the United States, called Lansing. He wanted to know if Lansing had called such a meeting without consultation or advice with his chief and was told he had. That brought about the break. Mr. Wilson summarily requested Robert Lansing's resignation, and it was forthcoming. It was the only course the President could pursue and maintain his self-respect. Freely according Lansing highest qualities and gifts as a diplomat and statesman, it remains that he exhibited a streak of disloyalty to the one individual to whom he owed the full measure of devotion and fealty.

Mr. BLEASE. I also ask to have printed in the RECORD along with my remarks an article from the Times, of Washington, D. C., of December 21, 1928, headed "Once in the Ash Can."

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

The article referred to is as follows:

[From the Times, Washington, D. C., December 21, 1928]

ONCE IN THE ASH CAN IT'S HARD FOR POLITICIANS OR PARTY TO GET OUT

Politicians and so-called statesmen if they want to stay out of the ash can should keep this clear in their minds.

The people hire them to work in this country for this country, just as they hire a cook to work in their kitchen for their family, not to run around cooking in other peoples' kitchens.

Had Woodrow Wilson been content to attend to his job in hand as President of the United States, "keeping us out of war," he would have been worth to the United States at least $100,000,000,000 more than he was worth. But he could not resist the conviction that the United States was too small for him, that he was made to rule, direct, and incidentally save the whole planet. Saviors are not so numerous.

What happened to Wilson and will happen to others is described by W. R. Hearst in an article published in all of his morning newspapers:

"Would it not be wonderful if the Government of the United States would only attend to the affairs of the United States and not try to regulate all the rest of the world?"

Concerning Mr. Wilson's obsession as to his own grandeur and preordination Mr. Hearst writes:

"Mr. Wilson was the first one to think that he knew more than George Washington and to insist on entangling this country with foreign nations.

"He was elected the first time he ran through the fortunate or unfortunate chance of a split in the Republican Party.

"But the second time he ran he received a genuine indorsement and actual election, and wholly on the assertion—which became a campaign slogan—that he had kept us out of war.

"The mandate of the people of the United States, therefore, in that election was obviously to continue to keep the country free from foreign entanglements.

"But Mr. Wilson disregarded the mandate of the people and the injunction of George Washington, and the practice and policy of all preceding Presidents, and put the country into the great European war.

"Mr. Wilson spent thousands of millions of dollars for our part in the war; he loaned thousands of millions of dollars of American money to foreign nations, and he practically gave away thousands of millions of dollars of the American people's money, as far as our ever getting it back is concerned.

"Then Mr. Wilson went abroad and brought home the League of Nations proposal and submitted it to the people of the United States, and the people buried him and his party with him in the political ash can; and there the party has been ever since, because of the almost unanimous repudiation of the Democratic foreign policy by the voters of the United States."

The words that politicians should ponder are the two words, "ash can." If there is one spot on earth which is not an attractive residence, it is the inside of the political ash can.

Cats, no longer alive, land there, and tomato cans, and broken bottles, and politicians.

It is so simple for politicians to stay out of the ash can and retain public esteem.

Just attend to the business for which you are hired. Do your political cooking in the kitchen of the public that employs you. Don't race around trying to do something somewhere else. Don't try to graft a League of Nations or a World Court or any other nonsense of foreign interference on the Government of this country.

Try to believe that the United States, able to take care of itself when it had only 4,000,000 population, is still able to take care of itself with 120,000,000 population, plus about all the money there is in sight, and more than half of all the world's gold.

In other words, try to believe in your own country, and the people, possibly, will believe in you.

Mr. BLEASE. Now, Mr. President, I have put these articles in the RECORD to show that after Mr. Robert Lansing died and when he was in his grave people who had criticized me for making remarks about a man who was living write dirty articles about this great Secretary of State simply because they did not agree with him politically. I have been wanting the opportunity to put this matter in the RECORD for some time but have held it back. They are guilty of saying about the dead who can not answer. What I said was about one who was living when I said it.

My friend from New York now informs me—and I suppose he knows what he is doing—that I may yield the floor, and so I do.

Mr. COPELAND. I assume that since I have exhausted my time I have no right to speak, but I ask to modify my amendment according to the slip which I send to the desk. I have been insisting that we should not carry out this plan to extend the life of the commission until next March. I should like to terminate it not later than the 31st of December, 1929, and have modified my amendment to that effect. I hope that amendment will be considered by the chairman of the committee, and perhaps he will be willing to accept it.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. SMITH. Mr. President, let the modification be read.

The PRESIDING OFFICER. The Secretary will state the amendment as modified.

The LEGISLATIVE CLERK. On page 1, line 6, it is proposed to strike out "March 16, 1930," and insert "December 31, 1929," so as to read:

shall continue to be vested in and exercised by the commission until December 31, 1929.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York, as modified.

Mr. WATSON. Mr. President, all I desire to say is that as far as I have authority to do so, I am willing to accept the amendment.

Mr. DILL. Mr. President, this fight has gone on here for quite a while, and before this amendment is agreed to I think there ought to be a quorum here. I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

| | | | |
|---|---|---|---|
| Ashurst | Edwards | King | Shortridge |
| Barkley | Fess | McKellar | Smith |
| Bayard | Frazier | McMaster | Steiwer |
| Bingham | George | McNary | Stephens |
| Black | Glass | Mayfield | Swanson |
| Blaine | Glenn | Moses | Thomas, Idaho |
| Blease | Goff | Neely | Thomas, Okla. |
| Borah | Hale | Norbeck | Trammell |
| Bratton | Harris | Norris | Tydings |
| Brookhart | Harrison | Nye | Tyson |
| Broussard | Hastings | Oddie | Vandenberg |
| Capper | Hawes | Ransdell | Wagner |
| Caraway | Hayden | Reed, Pa. | Warren |
| Copeland | Heflin | Robinson, Ark. | Waterman |
| Curtis | Johnson | Robinson, Ind. | Watson |
| Deneen | Jones | Sackett | |
| Dill | Kendrick | Schall | |
| Edge | Keyes | Sheppard | |

The VICE PRESIDENT. Sixty-nine Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from New York [Mr. COPELAND], as modified.

Mr. COPELAND. Mr. President, I think we have perfected the amendment now; and I will ask to have it read to see if it is satisfactory to the chairman of the committee.

The VICE PRESIDENT. The amendment, as modified, will be stated.

The CHIEF CLERK. On page 1, line 6, it is proposed to change the date to "December 31, 1929"; also, on lines 9 and 10, to strike out "the period of three years after the first meeting of the commission," and insert "until December 31, 1929."

Mr. DILL. So the intent and purpose of this paragraph is to continue the original jurisdiction of the commission until December 31, 1929?

Mr. WATSON. That is my understanding.

Mr. DILL. Mr. President, I have taken no part in the debate to-night, because I was anxious to bring the matter to a vote. Personally, I think it is a very poor way to legislate to continue the commission for this period; but I recognize the situation of the Senate. The closing days of the session are here, and the chairman of the committee is anxious to agree to this, and I do not want to be put in the attitude of holding out for what I believe to be best when it will work such hardship on the Senate.

I understand that the Senator from New York has no objection to the other provisions of the bill.

Mr. COPELAND. Mr. President, of course I have objections to other provisions of the bill, particularly to the paragraph in which it is provided that the terms of the commissioners shall expire on a certain date. I should like to have that whole section stricken out. I am not going to argue about it, but I think the bill would be a very much better bill without that section.

Mr. DILL. The Senator refers to the section which limits the terms of the commissioners to one year?

Mr. COPELAND. That is it.

Mr. DILL. As I understand, the Senator is not pressing that objection?

Mr. COPELAND. I am not pressing it; but it would add very materially to the value of the bill and the activity of the commission if the committee would agree to strike out section 4, which says:

The term of office of each member of the commission shall expire on February 23, 1930, and thereafter commissioners shall be appointed for terms of two, three, four, five, and six years, respectively, as provided in the radio act of 1927.

To my mind, since the law prescribes stated terms and appointments for periods of two, three, four, five, and six years, it would be much better to omit this from the House bill, the same as the Senate bill has done.

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

Mr. COPELAND. Certainly.

Mr. WATSON. My understanding is that the Senator is making no request.

Mr. COPELAND. No; I am not. The Senator from Washington asked me if I was satisfied with the rest of the bill. I said frankly that if I had my way I should object; but I am not insisting upon that. I think the chairman of the committee, and the other members of the committee, and Senators generally have been very generous about it, and I am not going to make any point about it.

The VICE PRESIDENT. The question is on the amendment of the Senator from New York, as modified.

The amendment, as modified, was agreed to.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to further amendment.

Mr. BROUSSARD. Mr. President, I have pending an amendment to this bill which I should like to have stated.

The VICE PRESIDENT. The amendment offered by the Senator from Louisiana will be stated.

The CHIEF CLERK. It is proposed to insert, at the end of the bill, the following:

The commission shall, either through one of its members or an agent authorized by it, hold hearings at the place where is located any radio station or stations whose rights under the license granted it or them are questioned, claimed, or challenged by any other person, firm, company, corporation, radio station, or operator.

Mr. BROUSSARD. Mr. President, I desire to make a very brief statement in support of this amendment. I have no disposition to retard the passage of this bill. I am for it. I wish to state this experience that I have had, however, and I think very likely many other Senators have had the same experience:

In my State there is a constituent of mine who has erected a very large station; but he is an independent man, not connected with any chain, and he is not broadcasting for profit. Some time ago the channel given him was demanded by the State of Iowa, and this gentleman was forced to come here to Washington and bring his experts, his lawyers, and his witnesses. After that was done the State of Nebraska challenged his license, and he had to come here and fight for a license which the Radio Commission had given him; and last week he was forced to bring here about 20 witnesses and experts to resist an effort made on the part of somebody in Oklahoma to take this license away from him. As I understand and as the people of my State who have followed these contests understand the matter, it is an effort made by people who belong to chains to wear him out and to exhaust his funds.

He has spent over $30,000 in the last 18 months to resist the efforts to take away from him that which the commission has granted him, and we are only asking in this amendment that the commission proceed as the Interstate Commerce Commission does, send a man out to take testimony, and report to the commission for adjudication of the case. Mr. Henderson could appear with his counsel before the examiner, without the necessity of employing experts to come here and testify as witnesses.

I think that such a provision as this would help every station in the United States. There is no reason why a man who has been granted a license, and whose license had been sought by some other station wishing to take it away from him, should be required to spend that much money in order to keep that which the Radio Commission has awarded him.

Mr. McKELLAR. The Senator refers to Mr. Henderson from Shreveport?

Mr. BROUSSARD. Yes.

Mr. McKELLAR. I agree with the Senator from Louisiana, and I hope that his amendment may be adopted.

Mr. BROUSSARD. I may say this: That if I understand the situation, Mr. Henderson is a victim of persecution by other stations, and if he wins this last case some other station will ask for the license, and he will be required to come here again with highly paid lawyers and experts and other witnesses to defend that which the Radio Commission has given him.

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

Mr. BROUSSARD. I yield.

Mr. DILL. I want to call the Senator's attention to the fact that the Radio Commission now has full power to hold hearings at Shreveport, or at any other place in the United States, but their work has been so pressing up to this time that they have never made regulations covering cases of this kind. It has been the custom to have the person whose wave length was challenged come here, as the Senator has said, and a great hardship has been worked upon certain stations, and particularly this station at Shreveport.

Mr. BROUSSARD. If a station in the Senator's State were challenged, they would have to come 3,000 miles with their witnesses.

Mr. DILL. I may say to the Senator that complaint has been made regarding certain wave lengths in the Northwest, and I have been able, within the last two weeks, to induce the members of the commission to agree to a hearing being held on the Pacific coast, rather than to have the affected parties come here. I believe that the commission will soon adopt that as a practice, and if it does not do so, then I think legislation to compel it to do so would be proper. But this bill must go back to the House, and I know the members of the House committee would be opposed to such an amendment. I hope the Senator will understand that I am in full sympathy with his purpose, but since the law makes possible anyhow what he desires to have the commission directed to do, I should like to give the commission an opportunity to meet the situation without special compulsory legislation.

Mr. BROUSSARD. Let me say to the Senator from Washington that one of the Members of the House, who is to be one of the conferees, happened to be in the gallery when I offered this amendment some time ago, and he took the trouble to come here and tell me that he hoped it might be adopted by the Senate, because he was in favor of it. I think the House would accept it. Of course, the commission is authorized to do this, but they have not done it.

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

Mr. BROUSSARD. I yield.

Mr. BINGHAM. May I ask whether the station to which the Senator refers is the one at Shreveport?

Mr. BROUSSARD. It is.

Mr. BINGHAM. Is not that the station about which a great many very serious complaints have been received?

Mr. BROUSSARD. That question is before the commission now. I am not talking about Shreveport especially. I merely mention the fact that Mr. Henderson, after acquiring a license and a permit to operate, has been forced to spend $30,000 in fighting to keep his permit, and that may be the case with anybody in any other State. The question of whether he violated the law or not is not involved here, and it is not involved in this amendment.

There has been some complaint; people have complained about the station. Mr. Henderson came here with 178,000 affidavits, covering all the States in the middle section of the Union, and States as far east as the District of Columbia. That is a different matter. I am merely asking that either a member or an agent of the commission be sent to take the testimony and submit it to the commission, instead of requiring a man to come here every two or three months and bring his experts, his lawyers, and his witnesses, at his own expense, to defend that which the Government has awarded him.

Mr. BINGHAM. As I understand the Senator from Washington, that can be done now.

Mr. BROUSSARD. It can be done, but it has not been done, and that is the reason I am asking that this amendment be adopted.

Mr. WATSON. Mr. President, may I say to my friend from Louisiana that the reason why it has not been done is the lack of funds with which to do it. The commission has been overwhelmed with the complexity of the problem that confronts it. It is an enormous task that they have. Each decision they make brings tens of thousands of letters. They have hundreds and thousands of letters addressed to them which they have never even opened, and there is now a petition in this body, and in the body at the other end of the Capitol, asking permission for the commission to destroy these letters without opening them.

They have not had a sufficient force to attend to the business they have had to do, to say nothing about running over the country.

They understand the necessity of going to the different localities where complaints are made for the purpose of adjusting those complaints, if possible, but I will say with full authority to my friend from Louisiana that if we give them a sufficient force they will be only too happy to carry out the provisions of his amendment, but they can not do it, no matter what the law may be, if they have not the force or have not the money to employ it.

Mr. BROUSSARD. My answer to that is that they have been in existence, I think, for three years——

Mr. DILL. Two years.

Mr. BROUSSARD. And they have not done it. Although they have the authority, they are not doing it. My purpose is to require them to do it. I know that they have the authority to do it, but they have not been doing it. I think that Mr. Henderson has been singled out, and that is why it was brought to my attention. He has been singled out, and there are three stations in different States challenging him. He has to give up his business and employ experts, and the employment of experts to meet a situation in a growing science such as this is is not obtained for small money. It is very expensive to get them.

Mr. Henderson feels, and I feel, too, and there are many other stations in the same situation; that if somebody wants to put an independent station out of business all he has to do is to keep after them every three months and make them spend ten to fifteen thousand dollars. If he has a permit, some agency like the Interstate Commerce Commission, which sends an examiner to take the evidence, should send some one to his place, and when he gets through there, let him go to the next one and take evidence, and submit the cases to the commission so that a man will not be put out of business because some people are interested in seeing that the independent stations are put out of business.

I will say to the Senator from Indiana that I understand they have the authority, but that does not help the fellow who is in trouble. What I want to see done—and I want a vote on this amendment—is to require them to do it, and if we require them to do it, we will have to provide the funds to enable them to do it.

Mr. WATSON. I want to say to the Senator from Louisiana that the members of the present commission have been tremendously criticized about the country because they have not done all and singular the things they ought to have done here in Washington. How could they send anybody out? They have not the force to send out, or the money to employ a force to send out. They have been tremendously criticized because they have not discharged their duties locally right here in the city of Washington, in the head office, and they did not discharge those duties because they have not the force to do it. It is not their fault; it is the fault of Congress.

Mr. BROUSSARD. I am not blaming the commission. I am in sympathy with the commission. But I do not want the commission to give us as an excuse that they are not doing it because they have not the force, because, if we adopt this amendment, we will have to give them the force to do it. I think, instead of keeping all of them here, if they went to the respective communities where contests were held, and then held conferences, they could settle the matters.

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

Mr. BROUSSARD. I yield.

Mr. COPELAND. This is an example of exactly what I have in mind about the necessity of having a full-time and continued commission, in order that the commission may have time to deal with large problems. Instead of being here, cumbered about with the cares of office and all the petty details which could be taken care of by technical clerks, they would have time to go and settle a problem of this sort when it was of a magnitude which justified it. What the Senator has said is another proof that the position which I have assumed through these eight hours of debate to-day is a sound one.

Whether or not it is wise to write into the law this particular suggestion is not the question. These men, of necessity, when they are relieved of their duties, as they will be after the 1st of January, I trust, and are able to give themselves to the activities of the judicial position which they have, as well as the administrative, would naturally take up a question of this sort, and in the very nature of things a member of the commission would go to deal with that particular problem.

Mr. BROUSSARD. I think that the argument made by the Senator from New York would apply if his theory of what should be done were carried out. I am for the bill, and I think a majority of the Senate is for the bill, and it has already passed the House of Representatives.

I want this amendment in the bill in order that the people who have expended money may be protected.

Mr. Henderson, for instance, is not making a cent out of this station. He is spending his money, and is required to come here every three or four months to defend himself against people who are claiming against him.

Mr. BINGHAM. Why does it take an expert to testify in a case where one who listens in, so far as I have been able to learn—I never happened to listen in, but I have had a great many statements about it—will agree that what this particular station put out over the air was not fit to be broadcast?

Mr. BROUSSARD. I think that if the Senator had listened in he would have disagreed with the statement he is making now.

Mr. BINGHAM. Why does it take an expert to decide that?

Mr. BROUSSARD. It is not a question of an expert testifying as to what is broadcast.

Mr. BINGHAM. The Senator said he had to bring experts to Washington.

Mr. BROUSSARD. If what he says is questioned, his permit may be revoked by direct action in the matter. They are not trying to revoke his license. They are merely trying to take it away from him and give him another permit. They are not charging him with anything at all. I attended the trials. There was no charge made against Mr. Henderson.

I want to make this statement—that anybody who understands anything about radio will realize that where a man is forced to employ experts, not to say whether he used obscene language or anything of that kind; but to testify as to whether from a scientific standpoint he is entitled to retain his license, he must have somebody who knows what he is talking about.

I would like to see the Senate adopt this amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Louisiana.

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

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

Mr. GEORGE (when his name was called). On this matter I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

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

The Senator from Ohio [Mr. BURTON] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Virginia [Mr. GLASS] with the Senator from Connecticut [Mr. McLEAN];

The Senator from Mississippi [Mr. HARRISON] with the Senator from Massachusetts [Mr. GILLETT]; and

The Senator from Georgia [Mr. HARRIS] with the Senator from Rhode Island [Mr. METCALF].

The result was announced—yeas 14, nays 40, as follows:

YEAS—14

| | | | |
|---|---|---|---|
| Blease | Heflin | Ransdell | Tydings |
| Bratton | McKellar | Robinson, Ark. | Tyson |
| Broussard | Mayfield | Sheppard | |
| Edwards | Neely | Trammell | |

NAYS—40

| | | | |
|---|---|---|---|
| Barkley | Edge | Keyes | Robinson, Ind. |
| Bingham | Fess | King | Sackett |
| Black | Frazier | McMaster | Schall |
| Blaine | Glenn | McNary | Smith |
| Borah | Goff | Moses | Steiwer |
| Capper | Hale | Norbeck | Thomas, Idaho |
| Copeland | Hastings | Norris | Vandenberg |
| Curtis | Hayden | Nye | Warren |
| Deneen | Johnson | Oddie | Waterman |
| Dill | Jones | Reed, Pa. | Watson |

NOT VOTING—41

| | | | |
|---|---|---|---|
| Ashurst | Gillett | McLean | Steck |
| Bayard | Glass | Metcalf | Stephens |
| Brookhart | Gould | Overman | Swanson |
| Bruce | Greene | Phipps | Thomas, Okla. |
| Burton | Harris | Pine | Wagner |
| Caraway | Harrison | Pittman | Wash, Mass. |
| Couzens | Hawes | Reed, Mo. | Walsh, Mont. |
| Dale | Howell | Shipstead | Wheeler |
| Fletcher | Kendrick | Shortridge | |
| George | La Follette | Simmons | |
| Gerry | Larrazolo | Smoot | |

So Mr. BROUSSARD'S amendment was rejected.

Mr. McKELLAR. Mr. President, I desire to ask the chairman of the committee, the Senator from Indiana [Mr. WATSON], if it is permissible to sell or transfer these licenses and put them under one control? I had a letter from my State saying that a number of licenses were being put under one control. I am wondering if the commission permits the transfer or sale of licenses without application first being made to the commission.

Mr. DILL. Mr. President, will the Senator from Indiana permit me to answer the question?

Mr. WATSON. Certainly.

Mr. McKELLAR. I shall be glad to have either Senator answer the question.

Mr. DILL. The law provides that no license may be transferred without the consent of the commission. There is no provision of law that will prohibit the selling of a station, but there is a provision that the license can not be transferred without the consent of the commission.

Mr. WATSON. I would like to ask the Senator from Tennessee whether or not he has inquired of the commission if they granted a permit to transfer the license?

Mr. McKELLAR. No; I have not. I just received a letter late this afternoon and read it hurriedly before I came to the Senate Chamber.

Mr. WATSON. The licensees have no authority to transfer without the consent of the commission.

Mr. McKELLAR. It seemed to me if there was no provision in the bill that a license should not be sold or transferred without the consent of the commission, there ought to be such a provision incorporated in it.

Mr. DILL. There is such a provision in the law.

Mr. WATSON. I have the law here and know there is such a provision in it, though I am not able to point to it at the moment.

Mr. McKELLAR. Both Senators having assured me there is such a provision in the law, I shall not insist upon an amendment to that effect.

The PRESIDING OFFICER. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. UNDERHILL, Mr. IRWIN, and Mr. BULWINKLE were appointed managers on the part of the House at the conference.

PANAMA CANAL AND SURVEY FOR NICARAGUAN CANAL

Mr. EDGE. Mr. President, I move that the Senate concur in the amendments of the House of Representatives to Senate Joint Resolution 117.

Mr. DILL. Mr. President, I make the point of order that that motion is not in order at this time. There is a measure now pending. The matter to which the Senator from New Jersey refers is not a privileged matter.

Mr. EDGE. Oh, yes, it is a privileged matter and it does not displace the unfinished business at all. It is perfectly proper under the rules to ask for action on a message from the House of Representatives at any time, I repeat, without displacing the unfinished business. I have made the motion that the Senate concur in the amendment made in the House of Representatives to Senate Joint Resolution 117.

Mr. BLEASE. Mr. President, I ask that the amendment be read.

The VICE PRESIDENT. The motion is in order.

Mr. DILL. I understand this is a motion to concur in an amendment made by the House and is not a conference report. It is simply an amendment that has been adopted by the House and comes over here in that form. It is not a privileged matter to move to concur in the amendment at this time. The regular business now before the Senate takes precedence, being the radio bill.

The VICE PRESIDENT. The motion is a privileged motion.

Mr. EDGE. It is a privileged motion and I understand the Chair has so decided.

Mr. DILL. I want to know first what the amendment is.

Mr. BLEASE. Mr. President, have we not the right to have it read so we may know what it is?

The VICE PRESIDENT. The motion is debatable. The clerk will read the amendment of the House.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
*March 1, 1929.*

*Resolved*, That the joint resolution from the Senate (S. J. Res. 117) entitled "Joint resolution authorizing an investigation and survey for a Nicaraguan canal," do pass with the following amendments:

Strike out all after the enacting clause and insert:

"That the President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, and with the aid of such civilian engineers as the President shall deem advisable, a full and complete investigation and survey for the purpose of ascertaining the practicability and the approximate cost of constructing and maintaining (1) such additional locks and other facilities at the Panama Canal as may be necessary to provide for the future needs of interoceanic shipping; and (2) any other route for a ship canal between the Atlantic and Pacific Oceans.

"SEC. 2. The President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, and with the aid of such civilian engineers as the President shall deem advisable, a full and complete investigation and survey for the purpose of revising and bringing down to date the reports of the Isthmian Canal Commission transmitted to Congress, with respect to the practicability and advantages and approximate cost of constructing a canal across Nicaragua, and for the purpose of obtaining all additional available information respecting (1) the most practical route for an interoceanic ship canal across the Republic of Nicaragua by way of the San Juan River and the Great Lake of Nicaragua, or by way of any other route over Nicaraguan territory, including suitable locations for harbors at each of the termini thereof; (2) the practicability and approximate cost of constructing and maintaining such canal; and (3) the approximate cost of acquiring all private rights, properties, privileges, and franchises, if any, included in or necessarily affected by such canal route.

"SEC. 3. The Chief of Engineers, under the direction of the Secretary of War, may establish and maintain, during the investigations and surveys authorized by this resolution, such stations as he may deem necessary for ascertaining the water supply available for the operation of a canal across Nicaragua or elsewhere and for the operation of the additional locks and other facilities at the Panama Canal.

"SEC. 4. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $150,000, to be expended by the Secretary of War for the purposes of this resolution and to remain available until expended.

"SEC. 5. The President is hereby requested to report to the Congress not later than two years from the approval of this resolution the results of the investigations and surveys hereby authorized, together with such recommendations in connection therewith as he may deem advisable."

Amend the title so as to read: "Joint resolution authorizing an investigation and survey for the purpose of ascertaining the practicability and the approximate cost of constructing and maintaining additional locks and other facilities at the Panama Canal, and for the purpose of ascertaining the practicability and probable cost of constructing and maintaining an interoceanic ship canal across the Republic of Nicaragua."

Mr. EDGE. Mr. President, I will speak very briefly on my motion. The Senator from Washington has insisted——

Mr. BLEASE. Mr. President, will the Senator yield just a moment?

Mr. EDGE. I yield for a question.

Mr. BLEASE. The question is that I would like to have the Senator from Missouri [Mr. HAWES] present. He is not present. I am going to try to keep this matter from being adopted by any means I can until he is present. I suggest the absence of a quorum.

Mr. EDGE. I yielded for a question and not for any other business.

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

The VICE PRESIDENT. The clerk will call the roll.

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

| | | | |
|---|---|---|---|
| Barkley | Edge | Keyes | Sackett |
| Bayard | Edwards | King | Schall |
| Bingham | Fess | McKellar | Sheppard |
| Black | Frazier | McMaster | Smith |
| Blaine | George | McNary | Steiwer |
| Blease | Glenn | Mayfield | Thomas, Idaho |
| Borah | Goff | Moses | Trammell |
| Bratton | Harris | Neely | Tydings |
| Broussard | Harrison | Norbeck | Tyson |
| Capper | Hastings | Norris | Vandenberg |
| Copeland | Hawes | Nye | Warren |
| Couzens | Hayden | Oddie | Waterman |
| Curtis | Heflin | Ransdell | Watson |
| Dale | Johnson | Reed, Pa. | |
| Deneen | Jones | Robinson, Ark. | |
| Dill | Kendrick | Robinson, Ind. | |

The VICE PRESIDENT. Sixty-one Senators having answered to their names, a quorum is present. The Senator from New Jersey is entitled to the floor.

Mr. EDGE. Mr. President, the joint resolution as it has been returned from the House is, in effect, the same as the joint resolution which was passed without a roll call by the Senate. It provides simply for two surveys—one as to the possibility of increasing the facilities of the Panama Canal and the other as to the practicability and feasibility of the construction of the Nicaraguan canal under the terms of the right of way purchased by the United States some 15 years ago. The material change in the joint resolution as returned to the Senate is, in effect, striking out——

Mr. DILL. Mr. President, I rise to a point of order.

Mr. EDGE. Will not the Senator permit me to make a brief explanation?

Mr. DILL. I want to make a point of order.

The VICE PRESIDENT. The Senator from Washington will state his point of order.

Mr. DILL. I call attention to the last sentence of paragraph 7 of Rule VII, which provides that—

Any motion so made—

As the Senator from New Jersey has made his motion—

shall be determined without debate.

I call the attention of the President of the Senate to the fact that if this ruling is to stand, then hereafter when any Senate bill comes back from the House of Representatives, no matter how it may be amended there or how it may be changed, it will be in order for any Senator to move that the amendment shall be concurred in, and no Senator can speak from the floor. That is the meaning of the rule if it is followed as it is in the Manual of Rules.

Mr. EDGE. Then the point made by the Senator from Washington is that the motion made is not subject to debate?

Mr. DILL. If the motion which the Senator from New Jersey made that the Senate concur in the amendment is in order as a privileged motion, then it is not debatable, and the Chair is laying down the rule that in the future as to any Senate bill coming back from the House, no matter how it may be amended, any Senator may rise and move that the amendment be concurred in, and the question would be decided without debate.

The VICE PRESIDENT. The motion to lay a matter coming from the House before the Senate is not debatable. After

the matter has been laid before the Senate, and a motion is made in respect to it, such motion is debatable under the rules.

Mr. DILL. But the right——

The VICE PRESIDENT. The Senator from New Jersey.

Mr. KING. Mr. President, a parliamentary inquiry. If it is debatable after it is laid before the Senate, would it not be amendable? That is to say, if the House has amended a Senate bill and the Senate bill is brought back again——

The VICE PRESIDENT. It is amendable.

Mr. DILL. Mr. President, a parliamentary inquiry. The motion of the Senator from New Jersey was not to lay the House amendment before the Senate but to concur in the amendment.

Mr. EDGE. I beg the Senator's pardon. My first request was that the message from the House of Representatives be laid before the Senate.

The VICE PRESIDENT. The Chair laid it before the Senate.

Mr. DILL. Now, what is before the Senate?

The VICE PRESIDENT. The Chair has laid the amendment of the House before the Senate, and the question is on the motion of the Senator from New Jersey.

Mr. EDGE. There is pending before the Senate a motion to concur in the amendment made by the House of Representatives.

Mr. DILL. I make the point that the motion is not in order, because that is a motion to take up proposed legislation when there is proposed legislation pending. That is not a privileged motion.

The VICE PRESIDENT. It is a privileged matter.

Mr. EDGE. Mr. President, when interrupted——

Mr. BLEASE. Mr. President, a parliamentary inquiry. Does not that displace the unfinished business?

The VICE PRESIDENT. It does not displace the unfinished business.

Mr. BLEASE. Then it is going to take some time to debate it.

Mr. EDGE. Mr. President, that is a matter entirely within the option of the Members of the Senate.

I repeat that the joint resolution as it comes from the House in no material degree changes the joint resolution as passed by the Senate. The House did strike from the joint resolution the request contained in the Senate joint resolution that the President should negotiate with Nicaragua and Costa Rica and other countries as to certain rights which they might have should the Congress of the United States finally determine to build the Nicaraguan canal, but otherwise the joint resolution is precisely the same in its terms and in its wording as the joint resolution which was passed without a roll call by the Senate.

Mr. President, I wish further to say that during the debate night before last, when we were kept in the Chamber until after 2 a. m. in an effort to prevent the adoption of an amendment to the deficiency bill providing the appropriation authorized by the joint resolution, the Senator from Washington [Mr. DILL] insisted that he would withdraw his objection—at least, that he would cease his filibuster, or whatever it might be termed—if the Senate would vote the next day at a certain hour provided in the unanimous-consent agreement. Then, in the course of a very confused colloquy with other Members of the Senate, most of them standing in the middle aisle, the Senator further insisted that it should be understood—I will read his language:

> Mr. DILL. Before consent is given, I want to be sure that I have an understanding that if the Nicaraguan joint resolution be not passed by the House, and signed by the President, the Senate conferees will not bring back this appropriation. I think that was the understanding.

The leader of the majority, the Senator from Kansas [Mr. CURTIS], replied:

> That statement has twice been made on the floor.

Previous to that the Senator from Washington on several occasions during the debate had remarked, in effect, that he was opposing the amendment to the pending appropriation bill because the House of Representatives had not acted upon the joint resolution which furnished the authorization for the appropriation. In fact, on page 4568 of the RECORD of Wednesday last, the Senator, among other things, said:

> I have said before and I say again that if the joint resolution had been passed by both Houses and the appropriation for carrying out the will expressed by the Congress were before us, I might have something to say against it, but I would not attempt to delay action and discuss it as I have discussed the amendment here to-night.

Other references of a similar character were made.

Mr. President, there is only one way to carry out this rather unusual demand on the part of the Senator from Washington that the President sign a joint resolution, and that, of course, is obviously that the President have the opportunity to sign it. I have made a motion that the Senate concur in the amendment made in the House of Representatives. I am entirely satisfied with it. If that motion shall prevail, then, of course, the legislation will be complete, so far as the Senate and House of Representatives are concerned, and the joint resolution will go to the President. If, however, the Senator from Washington shall refuse to permit that to happen, I ask, in all fairness, what type of ethics is that? The Senator drives a bargain that an amendment to a pending appropriation bill shall not be concurred in by the conferees of the Senate unless the joint resolution shall become a law, and then he indicates from his opposition to my motion that he does not propose to permit it to become a law.

The Senate and the House of Representatives have each on two occasions by outstanding majorities demonstrated their absolute acquiescence in the purpose and intent of the joint resolution.

The Senate, without a roll call, passed the joint resolution a few days ago. A roll call was not even asked. That, of course, was a plain indication of the overwhelming feeling of the Senate that the joint resolution should pass. Later, when the amendment reported by the Committee on Appropriations providing for the appropriation carried in the joint resolution was again considered, after half a night of filibuster, after this agreement was made, after this demand was in a way acquiesced in, the Senate the following morning by a vote, as I recall, of 59 to 19, adopted the amendment, again showing by a majority of something like 3 to 1 its desire that the investigation and survey should be made.

Then the appropriation bill went to the House of Representatives. The first action of the House of Representatives was a motion on the part of the chairman of the Appropriations Committee, Representative WOOD, that the rules of the House be suspended in order that the House conferees could, in their best judgment, agree to the various amendments adopted by the Senate which had not been acted upon by the House. That motion was objected to by another Representative because the appropriation for the so-called Nicaraguan-Panama survey was included, and last evening in the House of Representatives a debate was carried on for some time concerning entirely that one amendment. On a division of the House, after the conclusion of the debate, the conferees of the House were given this authority by a vote of 238 to 6.

That was the first action in the House.

Not being satisfied even with that, in order as far as it was humanly possible or from the standpoint of parliamentary tactics possible to meet the demands of the Senator from Washington, I suggested that the amended joint resolution be brought up in the House to-day; and under a rule it was brought up in the House to-day, and a full and free debate on both sides, lasting for two or three hours, occurred in the House this afternoon on the joint resolution now before the Senate. It passed the House by a vote of something like 180 to fifty-odd, and now it is before the Senate with the amendment made by the House, and my motion before the Senate is to concur in it.

Mr. President, with four distinct actions—two in the Senate and two in the House—overwhelmingly carried, with the proposition of the Senator from Washington himself, which I am trying, as far as possible, to carry out in the few hours that are left, I say that, in all fairness, my motion to concur in this amendment should be adopted by the Senate.

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

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from New Mexico?

Mr. EDGE. I yield to the Senator from New Mexico.

Mr. BRATTON. Will the Senator tell us briefly the substance of the amendment of the House?

Mr. EDGE. I shall be glad to do so.

The joint resolution, as it was returned from the House, includes all of the original Senate joint resolution, so far as it provided for the investigation of the possibility of increasing the facilities of the Panama Canal, so far as it provided for the investigation of the feasibility and practicability of constructing a Nicaraguan canal, so far as it carried the desire presented by the Senator from Ohio [Mr. BURTON] that any other practicable route should be investigated; also the amendment of the Senator from Missouri [Mr. HAWES], providing that civilian engineers should be included upon the option of the President, in the exact wording of his amendment. The only matter stricken from the original joint resolution was the suggestion made by the Senator from Tennessee [Mr. McKELLAR]—and he has agreed with me that we should concur in

the House amendment—that should we decide later to build a Nicaraguan canal the President should be requested to negotiate with the countries that have rights or claim to have rights in the matter, as to what those rights are, and as to how they can be adjusted.

That is the only thing stricken from the original joint resolution.

Mr. BRATTON. Mr. President, under the joint resolution as finally passed by the House would the President have authority to enter into agreements with those countries?

Mr. EDGE. As passed by the House, that is all stricken out.

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

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Kentucky?

Mr. EDGE. I yield to the Senator from Kentucky.

Mr. BARKLEY. Was the amendment offered by the Senator from Missouri [Mr. HAWES] with reference to civilian engineers mandatory on the President or optional?

Mr. EDGE. It was optional on the part of the President. It was so continued by the House, in the exact language used by the Senate.

Mr. DILL. Mr. President, the joint resolution as passed by the House does not contain the language of the Senate measure nor does it contain at all what the joint resolution that passed the Senate contained. In a general way, it covers the same subject. All reference to any treaties with other Central American countries has been stricken out. There was a very simple reason for that, because if the joint resolution had gone to the Committee on Foreign Relations in the House, it would have not been reported favorably.

The Senator from New Jersey became quite enthusiastic and rather excited in his discussion here. There is no reason for that. I did insist to-day that this joint resolution should be passed and signed by the President before the appropriation should be contained in the conference report, and I insisted on that because that is the agreement that was made by the conferees on the part of the Senate before a vote was agreed upon on this amendment to the deficiency bill. I asked the Senator, when this matter came over here, to defer it until after the radio bill was disposed of; but the Senator seems excited, and thinks this measure must be taken up now or it never will be taken up.

So far as I am concerned, I did not intend, had he let it go until after the radio bill was disposed of, to do more than object to the House amendment and state my reasons for my opposition.

I think the Senator has caused to be made here a precedent about legislation coming over from the House that will come back to plague the Senate in the future in a way that it will make it necessary to reverse the precedent made this evening. In other words it means, no matter what may be before the Senate, that any bill coming over from the House, whether any Senate committee ever considered it or not, must immediately be given precedence over the legislation before the Senate if any Senator so desires; that it is a privileged matter so to move.

I do not believe there is anything in the rules that will justify any such ruling. I believe in a more sober hour, when there is not this pressure for legislation in the minds of Senators, and they can be induced to think seriously about the meaning of these rules, and the Presiding Officer is not in too big a rush to help in getting the desired legislation up for action, that precedent will be overturned.

Mr. President, I have felt it my duty to fight this Nicaraguan legislation. I believe that it is one of the most objectionable pieces of legislation that has been passed by this Congress.

I am confident in my own mind that not only has it been backed primarily by the Bureau of the Budget but no less a person than the President himself has been insisting that this measure be passed and this appropriation made in order that engineers may be gotten in Nicaragua to give excuse to keep the American marines down there and to maintain the financial policy that American investors have tried to maintain there.

I have used much energy and consumed much of the patience of the Senate in fighting this joint resolution, probably more than I should have used. I still say that an unfair, unjust, and indefensible advantage was taken by the Committee on Appropriations that framed the deficiency bill when they put this appropriation in here when the joint resolution had not yet passed the House of Representatives; and it never would have been done if there had not been a pressure from behind—a pressure greater than any one Senator can bring to bear; a pressure that comes from the very head of the administration, and that has behind it the purpose of keeping the marines down there at a time when that country is at peace.

I have felt a duty, because of these facts and because of the sentiment of the American people, to fight this legislation; but I recognize that a man in this body, after all, can do no more than use his best efforts and make the best fight that he can make.

I think it would not be at all impossible to organize a fight here to prevent the adoption of this motion by the Senator from New Jersey, but I recognize that that would be a very unfair attitude for me to take, even if I were able to get enough other Senators to combine with me for that purpose; and I do not think it would be at all fair to the rest of the Senate and to the country to take that attitude. Therefore I shall content myself with having made this protest, with having made this fight; and I hope that even the Senator from New Jersey will recognize that some of us believe in keeping a bargain, even though he does not. His attitude to-day was that we could disregard the agreement made with the conferees, and accept anything that might have been done by the House of Representatives.

I do not believe the conferees would take that attitude. I hope they would not. I believe they are men who, when they give their word, will keep their word. I am confident that they would not ask the Senate to accept this amendment, providing $150,000 for sending engineers to Nicaragua, unless the agreement made the other morning, after a long and protracted discussion, was complied with.

Of course, if I took advantage of the situation by means of a filibuster or by other means that I might adopt of discussion, probably I would be unfair myself; but if, in the regular course of business, this joint resolution can not become a law, and if there is no undue delay, I maintain that I am justified in expecting the Senate, particularly the conferees on the part of the Senate on the deficiency bill, to carry out the agreement that was made before we voted on the measure; and I shall expect that to be done before the appropriation is agreed to.

Mr. HEFLIN. Mr. President, I want to compliment and congratulate the Senator from New Jersey [Mr. EDGE] upon the success he has achieved in the passage of this joint resolution. It is but the carrying out of a policy laid down by a very far-seeing statesman from my State, the late Senator John T. Morgan, who, many years ago, served here for many years. He saw then what the Senate sees now. That frequently happens with far-seeing statesmen. They see in advance what is to be, and their fellows and associates around them do not appreciate at the time the true situation.

Senator Morgan saw this. He realized that the day would come when this Nation would need a Nicaraguan canal, and he convinced the Nation that he was right about it; but another powerful movement came on very suddenly opposing the Nicaragua proposition, and the Panama Canal was built.

Senator Morgan predicted that the day would come when that canal would not be operated; that it would be put out of commission; that the Nicaraguan route was the proper one, and the Nation one day would come to it. The Senator from New Jersey has seen that, and has worked very hard and ably to bring about the result which we now have in this body.

I stand with the Senator from Washington on the matter of bringing the marines out of Nicaragua. My resolution to that end was pending in this body for a year, and we could not get any action on it.

At the time the measure sponsored by the Senator from New Jersey was passed the other day, nothing was being done by the administration to bring the marines out of Nicaragua, and I dare say to him they would not have been brought out by now, even if this measure had not been passed; but I want to say to the Senator from Washington that when we get into the extra session, I am ready to join him and other Senators in a move to bring the marines out of Nicaragua. This other proposition, as I see it, has nothing on earth to do with keeping them there.

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

Mr. HEFLIN. I yield.

Mr. DILL. The Senator recognizes that the only reason why the marines will ever be brought out of Nicaragua will be that the public opinion of the world will compel that they be brought out, but if we get a lot of engineers down in Nicaragua, and then some American interests cause some natives down there to start shooting a little bit, in the form of a revolution, the Senator knows there is no public opinion in the world that will cause them to be brought out at any time.

Mr. HEFLIN. Mr. President, the work we are to do there now is to make a survey, and the Senator himself said in his speech the other night that it would be several years—I think 50 or 60 years—before we ought to build the canal. Certainly the Senator does not contend that we are going to keep marines down there for 50 years.

Mr. DILL. I think there will be a method found to keep them there right along.

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

Mr. HEFLIN. I yield.

Mr. SMITH. I do not intend to discuss this matter, but I want to ask the Senator from Alabama if he does not think it is very unfortunate that we should now suggest a survey for a Nicaraguan canal, which may be, and in the minds of a great many will be, looked upon as a reason for keeping the marines there? Does he not think it is very unfortunate that this resolution should be passed while this matter is being agitated and so many of the American people are opposed to the continuance of these marines there and do not believe that we had any right to send them there under the circumstances, now that the purpose for which they were alleged to have been sent there, namely, the holding of the election, has been accomplished, and the reason given as to why we were justified in keeping them there has ended? Does he not think it unfortunate that before there is an organized effort on the part of Congress to provide that they shall come back, we are now about to embark upon a project which may give the shadow of excuse, and be seized upon as a reason, for keeping the marines there?

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

Mr. HEFLIN. In a moment. I do not think so, I will say in answer to the Senator from South Carolina, because we can not afford to wait on any suggestion like that. This Government has a big foreign trade, and we propose to protect it, and the time is coming when we are going to need that Nicaraguan canal. I think the part of true statesmanship is to go ahead and make the arrangement in advance, and to have this Nicaraguan route all surveyed and ready for action when we decide to use it.

Mr. SMITH. Mr. President, I just want to ask the Senator a question. Is the necessity for the surveying of this route so pressing that we are justified in passing such a measure as this, giving effect to the arguments of those who are in favor of the marines being kept there? Does he not think we would better address ourselves to removing them? We could have discussed that, perhaps, during this session. Surely we could have done it in the extraordinary session that is now imminent, or at least in the regular session in December, and, once we had accomplished that, then there would have been no inference and no seeming sinister motive to be attached to the survey of the canal.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. HEFLIN. I yield.

Mr. McKELLAR. I am truly astonished to hear this argument by the Senator from South Carolina, because, as I remember, two or three days ago, when we had an opportunity to vote to bring the marines out, the Senator from South Carolina voted against bringing the marines out.

Mr. SMITH. I am glad the Senator has called attention to that, for the change in the vote was with regard to an amendment that would have jeopardized another piece of legislation that had nothing whatever to do with the principle involved. I did not feel that it was good common sense to destroy a good thing and accomplish nothing, with the vote I was supposed to cast, when the opportunity would be given me to vote on both the questions on their merits, without involving or jeopardizing the success of either. That was my stand, and what will continue to be my stand. I do not propose to destroy a good thing in attempting to get another good thing, when I shall have the opportunity perhaps of getting both of them without endangering either.

Mr. McKELLAR. Of course, the Senator could not expect——

The PRESIDENT pro tempore. Does the Senator from Alabama continue to yield to the Senator from Tennessee?

Mr. HEFLIN. Mr. President——

Mr. McKELLAR. May I just say this? Hearing the contention of the Senator that this would give color to the arguments of those who are opposed to bringing the marines out, when I remembered that when he had an opportunity to vote to bring the marines out he did not vote that way, but voted against bringing them out, I was astonished.

Mr. SMITH. The Senator is making exactly my argument, if the Senator from Alabama will allow me.

Mr. HEFLIN. I hope the Senator will be brief.

Mr. SMITH. Why should I vote to bring the soldiers out through an amendment on another bill, when we could have voted first to bring them out, and then voted for a survey of the canal? That was the position I took.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama continue to yield?

Mr. HEFLIN. No.

Mr. McKELLAR. Just one more question.

Mr. HEFLIN. I can not yield.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. HEFLIN. I would rather the Senator spoke in his own time.

Mr. McKELLAR. As I remember, the Senator from South Carolina voted first to bring them out, and then the next day voted against bringing them out. So his argument is truly the more astonishing.

Mr. SMITH. Wise men change their minds sometimes. I have understood that others do not. I prefer to be in the class that has at least historical foundation of having some sense.

Mr. HEFLIN. Mr. President, as the Senate knows, I am the first Senator who introduced a resolution to bring the marines out of Nicaragua. I worked for weeks and months to get action on the resolution, but the Senate did not see fit to act favorably. The Committee on Naval Affairs reported my resolution adversely.

I want to state that I am heartily in favor of bringing the marines out, but the administration is not in favor of doing that. The Senate went on record the other afternoon in favor of bringing them out, and on the next day, with pressure having been brought, I take it, from the White House, the vote in this body was changed, and the action of the day before reversed, and the judgment of the Senate was not to bring them out. That part of it is settled, but that does not preclude us from making an effort to bring them out when we meet again in April.

I repeat, the measure sponsored by the Senator from New Jersey is a meritorious one, it looks to the great trade development of this, the greatest Nation in all the world, and we can not afford to hold back these projects looking to the continued life and development of our Nation because somebody has an idea that somebody might fire on a surveyor, and that somebody would ask for more marines to be sent down there. We will pass on that when the question arises.

Sufficient unto the day is the evil thereof.

Mr. President, this Nation is going to stand, as it always has stood, upon its rights upon the free seas. We are going to protect our flag wherever it flies. We are going to demand the right to ship American goods to all ports on earth, and no government will be permitted to stand in the way of this great Nation as it sends its produce into the various market places on earth.

We do not propose to impose upon anybody. We are not asking anything of them that we will not grant to them. We want a fair deal with all, but I submit that if the time should ever come, under any circumstances, when the Panama Canal might be seized by some foreign power, we would be helpless without the Nicaraguan route.

Mr. President, I will detain the Senate but a moment more, because I want to get through with the work we have here. I hope to have some sleep myself to-night. I trust it will not be necessary to stay here all night. I am willing to stay here all night if we are transacting business, but I am not willing to stay here all night to hear somebody conduct a filibuster that is not worth 5 cents.

If a great principle is involved, I am willing to stay and work as late as anybody, and lose a night's sleep, but the great business of this Government must go on, and to the end that it may, and speedily, I will conclude my remarks. I am in favor of the measure of the Senator from New Jersey [Mr. EDGE].

Mr. BLEASE. Mr. President, I have heard from the junior Senator from Missouri [Mr. HAWES], and he says that this joint resolution is satisfactory to him, that the amendment which he wanted is incorporated in it.

Mr. EDGE. I will say to the Senator that the amendment is incorporated in the exact words in which it was offered by the Senator from Missouri.

Mr. BLEASE. I wish to say, however, Mr. President, that I do not think anybody in this Chamber needs to be told how I stood in the late presidential election. Regardless of my personal feelings, I campaigned and worked and voted for Smith. I said some pretty hard things against Mr. Herbert Hoover. I do not know whether he ever heard of it or not, and I do not care. If he has not heard of it, I will send him copies of it. But when he gets to be President of the United States, he will be my President, and it will be my pleasure to help uphold his hand whenever I think he is right in the administration of the affairs of Government.

The Senator from Tennessee [Mr. McKellar], a while ago, made some insinuation in reference to a change of vote on this canal question the other day. I want to tell him why I changed my vote, so that neither he nor anyone else will be worried about it. I voted one afternoon one way, and the next morning the other way.

We have a navy yard down at Charleston, S. C., that was in pretty bad shape.

The Government has been asking to close it up and I believe would have closed it up if the $300,000 appropriation in the bill which has just been agreed to had not been passed. The chances are that it will make the Charleston Navy Yard a permanent proposition and that the Government will do what it should do by it and take care of it.

I was reliably told that if the bill went through with the Nicaraguan provision in it, the chances were it would be vetoed and I changed my vote to save the Charleston (S. C.) Navy Yard. I have no apologies to make to anybody for it and no excuses to offer.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Jersey [Mr. Edge] to concur in the amendments of the House.

The motion was agreed to.

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McMASTER. Mr. President, I move that the request of the House for a conference be granted, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. McMaster, Mr. Waterman, and Mr. Bayard conferees on the part of the Senate.

FEDERAL RADIO COMMISSION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15430) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

The PRESIDENT pro tempore. The bill is still as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed the bill will be reported to the Senate.

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

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

ENLARGEMENT OF CAPITOL GROUNDS

Mr. KEYES and others addressed the Chair.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. Keyes] is recognized.

Mr. WATSON. Mr. President, is there not a unanimous-consent agreement?

The PRESIDENT pro tempore. It will be made effective in a moment.

Mr. KEYES. Mr. President, the committee on order of business has designated a certain bill to follow the radio bill which we have just passed. I move that the Senate proceed to the consideration of Calendar No. 1485, the bill (H. R. 13929) to provide for the enlarging of the Capitol Grounds.

The motion was agreed to, and the Senate as in Committee of the whole proceeded to consider the bill which had been reported from the Committee on Public Buildings and Grounds with amendments.

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent to proceed with the unanimous-consent agreement made last night, to wit, the consideration of unobjected bills on the calendar.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. KING. That presupposes the laying aside temporarily of the unfinished business?

The PRESIDENT pro tempore. Yes; the unfinished business is temporarily laid aside and the unanimous-consent agreement entered into yesterday will now be proceeded with. The clerk will report the first bill on the calendar under the unanimous-consent agreement.

WORLD'S POULTRY CONGRESS

The joint resolution (S. J. Res. 382) to send delegates and an exhibit to the Fourth World's Poultry Congress to be held in England in 1930 was announced as first in order under the unanimous-consent agreement.

Mr. BLEASE. Over.

Mr. COPELAND. Mr. President, will the Senator withhold his objection a moment until I can say a word about the joint resolution? I thought last night we had an agreement with the Senator from Pennsylvania [Mr. Reed] that by striking out the amount of money for traveling expenses he would have no objection.

Mr. REED of Pennsylvania. The deficiency bill which has just been agreed to by the House and doubtless will be agreed to by the Senate to-morrow, provides for $25,000 for this exhibit. The bill on the calendar is the same which was negatived by the Foreign Relations Committee and provides for the exhibit.

Mr. COPELAND. I thank the Senator. I have no further question to ask about it.

Mr. REED of Pennsylvania. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

NAVAL AIRSHIP BASE

The bill (H. R. 16839) to provide for investigation of sites suitable for the establishment of a naval airship base was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy is directed to appoint a board of naval officers to examine and report upon such locations as may be deemed most suitable for the establishment of a naval airship base and to submit to the Congress the report of said board concerning the several locations considered and his recommendations as to the location of the airship base, together with estimates in detail of cost of the best sites available and of the structures, facilities, and improvements necessary to the efficiency of the airship base.

Mr. ROBINSON of Arkansas. Mr. President, what sites are to be investigated?

Mr. HALE. This is a bill providing for an investigation of suitable sites for a hangar for lighter-than-air ships on the Pacific coast. We are now building a great dirigible which before long will come into use, and when it is completed we have no hangar on the west coast in which to keep it. The bill merely provides for the making of an investigation of the various sites in order that we may select a suitable site.

Mr. ROBINSON of Arkansas. I have no objection.

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

MISSOURI RIVER BRIDGE, NIOBRARA, NEBR.

The bill (S. 5875) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr., was considered as in Committee of the Whole and was read. The bill had been reported from the Committee on Commerce with an amendment in line 8, to strike out "1928" and insert "1929," so as to make the bill read:

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr., authorized to be built by H. A. Rinder, his heirs, legal representatives, and assigns, by act of Congress approved May 22, 1928, are hereby extended one and three years, respectively, from May 22, 1929.

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

Mr. COPELAND. Mr. President, may I ask if this is the same part of the river that is referred to in certain bridge bills which I have introduced?

Mr. NORRIS. No; it is an entirely different place.

Mr. COPELAND. I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

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

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

BRIDGE BILLS

The following House bridge bills were considered in Committee of the Whole, reported to the Senate without amendment, read the third time, and passed:

H. R. 16982. An act authorizing J. E. Robinson, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at or near Coffeeville, Ala.;

H. R. 17075. An act to extend the times for commencing and completing the construction of a bridge across the Red River of the North at or near Fargo, N. Dak.;

H. R. 17127. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa;

H. R. 17140. An act to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Warren, Trumbull County, Ohio;

H. R. 17141. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Trumbull County, Ohio; and

H. R. 17185. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cairo, Ill.

DECLARATION OF INTENTION IN NATURALIZATION PROCEEDINGS

The bill (H. R. 16440) relating to declarations of intentions in naturalization proceedings was considered as in Committee of the Whole. The bill had been reported from the Committee on Immigration with an amendment, on page 2, line 14, after the word "alien" to add the following:

No declaration of intention of petition for naturalization shall be made outside of the office of the clerk of the court,

So as to make the bill read:

*Be it enacted, etc.*, That the first subdivision of section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization and provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, is amended to read as follows:

"First. He shall declare on oath before the clerk of any court authorized by this act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of 18 years, that it is bona fide his intention to become a citizen of the United States and to reside permanently therein, and that he will, before being admitted to citizenship, renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time of admission a citizen or subject. Such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien. No declaration of intention or petition for naturalization shall be made outside of the office of the clerk of court."

SEC. 2. Section 1 of this act shall take effect 60 days after its enactment. A declaration of intention made before the expiration of such 60-day period, whether before or after the enactment of this act, in which appears an erroneous statement of allegiance, shall not be held invalid for such cause if the error was due to a change of political boundaries, or the creation of new countries, or the transfer of territory from one country to another. Nothing in this section shall permit the reinstatement of a petition for naturalization dismissed for such cause, but in such a case the benefits of this section may be obtained by filing a new petition before the expiration of the period of validity of the declaration of intention.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I send to the desk the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 3, after line 4, insert as an additional section:

SEC. 3. An alien veteran, as defined in section 1 of the act of May 26, 1926 (ch. 398, 44 Stat. 654, title 8, sec. 241, U. S. C. Supl. I), shall, if residing in the United States, be entitled, at any time within two years after the enactment of this act, to naturalization upon the same terms, conditions, and exemptions which would have been accorded to such alien if he had petitioned before the armistice of the World War, except that such alien shall be required to appear and file his petition in person and to take the prescribed oath of allegiance in open court.

Mr. ROBINSON of Arkansas rose.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit me a word of explanation?

Mr. ROBINSON of Arkansas. I was just going to ask the Senator to state the purpose of the bill.

Mr. REED of Pennsylvania. During the World War alien soldiers who had taken the oath of allegiance and were a part of the Army were permitted to be naturalized by a rather short proceeding. On May 26, 1926, Congress enacted a law providing that within two years after that date an alien veteran who, had he applied during the World War, might have been naturalized, should have the same right if he applied within two years after the passage of the act, provided, of course, that his service during the war had been honorable, that he had been honorably discharged, and that he had otherwise behaved himself well since that time.

This amendment would merely extend that privilege to alien veterans who had served honorably during the World War and before the armistice—that is, during the period of hostilities—and would give them the same privilege they had had during the past two years. It extends it for two years more. It is recommended to us by the Bureau of Naturalization and has the approval of all of the associations of veterans.

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

Mr. REED of Pennsylvania. Certainly.

Mr. DILL. Why does the Senator limit it to two years more? Why does he not take off the limitation?

Mr. REED of Pennsylvania. Because we feel that there ought to be every incentive for prompt action; that if a man is so indifferent that he does not act within four years after the privilege is given him, he ought not to have the privilege. The reason for extending it, the additional two years, is that the Bureau of Naturalization has several hundred applications now pending upon which they have been unable to act.

Mr. DILL. I am in entire sympathy with the proposal to extend it for two years, but I think it is indefensible that the law should have been passed originally in the way it was. I do not, for my own part, see any reason why there should be any limitation. We will be called upon in two years to do the same thing again. A man who went into the Army during the World War and served and got an honorable discharge, ought to be permitted to apply to become a citizen at any time. I do not see why any man who did not go into the Army, such as the men we have here in the Senate—except, of course, the Senator from Pennsylvania—should for one minute feel that a man who gave his service in time of war should not be permitted to become a citizen at any time he saw fit.

Mr. REED of Pennsylvania. I feel the same way, but I should like to have him do it as soon as possible.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

COAST GUARD COMMISSIONED PERSONNEL

The bill (H. R. 17060) to readjust the commissioned personnel of the Coast Guard, and for other purposes, was considered as in Committee of the Whole and was read as follows:

*Be it enacted, etc.*, That on and after July 1, 1929, the total number of commissioned officers on the active list, regular and temporary combined (exclusive of the commandant and commissioned warrant officers and additional numbers that have been authorized by law), authorized in the Coast Guard shall be 588, consisting of 526 line officers distributed in the proportion of 4 in the grade of captain, to 8 in the grade of commander, to 15 in the grade of lieutenant commander, to 30 in the grade of lieutenant, to 43 in the grades of lieutenant (junior grade) and ensign, inclusive; and of 1 engineer in chief, 8 captains (engineering), 16 commanders (engineering), and 18 lieutenant commanders (engineering), and of 5 constructors, and 14 district commanders: *Provided*, That the number of temporary commissioned officers, not above the rank of lieutenant, within the total of commissioned officers herein authorized shall be as the President shall determine: *And provided further*, That notwithstanding the number of officers herein authorized in the grades of captain (engineering) and commander (engineering), respectively, an engineer officer may be promoted, subject to examination as provided by law, to either of these grades at the same time as a line officer of the same length of total service in the Coast Guard is promoted to either of the corresponding grades in the line.

SEC. 2. That each vacancy occurring at the bottom of the list of commissioned engineer officers on the active list after July 1, 1929, shall operate to reduce by one the total number of engineer officers and to increase by one the total number of line officers authorized by section 1 of this act.

SEC. 3. In making any computation required or authorized by or pursuant to this act there shall be excluded from consideration those officers carried by law as additional numbers, and whenever a final fraction of one-half or more occurs the whole number next above shall be regarded as the authorized number.

SEC. 4. That the Secretary of the Treasury, in his discretion, is hereby authorized to furnish an escort, not to exceed one person, to the place of burial for the body of an officer or enlisted man who has lost his life in the Coast Guard. Such expenses as are incurred for this purpose shall be paid from the proper appropriation.

SEC. 5. That nothing contained in this act shall be construed to reduce the rank, pay, or allowances of any commissioned officer of the Coast Guard as now provided by law.

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. JONES. Mr. President, I think I should explain the bill. It is a very necessary bill. The bill has passed the House of Representatives—I think unanimously or by unanimous consent. It has been examined very carefully by practically all the members of the Committee on Commerce, and they are all in favor of it. The bill is recommended by the Budget and is, as I said, pointed out by the Secretary of the Treasury as being very necessary.

We have now for the Coast Guard 340 regular commissioned officers. We provided also, I think, for 110 temporary officers. Those temporary officers have no assurance of permanency at all; they have no retirement privileges; they have no benefits under the compensation act. As a result the temporary force is not nearly full. My recollection is that the report shows that there are probably 59 vacancies in the temporary force.

Ten cutters were authorized about three years ago. Four of those cutters have been built; one is nearly completed; appropriations have been made for three more; another one will probably soon be constructed. Those cutters will be without regular officers to man them.

I will read just a few extracts from the Secretary's letter urging the passage of this bill, which explains the necessity for it. In the first place, I will read from the House report just one paragraph:

While the task of preventing smuggling of liquor and narcotics from the sea is one of the difficult tasks of the Coast Guard, it is only one of the tasks. The preservation of life and property from the perils of the sea is the great work of the Coast Guard. Its importance can scarcely be overstated. In this great work the Coast Guard has a record of honorable achievements which in the opinion of the committee is unsurpassed by any branch of the Government service.

Let me say here that from time to time I have received letters with reference to the conditions affecting the Coast Guard, especially in Alaska—naturally I, rather than other Senators, receive letters from that Territory—pointing out the very great necessity for additional Coast Guard vessels in that region. It has not been very long since one or two, if not more, vessels were lost or nearly lost, being disabled, and no assistance could be rendered to them or was not rendered to them for a good while, largely because of the lack of Coast Guard service. Of course it is true the waters and channels of Alaska are so extensive that it probably will be a long time until adequate service shall be rendered there, but they are in great need of service now.

Secretary Mellon, among other things in his letter—I will not take time to read it all—says:

The greatest difficulty that confronts the Coast Guard to-day, as regards efficient and economical administration, is an acute shortage of commissioned officers and the fact that the commissioned officers are now, under existing law, divided into two classes, namely, officers of the regular service and officers holding temporary commissions. It is believed that a résumé of recent legislation with respect to the commissioned officers of the Coast Guard will be helpful in making clear the present condition that exists.

And he points that out. I will not read all of that portion of his letter.

Mr. ROBINSON of Arkansas. May I ask the Senator a question?

Mr. JONES. Yes.

Mr. ROBINSON of Arkansas. What increase in the Coast Guard Service is contemplated by the pending measure?

Mr. JONES. There are 340 regular officers now, and this bill contemplates raising that number to 589 and doing away with the temporary officers. It is expected that the force will not reach the maximum until 1934. The Secretary further says:

There have been so many difficulties connected with this policy—

That is, of having temporary officers—

of having temporary officers that the Coast Guard has practically stopped all efforts to obtain more of them, preferring to struggle along as best it can awaiting legislation to remedy the situation. On July 1 next there will probably be 56 vacancies in the temporary officers authorized, which means that this number of officers is practically lost to the service.

Then he closes his letter as follows:

I am convinced that unless suitable legislation be promptly enacted to readjust the commissioned personnel of the Coast Guard the time will shortly come when it will be impossible for the service properly to carry on the duties with which it is charged, because it will not have sufficient officers to do the work. This bill has my entire approval, and should you find it consistent with your own ideas, I shall be grateful if you will introduce the measure and give to its favorable consideration by Congress your personal attention.

There is a brief outline of the necessity for this legislation. It seems to be very desirable from the standpoint of securing efficient and economical service on the part of the Coast Guard for the performance of the duties imposed upon it by law.

Mr. KING. Mr. President, will the Senator from Washington permit a question?

Mr. JONES. Yes.

Mr. KING. I should like to ask the Senator whether other countries, particularly Great Britian, regard the Coast Guard Service as an adjunct to the Navy; and whether they give the same preferment, have the same proportionate number of officers from the lower grades to admirals for which this bill provides?

Mr. JONES. I will say frankly to the Senator that I am not prepared to answer that question. It does not appear to be discussed in the Secretary's letter, and that contains all the information that I have had an opportunity to obtain. I do know, however, that the Coast Guard is made a part of our Navy, and, in time of war especially, becomes an actual part of our naval force. Of course, during peace it is rendering dangerous service very generally.

Mr. KING. It is obvious that this bill contemplates nearly doubling the number of officers of the Coast Guard.

Mr. JONES. No; I think the Senator is mistaken in that. There are now 340 regular officers and 110 temporary officers, who are considered necessary and have been heretofore provided for. The total is to be increased to 589, but at the same time the temporary officers are discontinued, so that the bill really only contemplates an actual increase of a little over a hundred more than the total of temporary and regular force at the present time.

Mr. KING. I should like to ask the Senator what was the number of regular officers in the Coast Guard Service in 1915, 1916, and 1917, prior to the enactment of the Volstead Act?

Mr. JONES. I do not remember the exact figures. I think that probably 300 or 340 represented the number before we provided the temporary force of officers.

Mr. KING. Then, a very considerable part of the personnel, and a large part of the officers of the Coast Guard, are made necessary by reason of the enforcement of the Volstead Act?

Mr. JONES. I think that is true. We have imposed that duty upon them.

Mr. KING. And the cost now is approximately $50,000,000 annually for the Coast Guard.

Mr. JONES. That includes the building of cutters and all that sort of thing. Of course, we do not build cutters every year, but the other activities of the Coast Guard also have been very greatly increased during the last few years.

Mr. KING. Assume that we make greater progress toward sobriety and the observance of the Volstead Act during the next 10 or 15 years than has characterized our progress during the past 5 or 6 years, what steps are being taken or will be taken under existing or prospective legislation to bring the Coast Guard Service down again to a normal peace-time basis?

Mr. JONES. I will say when that time comes we will provide legislation to meet that situation.

Mr. KING. Having by legislation created all these positions, are the officers not in the service for life?

Mr. JONES. These particular officers may be in the service for life, but we can reduce the personnel afterwards by legislation, of course.

Mr. KING. The officers will be in the service for life, and will be entitled to pensions and retirement?

Mr. JONES. That is true.

Mr. KING. So that this bill adds greatly to the annual expenses of the Government?

Mr. JONES. I will say to the Senator, however, that with increased commerce and increased development, even though there should be a diminution of the work in other branches of the services, the necessities will still, I think, make necessary whatever increase may be provided under this proposed law, but the Coast Guard will probably be in a condition so that we will not have to make a further increase.

Then, as I said a while ago, we ought to take better care of Alaska, independent of the Volstead Act, because of the actual necessities that exist there at all times and the increase of local commerce there.

Mr. KING. Does the Senator regard it as necessary to create the same grades of officers in the Coast Guard as we do in the Navy, including captains and admirals? My recollection of the

Coast Guard Service in other countries is that they do not confer upon the commissioned personnel in the service the same rank, the same pay and allowances as are provided for the members of the Coast Guard Service in the United States.

Mr. JONES. There is not an equality in that respect in this bill. As a matter of fact, one section of the bill, the original section 4, was stricken out in the House, that did, I think, contemplate a little change in the two highest officers, but that was stricken out and left out of the bill.

Mr. KING. What is the highest grade attained in the Coast Guard?

Mr. JONES. They have the rank of admiral. I think the admiral of the Coast Guard is the commandant now, and this bill does not affect that.

Mr. KING. I notice that in this bill we make substantially the same provision as to the number of officers in the aggregate—the number of captains, the number of lieutenant commanders, the number of admirals—that would be provided in the Navy in proportion.

Mr. JONES. That may be true.

Mr. KING. The same rank, the same grade, the same number; so that we are creating out of the Coast Guard a navy, with all of the attachments and ornaments that belong to a navy.

Mr. JONES. They perform a very valuable service.

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

DALE S. RICE

The bill (H. R. 14089) for the relief of Dale S. Rice was considered as in Committee of the Whole.

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

DECLARATIONS OF INTENTION IN NATURALIZATION PROCEEDINGS

Mr. COPELAND. Mr. President, may I inquire of the Chair about reports of committees that were made as late as yesterday? Are they on the calendar for to-night?

The PRESIDENT pro tempore. The understanding of the Chair is that all reports submitted, up to and including the recess of yesterday, are now included on the Calendar.

Mr. COPELAND. Even though they are not printed?

The PRESIDENT pro tempore. The Chair is informed that they are all printed.

Mr. COPELAND. It so happens that I myself presented a report from the Committee on Immigration——

The PRESIDENT pro tempore. Does the Senator have the number.

Mr. COPELAND. I do not recall it at the moment. It is the Sabath bill.

Mr. JOHNSON. If the Senator from New York refers to House bill 16440 relating to declarations of intention in naturalization proceedings, that bill has been passed with an amendment presented by the Senator from Pennsylvania [Mr. REED].

Mr. COPELAND. Was it a satisfactory amendment?

Mr. JOHNSON. I think so. It related to veterans.

Mr. COPELAND. Very well.

ROCKY MOUNTAIN NATIONAL PARK, COLO.

The 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, was announced as next in order.

Mr. KING. Mr. President, I invite the attention of the Senator from Colorado to the fact that I have had a number of letters from his State in regard to this bill.

Mr. BLEASE. Let the bill go over.

Mr. WATERMAN. I hope the Senator will withdraw the objection.

Mr. BLEASE. We are operating under a unanimous-consent agreement; it is now 25 minutes after 10, and the agreement was to consider unobjected bills.

The PRESIDENT pro tempore. Does the Senator from South Carolina object?

Mr. BLEASE. I will withdraw the objection if the Senator from Colorado wishes me to, but if we are going to have discussion of the bills we might just as well do away with the unanimous-consent agreement.

Mr. KING. The unanimous-consent agreement does not provide that a Senator may not make an inquiry regarding a bill.

Mr. WATERMAN. Mr. President, this is a bill accepting the cession by the State of Colorado of a large tract of land known as the Rocky Mountain National Park. It is satisfactory to the Government, to the Interior Department, and to the people of my State. The matter has been held in abeyance for some 15 years, and we have been trying to arrive at an agreement with reference to this cession. The agreement which has now been reached is satisfactory to every one who is interested in the matter, and I hope the bill may be allowed to pass.

The PRESIDING OFFICER. Is there objection?

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

*Be it enacted, etc.*, That the provisions of the act of the Legislature of the State of Colorado, approved February 19, 1929, ceding to the United States exclusive jurisdiction over the territory embraced and included within the Rocky Mountain National Park, are hereby accepted, and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the State of Colorado the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said tract; and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said tracts are situated; and saving to all persons residing within said park upon lands now privately owned within said park access to and from such lands, and all rights and privileges as citizens of the State of Colorado; and saving to the people of Colorado all vested, appropriated, and existing water rights and rights of way connected therewith, including all existing irrigation conduits and ditches. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Colorado.

SEC. 2. That said park shall constitute a part of the United States judicial district for the State of Colorado, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries.

SEC. 3. That if any offense shall be committed in the Rocky Mountain National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Colorado in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Colorado shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested

under charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That the United States District Court for the State of Colorado shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this act.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this act prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the State of Colorado, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court.

SEC. 7. That such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provision of section 4 of this act to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause each person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the State of Colorado, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the district of Colorado, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or this act or the regulations prescribed by the said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Rocky Mountain National Park, at a place to be designated by the court making such appointment: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 11 of this act.

SEC. 10. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the State of Colorado.

SEC. 12. That the Secretary of the Interior shall notify, in writing, the Governor of the State of Colorado of the passage and approval of this act.

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

CLOTILDA FREUND

The bill (H. R. 6705) for the relief of Clotilda Freund was considered as in Committee of the Whole.

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

B. P. STRICKLIN

The bill (H. R. 10321) for the relief of B. P. Stricklin was considered as in Committee of the Whole.

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

A. BRIZARD (INC.)

The bill (H. R. 14583) for the relief of A. Brizard (Inc.) was considered as in Committee of the Whole.

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



WILLIAM ZEISS, ADMINISTRATOR OF WILLIAM B. REANEY

The bill (S. 2268) for the relief of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, the sum of $34,161.63, being the amount found due by the Court of Claims as reported to Congress in Senate Document No. 146, Fifty-ninth Congress, second session.

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

WILLIAM C. SCHMITT

The bill (H. R. 6698) for the relief of William C. Schmitt was considered as in Committee of the Whole.

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

HELEN GRAY

The bill (H. R. 8691) for the relief of Helen Gray was considered as in Committee of the Whole.

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

EUGENIA EDWARDS

The bill (H. R. 9396) to compensate Eugenia Edwards, of Saluda, S. C., for allowances due and unpaid during the World War, was considered as in Committee of the Whole.

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

ESTATE OF C. C. SPILLER, DECEASED

The bill (H. R. 11339) for the relief of the estate of C. C. Spiller, deceased, was considered as in Committee of the Whole.

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

MARTHA C. BOOKER, ADMINISTRATRIX

The bill (H. R. 12255) for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt; and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased, was considered as in Committee of the Whole.

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

JAMES M'GOURTY

The bill (H. R. 13734) for the relief of James McGourty was considered as in Committee of the Whole.

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

JOHN BOWIE

The bill (H. R. 13801) for the relief of John Bowie, was considered as in Committee of the Whole.

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

FELIX COLE

The bill (H. R. 14022) for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service was considered as in Committee of the Whole.

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

TWIN CITY FORGE & FOUNDRY CO.

The bill (H. R. 16535) authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America was considered as in Committee of the Whole.

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

BILLS PASSED OVER

The bill (H. R. 16089) for the relief of Elizabeth Quinerly Cummings was announced as next in order.

Mr. KING. I ask that that go over.

The PRESIDENT pro tempore. The Senator from Utah objects, and the bill will be passed over.

The bill (H. R. 16090) for the relief of Hugh Dortch was announced as next in order.

Mr. KING. Let that go over, also.

The PRESIDENT pro tempore. This bill also will be passed over.

E. SCHAAF-REGELMAN

The bill (H. R. 16122) for the relief of E. Schaaf-Regelman was considered as in Committee of the Whole.

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

CAPT. JOHN W. ELKINS, JR.

The bill (H. R. 10912) to reimburse or compensate Capt. John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him was considered as in Committee of the Whole.

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

CLYDE H. TAVENNER

The bill (H. R. 16342) for the relief of Clyde H. Tavenner was considered as in Committee of the Whole.

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

WILLIAM T. RING

The bill (H. R. 7174) granting compensation to William T. Ring was considered as in Committee of the Whole.

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

JACK MATTSON

Te bill (H. R. 8401) for the relief of Jack Mattson was considered as in Committee of the Whole.

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

JOHN F. O'NEIL

The bill (H. R. 5995) for the relief of John F. O'Neil was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. WALSH of Massachusetts subsequently said: Mr. President, in my absence some action was taken upon Order of Business No. 2087, House bill 5995, for the relief of John F. O'Neil. I ask unanimous consent to have it taken up now.

The PRESIDENT pro tempore. Objection was made.

Mr. WALSH of Massachusetts. Will the Senator from Utah permit me to make a statement about it?

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent to recur to the consideration of House bill 5995, to which objection was made by the Senator from Utah.

Mr. KING. I withhold the objection for the present. May I say that the report indicates, however, that there is no merit in the case?

Mr. WALSH of Massachusetts. Mr. President, this bill authorizes the Secretary of the Navy to appoint John F. O'Neil, jr., a carpenter in the United States Naval Reserve Force and place him upon the retired list with three-quarters pay of his grade, and that said John F. O'Neil shall not by the passage of this act be entitled to back pay or allowances.

O'Neil while a carpenter in the United States Naval Reserve was serving on board the U. S. S. *Lakemoor* when that vessel was torpedoed April 11, 1918. He suffered severe injuries, being in the sea for several hours; he was ordered to appear before a board of medical survey, which board recommended that he be discharged from the Naval Reserve Force. Thereupon O'Neil was honorably discharged from the service on July 11, 1919.

On June 4, 1920, an act was passed providing that all officers of the Naval Reserve Force who have heretofore incurred or who may hereafter incur physical disability in line of duty shall be eligible for retirement under the same conditions as now provided by law for officers of the regular Navy who have incurred physical disability in line of duty.

If O'Neil had not at that time been honorably discharged from the service because of his physical disabilities he would have immediately received the benefits of this law.

This act seeks to give him such benefits.

In fact, in 1921 O'Neil was authorized to appear before a medical survey, and that board then ordered that he be ordered before a retiring board. He was recommended for retirement, but due to the fact that he had been discharged from the Naval Reserve Force and was no longer an officer in the naval service, he was ineligible for retirement under the act of June 4, 1920.

If he had not been honorably discharged in 1919 for serious injuries in line of duty and had remained in the service beyond the 4th of June, 1920, he would have then been eligible for retirement, and it is probable that a Navy retiring board would have recommended him for retirement.

Mr. KING. Mr. President, I withdraw my objection, with the understanding that if, upon further examination to-morrow, I desire to move to reconsider, the Senator will consent to that.

Mr. WALSH of Massachusetts. I appreciate that very much.

The PRESIDENT pro tempore. Without objection, the Senate will recur to Order of Business No. 2087, House bill 5995, for the relief of John F. O'Neil.

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.

AMENDMENT OF WORLD WAR ADJUSTED COMPENSATION ACT

Mr. BRATTON. Mr. President, referring to Order of Business 2088, Senate bill 5631, a House bill substantially the same, being H. R. 16395, was referred to the Senate Committee on Finance. I ask that the Senate committee be discharged from the further consideration of that bill and that it be substituted on the calendar for Senate bill 5631.

Mr. WALSH of Massachusetts. Mr. President, as the Senator reporting Senate bill 5631, and which I introduced, I approve the substitution of the House bill. Such a course will assure enactment before adjournment.

The PRESIDENT pro tempore. Without objection, the Committee on Finance will be discharged from the further consideration of House bill 16395.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16395) to reduce interest rates on adjusted-compensation loans.

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

The PRESIDENT pro tempore. Without objection, Senate bill 5631 will be indefinitely postponed.

J. H. B. WILDER

Mr. KING. Mr. President, yesterday Senate bill 5715, for the relief of J. H. B. Wilder, was passed. This morning I noted a motion to reconsider and to recall the bill. I wish to withdraw the motion to reconsider.

The PRESIDENT pro tempore. Without objection, that permission will be granted.

KATHERINE ELIZABETH KERRIGAN CALLAGHAN

The bill (H. R. 16666) for the relief of Katherine Elizabeth Kerrigan Callaghan was announced as next in order.

Mr. KING. Mr. President, we have no print or report of that bill on our calendars.

Mr. BRATTON. Let the bill be read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Chief Clerk read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

HOWARD P. MILLIGAN

Mr. BLAINE. Mr. President, last May the House passed House bill 13440, for the relief of Howard P. Milligan. The Committee on Military Affairs has reported favorably Senate bill 3866, the same bill. I now ask that the Committee on Military Affairs be discharged from the consideration of the House bill, that the House bill be substituted for the Senate bill, and that it be passed.

Mr. KING. Let the House bill be read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Chief Clerk read the bill (H. R. 13440) for the relief of Howard P. Milligan.

Mr. ROBINSON of Arkansas. Mr. President, do I understand that the Senate committee has already reported an identical bill?

Mr. BLAINE. The Senate committee has reported an identical bill.

Mr. KING. What is the purpose of the bill?

Mr. BLAINE. The bill is to authorize the President to reinstate an Army officer who had been removed on account of some social difficulties between himself and his superior.

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.

BOARD OF VISITORS TO PHILIPPINE ISLANDS

Mr. BINGHAM. Mr. President, the other evening, when we reached Order of Business 1771, House bill 16877, the junior Senator from Montana [Mr. WHEELER] objected to its consideration, and asked that it be explained. I have had a conversation with him, and he has authorized me to say that he has no objection to the bill. I ask unanimous consent that it may now be considered.

The PRESIDENT pro tempore. Is there objection?

Mr. ROBINSON of Arkansas. Let the bill be read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Chief Clerk read the bill (H. R. 16877) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands.

Mr. KING. Mr. President, I think that bill had better go over.

The PRESIDENT pro tempore. Objection is made.

Mr. BINGHAM subsequently said: Mr. President, the Senator from Utah has agreed to withdraw his objection to the passage of House bill 16877 on condition that if, after looking into it to-morrow, he desires to move that it be reconsidered, that motion will be made.

Mr. KING I want to state it accurately. I am opposed to this bill, and I think it is very unwise. I think these junketing trips—and that is what they will amount to in the end—are not profitable either to the United States or to the Territories and colonies that we are seeking to incorporate under the flag. However, upon consultation with representatives of the Filipinos, if they desire this legislation I shall abate my opposition; but to-morrow morning, if I desire to move to reconsider, it is to be understood that unanimous consent shall be given, and that in the meantime the bill shall not be transmitted to the House.

The PRESIDENT pro tempore. Without objection, the Senate bill will recur to the consideration of House bill 16877, Order of Business 1771. Without objection, the Senator from Utah reserves the right to move to reconsider; and, without objection, the bill will not be transmitted to the House.

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.

UNEMPLOYMENT IN THE UNITED STATES

Mr. COUZENS. Mr. President, I desire to submit a report (No. 2072) from the Committee on Education and Labor, pursuant to Senate Resolution 219, providing for an analysis and appraisal of reports on unemployment, and systems for prevention and relief thereof. I ask that the report and evidence be printed as a public document. There is no legislation required and no bill.

The PRESIDENT pro tempore. Without objection, the report will be received; and, without objection, the report and the evidence will be printed as a public document.

NATIONAL INSTITUTE OF HEALTH

Mr. RANSDELL. Mr. President, I ask unanimous consent to consider Senate bill 4518, to create a National Institute of Health.

The PRESIDENT pro tempore. What is the calendar number?

Mr. RANSDELL. It is Order of Business 1322. The bill has been fully considered, and I do not ask to debate it if we can not take it up.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4518) to establish and operate a National Institute of Health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes.

The PRESIDENT pro tempore. The Senator from Louisiana offers certain amendments, which will be stated.

The amendments were, on page 2, line 4, after the word "or," to insert "when appropriations are made therefor"; on page 2, line 13, after the word "advisable," to strike out "There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be adequate to carry out the provisions of this act"; on page 2, after line 16, to insert: "The Secretary of the Treasury is authorized and directed to submit to Congress not later than December 2, 1929, plans and estimates of appropriations necessary to carry out adequately the provisions of this act"; and on page 2, line 20, before the word "problems," to strike out "the fundamental" and insert "all," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to establish and operate a national institute of health under the jurisdiction of his department and the administrative control of the Surgeon General of the Public Health Service, which shall be devoted to scientific research in the problems of the diseases of man and matters pertaining to health. The Hygienic Laboratory shall hereafter be known as the national institute of health. The Secretary of the Treasury is authorized to utilize the site now occupied by the Hygienic Laboratory and the land adjacent thereto owned by the Government and available for this purpose, or when appropriations are made therefor to acquire by purchase, condemnation, or otherwise, in or near the District of Columbia, and to erect thereon suitable and adequate buildings, including furniture and equipment for the use of such institute. In the administration and operation of this institute the Surgeon General shall select persons who show unusual aptitude in science. The Surgeon General, with approval of the Secretary of the Treasury, may make such rules and regulations for the government and administration of such institute as he deems advisable. The Secretary of the Treasury is authorized and directed to submit to Congress not later than December 2, 1929, plans and estimates of appropriations necessary to carry out adequately the provisions of this act.

SEC. 2. The Secretary of the Treasury is authorized to accept, unconditionally, on behalf of the United States, gifts by will or otherwise for study, investigation, and research in all problems of the diseases of man and matters pertaining thereto. Any such gifts shall be held in trusts and shall be invested by the Secretary of the Treasury in securities of the United States, and the income thereof shall be administered by the Surgeon General, with the approval of the Secretary of the Treasury, for the purposes indicated in this act. The Surgeon General is authorized to establish fellowships in the national institute of health, and utilize the proceeds thereof in aid of individual scientists who have demonstrated or give promise of marked proficiency in research and investigations relating to the diseases of man. Donations of $500,000 or over in aid of research will be acknowledged permanently by the establishment within the institute of suitable memorials to the donors.

SEC. 3. Individual scientists designated by the Surgeon General to receive fellowships may be appointed for duty in the National Institute of Health established by this act. During the period of such fellowship, these appointees shall hold appointments under regulations promulgated by the Secretary of the Treasury, and shall be subject to administrative regulations for the conduct of the Public Health Service. Scientists so selected may likewise be designated for the prosecution of investigations in other localities and institutions in this and other countries during the term of their fellowships.

SEC. 4. The Secretary of the Treasury, upon the recommendation of the Surgeon General, is authorized (1) without regard to the classification act of 1923, to designate the titles and fix the compensation of the necessary scientific personnel; (2) in accordance with the civil service laws to appoint, and in accordance with the classification act of 1923, fix the compensation of such clerical and other assistants; and (3) to make such expenditures (including expenditures for personal services and rent at the seat of government, for books of reference, periodicals, and exhibits, and for printing and binding) as he deems necessary for the proper administration of such institution.

SEC. 5. The facilities of the institute shall from time to time be made available to bona fide health authorities of States, counties, or municipalities for purposes of instruction and investigation.

The amendments were agreed to.

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

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

ADDITIONAL REPORTS OF COMMITTEES

Mr. JONES, from the Committee on Commerce, to which was referred the bill (S. 5888) to extend the times for commencing and completing the construction of a bridge across the Columbia River at Entiat, Wash., reported it without amendment and submitted a report (No. 2069) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 5878) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky., reported it without amendment and submitted a report (No. 2070) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (H. R. 10817) for the relief of the Merrill Engineering Co., reported it without amendment and submitted a report (No. 2071) thereon.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 2425. An act for the relief of Annie McColgan;

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

H. R. 14728. An act for the relief of J. A. Smith;

H. R. 16082. An act to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes; and

H. R. 17026. An act granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes.

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

H. R. 4265. An act for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department;

H. R. 10431. An act to amend section 101 of the Judicial Code, as amended.

H. R. 12475. An act for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.; and

H. R. 15387. An act to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia."

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the joint resolution (S. J. Res. 117) authorizing an investigation and survey for the purpose of ascertaining the practicability and the approximate cost of constructing and maintaining additional locks and other facilities at the Panama Canal, and for the purpose of ascertaining the practicability and probable cost of constructing and maintaining an interoceanic ship canal across the Republic of Nicaragua, and it was signed by the President pro tempore.

REPORT ON INDIAN FUNDS

The PRESIDENT pro tempore laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to authority of law, a report of the amount of the funds of Indians, the investment thereof, the rate of interest thereon as of June 30, 1928, together with comments pertinent to the uses made of such funds, which, with the accompanying report, was ordered to lie on the table.

CLAIM OF THE CITY OF BALTIMORE

The PRESIDENT pro tempore laid before the Senate a communication from the Comptroller General of the United States reporting, in response to Senate Resolution 246, agreed to May 28, 1928, relative to the claim of the city of Baltimore for amounts advanced at the request of Maj. Gen. R. C. Schenck, dated June 20, 1863, to aid the United States in the construction of works of defense, as allowed by the accounting officers of the Treasury and reimbursed pursuant to law, etc., which was ordered to lie on the table and to be printed.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore. Pursuant to an order of the Senate, the Chair refers sundry executive messages to their appropriate committees.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 10 o'clock and 41 minutes p. m.) the Senate took a recess until to-morrow, Saturday, March 2, 1929, at 11 o'clock a. m.

## NOMINATIONS

*Executive nominations received by the Senate March 1 (legislative day of February 25), 1929*

COLLECTORS OF CUSTOMS

Leslie L. Glenn, of Champaign, Ill., to be comptroller of customs in customs collection district No. 39, with headquarters at Chicago, Ill., in place of Ralph F. Bradford, resigned.

Sidney C. Brown, of Lakeland, Fla., to be collector of customs for customs collection district No. 18, with headquarters at Tampa, Fla., in place of Hon. Charles N. Hildreth, jr., whose term of office expired February 27, 1929.

COLLECTOR OF INTERNAL REVENUE

Myrtle Tanner Blacklidge, of Chicago, to be collector of internal revenue for the first district of Illinois in place of Mable G. Reinecke.

UNITED STATES DISTRICT JUDGES

Lloyd P. Stryker, of New York, to be United States district judge, southern district of New York. (Additional position.)

Francis G. Caffey, of New York, to be United States district judge, southern district of New York. (Additional position.)

Allen Cox, of Mississippi, to be United States district judge, northern district of Mississippi. (Additional position.)

A. Lee Wyman, of South Dakota, to be United States district judge, district of South Dakota. (Additional position.)

Charles Edgar Woodward, of Illinois, to be United States district judge, northern district of Illinois, vice Adam C. Cliffe, deceased.

UNITED STATES CIRCUIT JUDGES

Orie L. Phillips, of New Mexico, to be United States circuit judge, tenth circuit. (New position.)

George T. McDermott, of Kansas, to be United States circuit judge, tenth circuit. (New position.)

Archibald K. Gardner, of South Dakota, to be United States circuit judge, eighth circuit. (Additional position.)

Curtis D. Wilbur, of California, to be United States circuit judge, ninth circuit. (Additional position.)

POSTMASTERS

ARKANSAS

Sammie W. Kennedy to be postmaster at Cotton Plant, Ark., in place of F. G. Kennedy, removed.

CALIFORNIA

Archie N. Moore to be postmaster at Covelo, Calif., in place of C. M. Grist, removed.

Asa E. Bishop to be postmaster at Mendocino, Calif., in place of J. W. Mullen, deceased.

GEORGIA

Minnie E. Nance to be postmaster at Arlington, Ga., in place of M. E. Nance. Incumbent's commission expired January 14, 1929.

Glossie A. Dunford to be postmaster at Helena, Ga., in place of G. A. Dunford. Incumbent's commission expired February 16, 1929.

Edgar S. Hicks to be postmaster at Yatesville, Ga., in place of E. S. Hicks. Incumbent's commission expired January 14, 1929.

ILLINOIS

Lottie M. Jones to be postmaster at Antioch, Ill., in place of L. M. Jones. Incumbent's commission expired May 20, 1928.

KANSAS

Neva F. Van Dolah to be postmaster at Preston, Kans., in place of N. F. Van Dolah. Incumbent's commission expires March 2, 1929.

MICHIGAN

John Y. Martin to be postmaster at Corunna, Mich., in place of E. R. Vincent. Incumbent's commission expired December 12, 1928.

Arthur L. Sturgis to be postmaster at Newaygo, Mich., in place of N. A. McDonald, deceased.

MINNESOTA

Richard C. O'Neill to be postmaster at Graceville, Minn., in place of H. L. Day, removed.

Anton M. Anderson to be postmaster at St. Peter, Minn., in place of L. J. Gault. Incumbent's commission expired December 9, 1928.

Burt I. Weld to be postmaster at Slayton, Minn., in place of R. F. Lamb. Incumbent's commission expired February 11, 1929.

John N. Irving to be postmaster at South St. Paul, Minn., in place of F. L. Henderson, deceased.

Ferdinand J. Reimers to be postmaster at Stewart, Minn., in place of F. J. Reimers. Incumbent's commission expired December 21, 1926.

MISSISSIPPI

Jack F. Ellard to be postmaster at Leland, Miss., in place of J. F. Ellard. Incumbent's commission expired February 17, 1929.

MISSOURI

Earl M. Brittain to be postmaster at Guilford, Mo. Office became presidential July 1, 1928.

Homer E. West to be postmaster at Dexter, Mo., in place of T. E. Hubbard. Incumbent's commission expired February 15, 1928.

NEW YORK

Clara F. Wood to be postmaster at Angola, N. Y., in place of C. N. Wood, deceased.

Vincent Phelps to be postmaster at Briarcliff Manor, N. Y., in place of C. H. Whitson, deceased.

SOUTH DAKOTA

John A. Nannestad to be postmaster at Brandt, S. Dak., in place of H. E. Kjenstad, removed.

WISCONSIN

Fred S. Bell to be postmaster at Mosinee, Wis., in place of E. V. Snider, deceased.

Fora G. DuBois to be postmaster at North Freedom, Wis., in place of H. N. Apker. Incumbent's commission expired January 10, 1929.

WEST VIRGINIA

James R. Wratchford to be postmaster at Moorefield, W. Va., in place of E. M. Tucker. Incumbent's commission expired January 2, 1929.

## HOUSE OF REPRESENTATIVES

FRIDAY, *March 1, 1929*

The House met at 12 o'clock noon.

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

We give thanks to Thee, Blessed Father, for all the supplies of love and grace; we praise Thee for the bountiful hand that gives them, and may we strive to use them for Thy glory. Let not the burdens of care, the vicissitudes of business, or any disappointments daze or leave us uncertain as to the performance of our duty. Be our sovereign guide, our bread of life, and the rock of our salvation; we find in Thee the true life, calm and safe. O Lord unsettle the foundations of every iniquitous agency, put to naught every wicked thing, and bless the endeavors of those who seek the good with simplicity and earnestness. Direct us to harken unto Thy statutes, walk in the ways of Thy commandments, and keep our expectant lives toward the rising sun of hope and promise. Amen.

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

MESSAGE FROM THE SENATE

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

H. R. 1625. An act to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Caflin, and Edwin A. Wells;

H. R. 2137. An act for the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. S. Heydeck;

H. R. 2659. An act for the relief of Annie M. Lizenby;

H. R. 3044. An act for the relief of Leon Freidman;

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

H. R. 3677. An act for the relief of F. M. Gray, Jr., Co.;

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

H. R. 4029. An act for the relief of Maude A. Sanger;

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

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

H. R. 4440. An act for the relief of Frederick O. Goldsmith;

H. R. 4611. An act for the relief of Marion M. Clark;

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

H. R. 5264. An act for the relief of James P. Cornes;

H. R. 5338. An act for the relief of Roland M. Baker;

H. R. 5341. An act for the relief of the Staunton Brick Co.;

H. R. 5399. An act for the relief of George Heitkamp;

H. R. 7173. An act granting compensation to the daughters of James P. Gallivan;

H. R. 7230. An act for the relief of Charles L. Dewey;

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

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

H. R. 7930. An act to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve";

H. R. 7976. An act for the relief of Mrs. Moore L. Henry;

H. R. 8223. An act to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md.;

H. R. 8423. An act for the relief of Timothy Hanlon;

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

H. R. 8886. An act for the relief of Luc Mathias;

H. R. 8987. An act for the relief of John R. Butler;

H. R. 9530. An act for the relief of W. L. Inabnit;

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

H. R. 9862. An act for the relief of M. T. Nilan;

H. R. 9972. An act for the relief of Charles Silverman;

H. R. 10045. An act for the relief of Robert S. Ament;

H. R. 10178. An act for the relief of the H. J. Heinz Co., Atlantic City, N. J.;

H. R. 10417. An act for the relief of George Simpson and R. C. Dunbar;

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

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

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

H. R. 11500. An act for the relief of Ella Mae Rinks;

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

H. R. 12189. An act for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti;

H. R. 12198. An act to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.;

H. R. 12359. An act for the relief of the widow of Edwin D. Morgan;

H. R. 12548. An act for the relief of Margaret Vaughn;

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

H. R. 13132. An act for the relief of J. D. Baldwin, and for other purposes;

H. R. 13258. An act for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office;

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

H. R. 13430. An act for the relief of Arthur E. Rump.

H. R. 13521. An act for the relief of Minnie A. Travers.

H. R. 13573. An act for the relief of Pedro P. Alvarez.

H. R. 13869. An act for the relief of John Wesley Clark.

H. R. 13888. An act for the relief of Charles McCoombe.

H. R. 13992. An act for the relief of N. P. Nelson & Co.

H. R. 14242. An act for the relief of Everett A. Dougherty.

H. R. 14663. An act directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate;

H. R. 14823. An act for the relief of the Meadow Brook Club;

H. R. 14850. An act for the relief of Leo Byrne;

H. R. 14873. An act for the relief of Chesley P. Key;

H. R. 14897. An act for the relief of Matthias R. Munson;

H. R. 14975. An act for the relief of Capt. William Cassidy;

H. R. 15220. An act for the relief of Francis X. Callahan;

H. R. 15292. An act for the relief of the First National Bank of Porter, Okla.;

H. R. 15293. An act for the relief of Lieut. John J. Powers, Quartermaster Corps;

H. R. 15421. An act for the relief of D. B. Heiner;

H. R. 15570. An act authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.;

H. R. 15717. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.;

H. R. 15718. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at or near Lake Street, in the city of Gary, county of Lake, Ind.;

H. R. 15723. An act authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes;

H. R. 15916. An act to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal;

H. R. 16126. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.;

H. R. 16131. An act to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries;

H. R. 16169. An act to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind.;

H. R. 16170. An act authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River south of Burch, Calvert County, Md.;

H. R. 16205. An act authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.;

H. R. 16209. An act to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project;

H. R. 16345. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

H. R. 16382. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16383. An act to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16384. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

H. R. 16385. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 16386. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 16387. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 16388. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

H. R. 16389. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 16393. An act to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes;

H. R. 16406. An act to repeal the provision of law granting a pension to Annie E. Springer;

H. R. 16407. An act to repeal the provision of law granting a pension to Lottie A. Bowhall;

H. R. 16423. An act to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.;

H. R. 16425. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16426. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.;

H. R. 16427. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky.;

H. R. 16430. An act extending the time for constructing a bridge across the Kanawha River at a point in or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.;

H. R. 16431. An act to extend the times for commencing and completing the construction of a bridge to be built across the Kanawha River at or near Henderson, W. Va., to a point opposite thereto at or near Point Pleasant, W. Va.;

H. R. 16432. An act granting the consent of Congress to the Highday Department of the County of Etowah, State of Alabama, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry;

H. R. 16433. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 16448. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 16499. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.;

H. R. 16531. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.;

H. R. 16533. An act to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the Naval Air Station, Lakehurst, N. J.;

H. R. 16603. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

H. R. 16604. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

H. R. 16605. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

H. R. 16606. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.;

H. R. 16609. An act extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

H. R. 16610. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.;

H. R. 16640. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 16641. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.;

H. R. 16645. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.;

H. R. 16659. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River in the State of South Dakota;

H. R. 16660. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota;

H. R. 16719. An act granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at or near Chattanooga, Hamilton County, Tenn.;

H. R. 16725. An act authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La.;

H. R. 16791. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 16818. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.;

H. R. 16824. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 16867. An act for the relief of H. E. Jones;

H. R. 16985. An act 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;

H. R. 16988. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

H. R. 17001. An act for the relief of Capt. Walter R. Gherardi, United States Navy;

H. R. 17020. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 17023. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.;

H. R. 17079. An act to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools;

H. J. Res. 377. Joint resolution authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus;

H. J. Res. 399. Joint resolution providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements; and

H. J. Res. 431. Joint resolution providing for an investigation of Grover M. Moscowitz, United States district judge for the eastern district of New York.

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

H. R. 2425. An act for the relief of Annie McColgan;

H. R. 3737. An act for the relief of John T. O'Neil;

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

H. R. 4265. An act for the relief of certain officers and former officers of the Army of the United States, and for other individual claims approved by the War Department;

H. R. 9014. An act for the relief of Anthony Mullen;

H. R. 9966. An act to provide for the reimbursement of certain patients at the United States veterans' hospital, Sunmount, N. Y., for loss and damage to personal effects;

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

H. R. 10431. An act to amend section 101 of the Judicial Code, as amended.

H. R. 12106. An act to create a national military park at Cowpens battle ground;

H. R. 12475. An act for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.;

H. R. 12650. An act for the relief of John F. Fleming;

H. R. 13936. An act to amend the second paragraph of section 4 of the Federal farm loan act, as amended;

H. R. 14728. An act for the relief of J. A. Smith;

H. R. 15387. An act to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia";

H. R. 16082. An act to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes; and

H. R. 17026. An act granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes.

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

S. 119. An act for the relief of C. C. Moore & Co., engineers;

S. 801. An act to place Dr. Charles H. DeLancey on the retired list of the Navy as a lieutenant commander;

S. 2127. An act for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt;

S. 3027. An act to increase the pay of mail carriers in the village delivery service;

S. 3572. An act authorizing an appropriation for the purpose of defraying expenses incident to the making of a comprehensive survey covering the requirements of a Federal penal system;

S. 3691. An act for the relief of Charles W. Townsend;

S. 4237. An act for the relief of Antoine Laporte, alias Frank Lear;

S. 4308. An act for the relief of Maj. H. E. Miner, Capt. A. J. Touart, Capt. J. L. Hayden, Capt. H. H. Pohl, First Lieut. C. C. Jadwin, and First Lieut. F. B. Kane, United States Army;

S. 4336. An act for the relief of D. B. Traxler, president of the Realty Corporation, of Greenville, S. C.;

S. 4354. An act for the relief of Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, against the U. S. S. *Connecticut;*

S. 4661. An act to place Norman A. Ross on the retired list of the Navy;

S. 4681. An act for the relief of Gilbert Peterson;

S. 4796. An act for the relief of Jesse J. Britton;

S. 4809. An act for the relief of John B. Meisinger and Nannie Belle Meisinger;

S. 4825. An act for the relief of August R. Lundstrom;

S. 4907. An act for the relief of August Mohr;

S. 5017. An act for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan;

S. 5056. An act for the relief of William B. Thompson;

S. 5202. An act to provide for the establishment of a branch home of the National Home for Disabled Volunteer Soldiers in the State of Florida;

S. 5332. An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries;

S. 5365. An act granting the consent of Congress to the State of Oregon and the Haynes Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Haynes Slough, Coos Bay, Coos County, Oreg.;

S. 5386. An act extending benefits of the World War adjusted compensation act, as amended, to John J. Helms;

S. 5472. An act to amend the immigration act of 1924, as amended, with regard to the issuance of immigration visas, and for other purposes;

S. 5493. An act relating to the construction of a chapel at the Federal Industrial Insitution for Women at Alderson, W. Va.;

S. 5555. An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes;

S. 5616. An act to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans;

S. 5677. An act to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.";

S. 5679. An act for the relief of Charles N. Neal;

S. 5715. An act for the relief of J. H. B. Wilder;

S. 5730. An act to supplement the last three paragraphs of section 5 of the act of March 4, 1915 (38 Stat. 1161), as amended by the act of March 21, 1918 (40 Stat. 458);

S. 5740. An act to legalize a bridge across St. Johns River 2½ miles southeast of Green Cove Springs, Fla.;

S. 5781. An act to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921;

S. 5824. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

S. 5825. An act extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark.;

S. 5834. An act authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo.;

S. 5835. An act authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.;

S. 5836. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.;

S. 5837. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo.;

S. 5843. An act to provide for the relocation of Michigan Avenue adjacent to the southerly boundary of the United States Soldiers' Home grounds, and for other purposes;

S. 5844. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa;

S. 5845. An act granting the consent of Congress to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Ohio River near Cincinnati, Ohio;

S. 5858. An act authorizing the New Harmony Bridge Co., its successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Wabash River at or near New Harmony, Ind.;

S. 5860. An act to authorize the Secretary of Commerce to dispose of the marine biological station at Key West, Fla.; and

S. J. Res. 188. Joint resolution to create a commission on a memorial to the signers of the Declaration of Independence.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

S. 1781. An act to establish load lines for American vessels, and for other purposes; and

S. 2366. An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions.

The message also announced that the Senate concurs in the following resolution:

House Concurrent Resolution 60

*Resolved by the House of Representatives (the Senate concurring)*, That the President of the Senate be authorized to appoint three Senators and the Speaker of the House to appoint three Members of the House of Representatives to cooperate with the New Bern Historical Society and a committee of the North Carolina Legislature in the observance of certain historical events which occurred during the colonial and Revolutionary period at New Bern, N. C.

Mr. CANNON. Mr. Speaker, we are now definitely given to understand that an extra session will be convened in April to consider farm-relief legislation and tariff readjustments to make such legislation effective. It is one of the most heartening assurances that could possibly be given. When Mr. Hoover made his now historic announcement that if elected he would call an extra session of Congress to deal with the agricultural problem, many considered it merely a campaign statement made in the heat of an unprecedented political contest and involving no definite obligation. And that conclusion seemed particularly plausible in view of the condition precedent with which he prefaced it—

provided the subject is not disposed of at the short session.

That members of the candidate's own party found room for that interpretation is shown by the fact that from the first day of this session until recently, when the intention of the President elect became too obvious to be longer misunderstood, administration leaders in both House and Senate, the Secretary of Agriculture, and President Coolidge himself have insisted that some species of farm bill be rushed through before March 4 in order to relieve the incoming administration from any embarrassment incident to requests for the redemption of that promise. Even some Members of the House, who had borne the heat and burden of the day in the fight for the McNary-Haugen bill, were temporarily stampeded and joined in the hue and cry for "some kind of a bill."

But it is now evident that Mr. Hoover meant what he said; that his campaign pledge to the farmers of the country was not merely "molasses to catch flies" but was made with a comprehensive understanding of the critical problems with which agriculture has been struggling for the last eight years and with a sincere desire to assist in their early and permanent solution. At least, we must accept that view until some proof is adduced to the contrary.

How accurately Mr. Hoover interprets, and how completely he accepts the farmer's point of view in calling an extra session, is shown by reference to the resolutions adopted by the American Farm Bureau Federation at its annual convention at Chicago last December. The Farm Bureau said at that time:

Surplus control legislation and agricultural tariffs can not be made major features of the second session of the Seventieth Congress, since time is not available in a short session of Congress adequately to correlate and dispose of these subjects in the proper manner. Both such major legislative projects should be considered at an extra session of the Seventy-first Congress, which we confidently expect will be called soon after adjournment of the Seventieth Congress.

It is one of the hopeful signs of the times that after eight years of delay and obstruction we are to have at last an administration which proposes to consider respectfully the recommendations of the farm organizations in the formulation of farm legislation. And still more encouraging is the fact that not only Mr. Hoover but practically every Representative returned from a rural district, whether Democrat or Republican, also pledged himself during the campaign to an earnest effort to place agriculture on a plane of economic equality with industry and labor.

It is not a partisan question. The McNary-Haugen bill, which in the last three Congresses was the acid test of farm interest, was supported by practically the same proportion of members of both political parties. Mr. Secretary Henry C. Wallace, unquestionably the greatest Secretary of Agriculture to hold that high office under any administration, ardently championed the principles embodied in that bill, while Mr. Secretary Jardine has just as ardently opposed them. There are men on both sides of the aisle ready and anxious to cooperate with Mr. Hoover in practical and effective farm legislation. And there are men on either side of the aisle who if they had their way would have Congress adjourn and go home and stay there until the regular session next December, leaving the farmer in the same precarious situation he occupies to-day. It is not a question of party polity. Friends of farm relief on this side as well as on that side of the aisle are ready to cooperate whole-heartedly and unreservedly with Mr. Hoover in the solution of what he termed in his speech in St. Louis last November—

The most urgent economic problem in our Nation to-day.

And as serious as the problem was when Mr. Hoover made that sweeping statement, it is even more serious and more urgent to-day. Every year for the last eight years professional optimists and administration apologists have assured us that the agricultural depression was past. Every year they have told us that farm conditions were improving. No report emanating from the Department of Agriculture; no bulletin issued by the business associations, commercial agencies, or industrial organizations of the country; no financial summary carried by the metropolitan papers has been complete without an enthusiastic deduction that farm conditions were growing steadily better. Continuously throughout the past eight years trade journals and political and commercial publicists representing interests profiting at the expense of the farmer have busily disseminated trade reports, news articles, editorials, cartoons, and other propaganda insisting that farm conditions were back to normal and the industry was again on a basis of rapidly increasing returns.

Let us look at these rosy reports of farm prosperity in the cold light of statistics compiled by the most unsympathetic agency in the world—the United States Department of Agriculture. What do the actual balance sheets show?

A summary just issued by the Bureau of Agricultural Economics shows that since 1919, while the index number representing industrial wages has risen 52 points, the index number representing the price of agricultural commodities has fallen 29 points. The rise of industrial wages and the fall of agricultural income have been simultaneous throughout these eight years, and at the close of December, 1928, this phenomenal drop in farm prices and this unprecedented rise in industrial wages are still in operation. Union labor is still getting more and more and the farmer is still getting less and less. During the year 1928, just reported, wages have risen from an index number of 230 to 237, an increase of 7 points, and farm prices have fallen from the index number of 137 to 134, a loss of 3 points. Instead of improving every year, as these prosperity howlers would have us believe, the agricultural situation grows continuously worse.

And during these eight years, while the farmer's income has steadily declined, his cost of living and his costs of production have just as persistently increased. Farm taxes rose from an index number of 130 in 1919 to 254 in 1927, and in the last 12 months the price of essential commodities bought by the farmer rose from 154 to 157. In other words, the less the farmer receives the more he is required to pay; the less he has the more is exacted of him.

To him that hath shall be given; and from him that hath not shall be taken away even that which he hath.

Land values representing the farmer's capital investment have declined without a pause for the last eight years and are still declining. The farmer's share in the national income has been shrinking for eight years and is still shrinking. The farm-mortgage debt, the number of farm foreclosures, and the number of rural bank failures have been just as steadily increasing and are increasing to-day. And this at a time when labor and industry are prospering as they have never prospered before.

Note the contrast. The total farm assets of the United States decreased $30,000,000,000 between 1920 and 1925, while the total industrial assets of the United States increased $56,000,000,000 during the same period. These are official figures based on the returns from the 1925 census. Interest on the farmers' capital investment declined from 4.3 per cent for the year 1925–26 to 2 per cent for the year 1926–27, while average earnings of all corporations on total capital investments, water and all, for that year were 13 per cent. Farm lands, after declining every year since 1919, involving a total loss in excess of $21,000,000,000—as incredible as that may seem—and after apparently reaching bedrock prices at the close of 1927, further declined 2 per cent in 1928.

And the loss continues. The Department of Agriculture reported on February 4 of this year that the decline in the general level of farm prices had continued over into 1929, and that the index figure representing farm prices fell from 134 on December 1, 1928, to 133 on January 15 last. On February 4, 1929, the index number was still lower. And this after eight years of falling markets.

The desperate plight in which the farmer finds himself—through no fault of his own—is all the more striking by contrast with industrial conditions. The New York City Bank in its summary for 1928, issued last week, says:

Never before has a nation made such progress in the accumulation of wealth in so short a time as has the United States since 1921.

And that is undoubtedly true; but what about the farmer during this marvelous period of universal prosperity? During that period the farmers of the country suffered the unparalleled loss of one-third of their property values, one-third of their invested capital assets. Suppose the railroads or the banks or any other industry had suffered the loss of one-third of their capital assets during those eight years. Can you imagine Congress sitting here and discussing the subject as placidly and as impotently as we have discussed the farmer's loss these last eight years? Carrying the analogy still further, the United States Bureau of Internal Revenue after tabulating the income statistics of the Nation announces that labor and industry are to-day enjoying the highest standards of living ever attained in this or any other country. So emphatic a statement from

such a source merits more than passing attention. And it is amply supported by reports from every other authoritative source. Industrial wages per capita are higher and hours of labor per day and per week are shorter in America to-day than ever before in the history of any people or any country since industrial statistics have been tabulated. But the economic position of the farmer, the purchasing power of his products, the wages received for his labor, and the return on his invested capital have declined year by year until the standard of living on the American farm has fallen to the irreducible minimum.

Now, let us not mistake the farmer's position. The farmer has no criticism to make of either labor or industry. The farmer believes in high wages and high prices. He would not take a penny from the wages of labor or from the returns of industry. But he does contend that if he must pay labor a high wage for its services and industry a high price for its products he, too, is entitled to a living wage for his labor and a fair price for his products.

He believes that a dollar invested in farm land and equipment is as sacred as a dollar invested in factories, public utilities, or rolling stock, and that an hour's honest labor on the farm is as much entitled to remuneration as an hour's labor in the shop or on the railroad. He maintains that if Congress has enacted laws under which labor has raised wages, and laws under which industry has increased prices, he, likewise, is entitled to legislation giving him the same right and placing him in a plane of economic equality with both labor and industry. He has been in dire need of that legislation for the last eight years, and he is in more desperate need of it now than ever before. For as drastic as has been the decline in farm assets reported by Federal agencies, such reports do not yet represent the full measure of the farmer's loss. Not only have his lands declined in market value, but their actual and intrinsic worth has depreciated even more rapidly through his lack of means with which to maintain them. Farm improvements which have required generations of successful farming to build are falling into irremediable decay. Lack of money with which to supply livestock, legumes, lime, and fertilizer; lack of respite from fixed charges in which to rotate crops; lack of labor to protect from erosion and predatory pests; the loss not only of surface fertility but of irreplaceable subsoils are alike combining to desolate vast areas of once fertile farm lands beyond hope of redemption.

As you travel through the country and see farms once prosperous and productive now washed and torn by erosion and neglect, gullied and depleted beyond possibility of reclamation, you realize that here in America we have accomplished by legislative discrimination what has been effected in Russia by revolution and confiscation. In prospering the city at the expense of the country, in denying the farmer the means with which to maintain his land we are exploiting and consuming just as effectively and just as ruthlessly the agricultural assets of our own country. In practically every community there are farms which have been so completely desolated in the last eight years that no amount of intelligent care and no expenditure of money can bring them back to the state of productivity they occupied in 1919. They have been permanently charged off the books of our national assets.

And farm resources have been still further impaired. In 1919 real estate was the highest form of collateral the farmer could offer in applying to his bank for credit. Notes secured by mortgages on farm land constituted the safest and most approved type of investment in which banks and insurance companies kept their surplus funds. To-day land is no longer acceptable collateral. There are few rural banks at which loans can be secured on farm lands. State finance departments frown on real-estate loans and sharply criticize their acceptance. Insurance companies have definitely withdrawn from the land-mortgage market. And the curtailment of farming operations through failure of the farmer to secure loans to tide him over the crop season or feeding period is the rule rather than the exception. Legislative discrimination has not only destroyed farm wealth and reduced farm income, but it has just as effectively depleted farm credit.

And having exploited farm lands and farm credits we are now beginning the exploitation of the farmers themselves. So stringent are farm conditions that the average family of the Central West is no longer able to provide standard educational advantages for its children. The enrollment and attendance of agricultural schools has everywhere declined. Young men and young women who should be taking agricultural courses and preparing themselves for the scientific management of the industry—farm boys and girls who should be in training for social and industrial leadership in agricultural communities—are denied that opportunity because agriculture is bankrupt. Too often the able and ambitious are being forced into other industries and the incompetent and ne'er-do-well are left on the farm. It is not merely a farm disaster; it is a national disaster. It is a situation which must inevitably be reflected throughout the land. No nation can starve an industry without eventually feeling the effects of that discrimination in every artery of trade. And agriculture has been slowly starving year by year for eight years. Not only has she failed to make a reasonable profit in a period of extraordinary profits for all other industries; not only has she lost one-third of all she possessed, but the loss has been spiritual and ethical as well as financial and material. The very calling is being stigmatized. For the last eight years it has been an economic anathema. Although from earliest times it has been the noblest profession to which men may aspire, under present conditions it is becoming synonymous with poverty and provincialism.

It is this situation—a situation growing daily more urgent—which Mr. Hoover proposes to make the first care of his administration. By what method he hopes to alleviate that situation has been the subject of much speculation and surmise. Up to this time he has made no announcement as to his personal views, but it may be pertinent to note the viewpoint from which he analyzed a similar problem some years ago in establishing salary schedules at a great university of which he was trustee. In a magazine article published in 1918 describing the incident the narrator relates:

> His first question was: "What is the figure below which a professor can not maintain himself on a basis which will not lower his efficiency in his work or his dignity in the community?" We finally agreed on a figure. "Well," said Hoover, "that must be the minimum salary."

If the President elect will approach the pending problem from that sympathetic point of view; if he will advocate a standard of living for the farm commensurate with that enjoyed by other industries, and measured by such standards of efficiency as those prescribed by labor unions and trade guilds, he will have taken a long step towards its solution. In the last eight years the standard of living in the American city has risen by leaps and bounds, while on the farm it has dropped tragically. The farmer, staggered by the collapse of his own prices, finds himself saddled with the added costs of supporting the continually advancing standards of living demanded by labor and industry. In this extremity, ground between the upper and nether millstones of a decreasing income on the one hand and an increasing budget on the other, the farmer is not demanding a lower standard of living for the rest of the country. He is not asking for the repeal of the transportation act, the immigration law, or the protective tariff. He is not suggesting a lower scale of union wages, decreased dividends on stocks, or lowered rates of interest on bonds.

He believes in an American standard of living. And he is asking that his status be raised to the American level; not that the general level be lowered to his. He is asking that some practicable means be found to make up the tremendous annual deficit of $5,000,000,000 on the American farm, as recommended by officials of the National Industrial Conference Board at Chicago last December; he is asking for a stabilized price for farm products maintained throughout the year, unaffected by imaginary cotton never planted or ginned or by phantom wheat neither sown nor harvested. In brief, he is asking to be taken into the American protective system; asking that he be protected against Asiatic prices for his wheat, South American prices for his corn, and African prices for his cotton, while he pays American prices for all he buys. Development of waterways alone will not accomplish this. Cooperative marketing, unsupplemented, can not bring it about. A Federal board without power to control production and handle farm surpluses can not effect it. But there is a way. Mr. Hoover unerringly pointed out the solution in his speech at St. Louis just before the election last fall, when he said:

> The first and most complete necessity is that the American farmer have the American market. That can be assured to him solely through the protective tariff.

Personally, I am not so enamored of prohibitive tariff. It is an arbitrary and artificial interference with economic law. It has been made frequently the instrument of flagrant injustice. But we are confronted to-day by a condition and not a theory. The whole fabric of our industrial system is based on the principle of protection of domestic labor and domestic commerce from foreign competition; on the reservation of American markets for American products. Even if it were desirable, the system can not be changed in a day. All must concede that we face a situation in which there is not the slightest possibility of any appreciable change in the protective system for years to come. Under such circumstances it is futile to argue an academic question while agriculture waits.

In view of this situation, I am constrained to concur in the views expressed by Mr. Henry A. Wallace when he said last December:

> I don't think much of tariff as a long-time method of solving the agricultural problem. However, as long as we have a high-tariff party in power which has declared in favor of using the tariff to do justice to agriculture, we might as well follow the example of industry and get what we can. If we fight hard enough to get our fair share of the tariff plunder, it may be that the industrial interests of the United States will wake up to the true significance of the tariff.

It is evident from many indications that the business interests of the Nation are already awakening to its true significance. There are strong indications of a revulsion of sentiment and a growing realization that prohibitive tariffs on foreign goods inevitably react on foreign markets for our own goods. But be that as it may, it is certain that for the present there can be no fundamental change in tariff policies, and we must adapt ourselves to conditions as we find them. In brief, that agriculture must be taken into the protective system and given the benefit of protective tariffs along with other American business interests.

That a bare enactment of tariff schedules for farm products or a mere increase in present tariff rates, without legislative provision to make those tariffs effective would be futile, is self-evident. Tariffs on farm products or any other commodity of which we produce an exportable surplus have no more effect on farm prices than legislative enactments on the rotations of the planets.

For example, on March 6, 1924, the duty on wheat was raised from 30 to 42 cents a bushel. Immediately there was a slump on the Liverpool market, promptly reflected in our domestic market, aggregating 11⅛ cents in 21 days. No amount of political or theoretical sophistry can controvert the naked testimony of a daily market report. On October 15, 1924, to choose a date at random, during the height of the campaign, when the tariff would have been invoked, if ever, No. 1 hard northern wheat sold at Winnipeg, Canada, without a tariff, for $1.23⅞ per bushel. On the same day, at Minneapolis, just across the boundary line in the United States, with a tariff of 42 cents a bushel, it sold for $1.11½.

Had the tariff been effective the price would have been 42 cents higher in the United States than in Canada for wheat of similar grade and a quotation of $1.23⅞ at Winnipeg would have meant a quotation of $1.65⅞ at Minneapolis instead of the $1.11½ for which it actually sold. This is typical. Compare the market reports from Winnipeg and Minneapolis any day in the year and note the utter failure of the tariff to affect farm prices. It is also apparent in the foreign and domestic prices of all other tariff-protected farm products of which we produce a surplus. The Department of Agriculture in a report released January 23, 1929, announced that the decreased estimate of the Argentine corn crop had materially advanced corn prices in the United States. And testimony before the Committee on Ways and Means only a few days ago showed that the price of potatoes in the United States was directly affected by the crop yield of Prince Edward Island. The daily market reports prove conclusively that tariffs on farm products produced in excess of domestic requirements are ineffective to the point of absurdity; so useless and so senseless, in fact, as to reflect gravely on the sincerity and good faith of those who advocate them, and on their estimate of the intelligence and gullibility of those for whose pretended benefit they are proposed.

It is apparent, therefore, that the problem confronting the administration and the Congress is not a question of levying or increasing farm tariffs but a question of making such tariffs effective. The farm slogan is no longer "a tariff for all or a tariff for none," but "an *effective* tariff for all or a tariff for none."

In other words, tariff and surplus control are inseparable. One is useless without the other. Just what legislative means can be adopted which will include both and thereby provide for a disposition of farm surpluses which will secure maximum benefits of the tariff for agriculture, is still an open question. Whether it be secured through an equalization fee, a commission, a marketing charge, a rebate, or some other method is not particularly material. The sole requirement, the sine qua non, is that it effectuate Mr. Hoover's proposal, "That the American farmer be assured the American market through the protective tariff." That is the farm objective in the coming session of Congress. The administrative details of the plan through which that objective is to be attained are secondary.

It is significant, however, that after eight years of intensive study by economists, financiers, farm organizations, and legislators; after six years of exhaustive debate in which all avenues of approach have been thoroughly explored and charted, no plan yet has been suggested which so nearly conforms to these requirements as that embodied in the McNary-Haugen bill. It may be that some one will yet offer a plan overlooked in these years of study and investigation which will better control farm surpluses and more adequately assure effective tariffs. If so, it will be most welcome. Neither Congress nor the farm organizations are wedded to the McNary-Haugen bill. If a better bill can be formulated, if a more satisfactory plan can be devised to insure the farmer the benefits of the protective system, it will meet with the wholehearted support of all true friends of farm relief. The resolution adopted by the American Federation of the Farm Bureau at Chicago is explicit on this point. After referring to its indorsement of the McNary-Haugen bill in former Congresses, the federation said:

> We are willing to compare legislation which has received our support in the past with that proposed by any other organization. We are also willing to consider these subjects with the forthcoming national administration from time to time to find, if possible, a better way than we have heretofore supported of effectuating adequate control of agricultural surpluses, of protecting and advancing cooperative commodity marketing, and of establishing on our farms the benefits of the American protective system, all of which secure that American standard of living which agriculture and industry alike desire.

And if the farm organizations continue their indorsement of the McNary-Haugen bill until a better bill is written, there is no reason why Congress should not continue its support of the McNary-Haugen principle until a better plan is presented.

The McNary-Haugen bill is the legislative protégé of both parties. It is indubitably a Republican measure. It was first suggested by a Republican Secretary of Agriculture; it was originally drafted by farm leaders who were without exception life-long Republicans; it was perfected and introduced by HAUGEN, of Iowa, one of the elders and leaders of the Republican Party in the House; it was considered and reported favorably by a Republican Committee on Agriculture; and was passed by a Congress in which the Republican Party held an overwhelming majority in both House and Senate. The McNary-Haugen bill is essentially a Republican measure.

And by the same criterion it is a Democratic measure. It had the indorsement and support of every Democratic farm leader who appeared in Washington in behalf of agricultural relief. A majority of the Democrats in both the House and the Senate voted for it on final passage. It was officially indorsed by the Democratic Party at Houston. Here is the Democratic plank on farm relief:

> We pledge the party to an earnest endeavor to solve this problem of the distribution of the cost of dealing with crop surpluses over the marketed units of the crop whose producers are benefited by such assistance. The solution of this problem would avoid Government subsidy to which the Democratic Party has always been opposed.

There you have the McNary-Haugen bill in its entirety, lock, stock, and barrel, equalization fee and all.

And last, it is indorsed and advocated by the standard bearer of the Democratic Party. Governor Smith said at Omaha:

> As I read the McNary-Haugen bill, its fundamental purpose is to establish an effective control of the sale of exportable surplus with the cost imposed upon the commodity benefited. For that principle the Democratic platform squarely stands, and for that principle I squarely stand.

The McNary-Haugen bill is a Democratic measure, championed and supported by the representatives of the Democratic Party in the House of Representatives and in the Senate of the United States; by the representatives of the Democratic Party in quadrennial session assembled at Houston; and by the official standard bearer of the Democratic Party in the greatest political campaign ever waged in America. It is essentially a Democratic measure.

And if both parties have fostered and supported the McNary-Haugen bill and the equalization fee for the last four years why should they not support them for the next four years? If an overwhelming majority of both parties in both Houses of Congress voted for the bill and the fee last May, is there any reason why they should not vote for them this coming May? It conforms to Mr. Hoover's plan enunciated at St. Louis. It will make the farm tariff effective. It will assure the American farmer the American market through the agency of the protective tariff.

A majority of the Members of this House, after mature deliberation and detailed study extending over a period of eight years, declared by their recorded votes that they approved the McNary-Haugen bill and believed it to be the most feasible plan of farm relief which has been presented. There has been

no material change in the situation since that vote was taken. The farmer is as much in need of relief to-day as he was then. The same economic laws are in force to-day which were in force last May. And the principles which we advocated in the campaign last fall are as sound now as they have been at any time heretofore. Having supported the bill in the Sixty-ninth and Seventieth Congresses, shall we now face about and oppose it? Are Members of Congress weather vanes, veering with every changing breeze that blows? Are they mere camp followers, trailing political dispensers of largess, and ready to desert any principle "that thrift may follow fawning"? Are they fair-weather friends of the farmer, loud in protestations of loyalty on the stump and on the Chautauqua platform, but ready to seek cover at the approach of the first cloud? Are they band-wagon patriots, without stability, ready to sacrifice conviction to expediency, to climb up beside the bass drum? Are they statesmen or politicians? We said the bill was right and we voted for it in the Sixty-ninth Congress. We said it was still right and we voted for it again in the Seventieth Congress. Is there any tenable reason why we should not be consistent and vote for it a third time in the Seventy-first Congress? If it was economic then, it is economic now. If it was workable then, it is workable now. If it was right then, it is right now. Having put our hand to the plow, shall we now turn back?

It has been contended by opponents of farm relief that the result of the election last November should be interpreted as antagonistic to the McNary-Haugen bill. Such statements usually emanate from those with whom the wish is father to the thought. The election last fall was in no sense of the word a referendum on the McNary-Haugen bill. It is only necessary to glance casually over the election returns to be convinced of the fallacy of this contention. To illustrate, the people of Iowa voted overwhelmingly for the Republican ticket. Who would say that they were impelled to vote for Mr. Hoover because of their opposition to the McNary-Haugen bill? On the other hand, Massachusetts was carried for the Democratic ticket. Who would contend that the people of Massachusetts voted for Governor Smith because they favored the McNary-Haugen bill? Search through the entire returns for a single indication that the result in any State was influenced in the slightest degree by the attitude of the voters on the question of farm relief. Wisconsin, Indiana, Kansas, Nebraska, North Dakota, South Dakota, Colorado, and Montana went Republican. And yet the congressional delegations from these States which had voted solidly for the McNary-Haugen bill were returned practically to a man by the same electorate which voted so enthusiastically for Mr. Hoover. Likewise, the States of Delaware, Georgia, Louisiana, and Rhode Island voted unanimously against the McNary-Haugen bill in Congress last May and almost as emphatically for the Democratic ticket in the election last November. The idea that the McNary-Haugen bill or the equalization fee had any part in the determination of the last national election is refuted by every rule of political deduction. It is true that some of us desired to make it an issue, but as well have tried to interest a small boy in the midweek prayer meeting with a 3-ringed circus putting on a free performance in town, as to interest the voters last fall in any economic issue, agriculture or otherwise. The vote for President of the United States in the last election was in no respect a vote on the McNary-Haugen bill. There has been no change of attitude on the part of the farmers or of the country at large on the question of farm relief. The need and demand for remedial legislation is as insistent to-day as it was a year ago. The Farmer's Union of America, meeting at Jamestown, N. Dak., on November 17, 1928, just 11 days after the election, with 455 accredited delegates in attendance, passed the following resolution:

> *Resolved*, That we renew our demand for the enactment of the McNary-Haugen bill without compromise on the equalization feature.

The tenth annual meeting of the American Farm Bureau Federation, meeting at Chicago on December 10, 1928, with 40 State farm bureaus officially represented, and speaking for more than 2,000,000 organized farmers, said:

> We reiterate the principles for which we have striven in the past * * * to require all portions of the crop to share in the cost of bringing the crop into the American protective system. * * * This legislation must be of a nature which does not subsidize agriculture. * * * We have seen nothing up to this time which would cause us to recede from our former position.

And practically every other farm organization in the United States, including the Corn Belt committee, unites in this indorsement with increasing emphasis.

It is futile to defer action in the hope that the problem will adjust itself. The situation instead of improving grows every year more acute. Competition of foreign agricultural products with American agricultural products is increasing. World production of foodstuffs and raw materials is expanding. The United States Department of Agriculture reports that 44 nations have increased their wheat production for 1928 5.4 per cent over that of 1927. The Canadian crop for 1928 was 45,000,000 bushels more than that produced in 1927, and the Dominion embraces vast areas of potential wheat lands yet unutilized. The introduction of power machinery in Argentina, India, Egypt, Australia, and other countries where cheap land and cheap labor are competing with the American farmer, is being pushed vigorously by American manufacturers and is tremendously increasing the pressure on the world markets which fix the price of wheat in America. In Russia especially, one of the greatest wheat-growing countries of all time, the importation of tractors and combines manufactured in the United States, has made it possible for one Russian, working for a pittance, to produce as much wheat as 500 men formerly produced with ox teams and primitive equipment. Competition is growing. The Asiatic coolie, the Russian peasant, and the Argentine peon are throwing an ever-increasing flood of foodstuffs into the markets of the world to compete with the American farmer; to hammer down the price of his products; and to pull his family down to their meager standard of living.

It is to meet this competition, increasing with each crop season, that the farmer asks the enactment of the McNary-Haugen bill. American labor refuses to compete with the pauper labor of Europe and Asia; American industry refuses to compete with foreign industry; and the farmer who is paying the increased prices required for their protection sees no reason why he is not entitled to the same protection against the same enemy. To extend this protection is the purpose and mission of the special session of Congress soon to be convened. Mr. Hoover has assured us that he regards the problem as the supreme challenge of his administration. It is more than that. It is a challenge of the constructive statesmanship of the Congress and of every Member, regardless of section or party. And it should be approached with an open mind and in a spirit of broad and earnest cooperation.

It is difficult to imagine circumstances under which the last six years of study and struggle would go for naught and the bill which twice has been passed by Congress be entirely discarded, but if Mr. Hoover brings forward a measure embodying another but equally effective plan, it should have universal support. The one desideratum is that it make the farm tariff effective. In the words of Abraham Lincoln we should—

> Stand with anybody that stands right. Stand with him while he is right and part with him when he goes wrong.

MEMORIAL TO COL. WILLIAM COLVILL

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by inserting as a part of my remarks an address delivered by President Coolidge on July 29, 1928, at Cannon Falls, Minn., in connection with the dedication of a memorial to Col. William Colvill; also the dedicatory address delivered by Lieut. Col. E. C. Clemans, and the new national anthem, America, My Country, as sung by the chorus of the One hundred and thirty-fifth Infantry.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks by printing an address delivered by President Coolidge in Minnesota some time ago, together with other matters incident to the occasion. Is there objection?

There was no objection.

Mr. ANDRESEN. Mr. Speaker and Members of the House of Representatives, to the rural community of Cannon Falls, one of the thriving little cities of Goodhue County, Minn., came President Coolidge and men prominent in State and national affairs, on Sunday, July 29, 1928, to help dedicate a Civil War memorial.

The Nation's Chief Executive, with his charming wife, journeyed several hundred miles to participate at the unveiling of a beautiful memorial to Col. William Colvill, commander of the First Minnesota Regiment in the Civil War.

It is because of the immortal charge during the Battle of Gettysburg—the turning point in the Civil War—that the memory of Col. William Colvill and the First Minnesota lives. Here 263 men, the strength of the regiment at the time, charged the Confederate forces and held them back in the crucial period of the conflict, and only 47 left the field when the combat was over.

The memorial, a beautiful stone, bearing a tablet recounting the history of the First Minnesota, an ornamental stone stairway, leading to the knoll on which Colonel and Mrs. Colvill are buried, and upon which stands a large bronze statue of the war hero, was unveiled by Mrs. Calvin Coolidge and dedicated by President Coolidge and Lieutenant Colonel Clemans.

The memorial to Col. William Colvill was constructed with funds donated individually by officers and men of the One hundred and thirty-fifth Infantry, lineal descendants' organization of the First, in memory of Col. William Colvill, who commanded the First Minnesota United States Volunteer Infantry at the Battle of Gettysburg, July 1 to 3, 1863. With only 262 officers and men, Colonel Colvill, by order of General Hancock, met a victorious onward march of many thousand Confederate troops under the veteran generals, Longstreet and Hill, drove them back with a bayonet charge, and held the enemy until Union forces relieved them. Forty-seven officers and men were able to leave the field; 225 were lying dead or wounded—the greatest proportionate loss of any regiment in the Civil War. The heroic charge of the already decimated regiment is credited with saving the Union Army from defeat and thus making possible a Union victory on the following day. In the final analysis, Colonel Colvill, perhaps, saved not only the Union Army and the day at Gettysburg, but turned back "the high tide of the Confederacy" and saved the Union.

Colonel Colvill was born in Chatauqua County, N. Y., in 1830. He was admitted to the bar in 1851, moved to Red Wing, Minn., where he practiced law, and in 1861, as captain in the First Minnesota, entered the Civil War. He was promoted to lieutenant colonel and colonel, and when the regiment was mustered out in 1864 was brevetted brigadier general. He entered the service again as colonel of the First Regiment of Minnesota Heavy Artillery and was mustered out at the close of the war. He served one term as Attorney General. He died June 12, 1905, and was buried at Cannon Falls, Minn.

As a soldier, statesman, and citizen Colonel Colvill gained for himself an immortal name indelibly carved upon the pages of the history of his country. As a neighbor and friend, while he lived in Cannon Falls and Red Wing, he was loved by all. His name and his deeds are history, and the people of Goodhue County are proud to have had him as its leading citizen.

ADDRESS BY HON. CALVIN COOLIDGE, PRESIDENT OF THE UNITED STATES, DELIVERED AT CANNON FALLS, MINN., ON JULY 29, 1928, IN HONOR OF COL. WILLIAM COLVILL

Fellow citizens: Heroic deeds have about them an element of immortality. We stand in reverence before those who perform them and cherish their memory down through the ages because we recognize in them the manifestation of a spiritual life, the evidence of things not seen, the presence which was without beginning and is without end, a power that lifts men above the things of this earth into the realm of the divine. Except as we cherish a belief in these realities, we should have no requirement for heroic deeds and no reverence for those who do them. Because of their very nature, because a knowledge of them inspires us to higher things, it is altogether fitting that we should assemble on this Lord's Day to reconsecrate ourselves by dedicating a memorial to one of the heroes of the Battle of Gettysburg. Because we believe in the reality of right and truth and justice and recognize the necessity of supporting them with every necessary sacrifice, including life itself, we could not be engaged in any more devotional action than in reverencing the memory of those who have nobly responded to that high conception of eternal duty.

GREAT CAUSE

Heroism is not only in the man but in the occasion. While there is a certain glamour which attaches itself to the peril which the highwayman and the bandit incur in their criminal activities, it is not genuinely heroic. It will not survive analysis. It leads nowhere. Having no moral quality, it provides no inspiration. It is only a counterfeit of the reality. If it is remembered at all, it is not as a blessing but as a curse.

The memorial which we dedicate to-day is not only to the physical courage of men of high character displayed in an hour of great peril but also in behalf of a great cause. There was in their deed no element of selfishness, no hope of personal gain. It stands as an exhibition of pure patriotism, of supreme sacrifice for the integrity of the Union, and the inviolate sovereignty of the Federal Constitution. It is these qualities which bring the great concourse of our citizens to do honor to the action of Colonel Colvill and his regiment more than three score years after the event. That same honor will continue to be paid them not only so long as the Nation which they served shall endure but so long as self-sacrificing devotion to high ideals commends itself to the heart of men.

STORY OF REGIMENT

The story of Col. William Colvill and the First Minnesota Volunteer Infantry is too well known to need extended repetition. When President Lincoln called for volunteers to prevent the dissolution of the Union, this was the first regiment offered for three years' enlistment. It gave valiant service upon many a resolutely contested field, but its most conspicuous record was made at Gettysburg on the second day of that decisive battle. When the forces under the command of General Sickles advanced into action a little after noon, the First Regiment, of which only eight companies were present, numbering 262 men, took the position they vacated. The overwhelming forces of the Confederates under Longstreet and Hill repulsed and drove back the command of General Sickles and were advancing on the left flank of the Union Army, which was in grave danger of being rolled up in defeat. It was at this juncture that General Hancock ordered this depleted regiment to charge the advancing Confederates.

The gallant First Minnesota, led by Colonel Colvill, at once responded with an impetuosity that broke the first and second line of the enemy, and stopped the advance. When the action was over but 47 men of the 262 who began the charge were still in line. The remaining 215 lay dead or wounded on the field. In all the history of warfare this charge has few, if any, equals and no superiors. It was an exhibition of the most exalted heroism against an apparently insuperable antagonist. By holding the Confederate forces in check until other reserves came up, it probably saved the Union Army from defeat. What that defeat would have meant to the North no one can tell. Washington, Philadelphia, New York, and the whole heart of the North would have been lost. So far as human judgment can determine, Colonel Colvill and those eight companies of the First Minnesota are entitled to rank among the saviors of their country.

HOPE OF HUMANITY

We may well stop to consider on this Sabbath day what Power it was that stationed these men at this strategic point on this occasion, which held so much of the hope of humanity. We can only infer that it was the same power which guided the path of the Mayflower, which gave our country Franklin and Washington, which brought this Northwestern territory into the Union through the miraculous victory of George Rogers Clark at Vincennes and peopled it with a freedom-loving immigration, which raised up Lincoln and Grant, which went to the rescue of liberty in Cuba and on the fields of France. Was it not the same Power which set these men as its sentinels on that July day to guard the progress of humanity? As we behold it all we can but conclude in the words of Holy Writ that, "The judgments of the Lord are true and righteous altogether."

The time has come when our whole country can take a more dispassionate view of the long train of events that led up to Appomattox and the new constitutional guaranties of freedom to every inhabitant under our flag. Our national life was begun without any adequate and final declaration of the principle of freedom or demarcation of the line separating the authority of the States and the authority of the Federal Union. Some of the ablest minds of the country honestly differed in their interpretation of our institutions.

As the intensity of opinions and their application to the practical affairs of life of each side developed, they necessarily gave rise to what was described as an irrepressible conflict. That generation of the South found itself involved in a net if circumstances which very much of its best thought undoubtedly deplored, but from which it was totally unable to extricate itself. We can see now that instead of being charged with all the blame, they were in many ways entitled to sympathy. Our country was all involved in a great national tragedy from which it could extricate itself only by an appalling national sacrifice. That tragedy involved both the North and the South. The conditions which brought about the great conflict were national conditions. It was humanly impossible for either section of itself to furnish an adequate solution. If there was to be an extension of freedom under constitutional guaranties it had to be brought about by national action. Any adequate expiation required the cleansing of the heart of the whole Nation. This could not only be accomplished through an immeasurable sacrifice made in the tears of our women and the blood of our men.

GREAT TRAGEDY

When the great tragedy was passed, when the tumult of the conflict had ceased, the North found itself depleted, but the South was entirely prostrated. It was under the necessity of rebuilding its whole social and economic structure. The recovery of the North began more early, because it was not compelled to establish its methods of life and of business on new theories. It was possible to build on the solid foundation that was already laid. In the South it was necessary to go through the long and painful process of erecting an entirely new structure. The old methods of existence and of business had to be discarded and new systems established. This would have been most difficult under any circumstances. Coming at the end of four years of conflict, it was well-nigh impossible. But the task was performed slowly and imperfectly at first, but in recent years with a rapidity that seemed scarcely possible.

The agriculture which had been the dominant activity of the old South was gradually revived. Then came the development of its natural resources of coal, iron, and water power, and the growth of great manufacturing enterprises. Minerals and manufactured products are to-day almost twice the value of its agriculture. Of our overseas commerce nearly 40 per cent of the tonnage is from southern ports. Since 1900 the value of manufactured products increased from about $1,500,000,000 to about $9,500,000,000. Capital invested in cotton manufacturing increased from about $130,000,000 to about $1,000,000,000. Deposits in banks in the same period have risen from $700,000,000 to $7,000,000,000. In public improvements the progress has been very marked. In 1904 less than $13,000,000 were spent on highways. In 1925 this

amount had reached $316,000,000. In 1900 only about $35,000,000 were laid out for public schools. In 1924 this amount had risen to over $350,000,000. It is perfectly apparent that in progress and prosperity the South is going forward in a way which it could never have done under the old system. It is no wonder that it is referred to now as the new South.

It has been demonstrated that what never could have been created under a condition of servitude is the almost natural result of a condition of freedom. Human nature has been so designed that men are only at their best when they are permitted to live like men. It is when they are released from bondage of the body, given control over their own actions, receive the returns from their own labor, and released from bondage of the mind, so that ignorance and superstition are replaced by education and moral influences that most progress is made toward an enlightened civilization.

Meantime our whole Nation has risen into a new life with unparalleled swiftness. Out of the sacrifices that were made in our war labor was given a new dignity throughout the whole country. Since that time its position has almost constantly improved, until today the value of human effort is recognized in this country by a system of wages and a standard of living never before reached in all past history. We have been taught that it is profitable not only that labor should be free but that it should be well paid. Under that practice our national income advanced from about $65,000,000,000 in 1921 to about $90,000,000,000 in 1927. These material results would not have been possible without the spiritual regeneration of our country.

NO HOSTILITY

One result of the war which retarded our national progress for many years was the bitterness, hatred, and sectional animosities that it left in its wake. For many years, both for the North and for the South, these were unfortunately stimulated and kept alive for the political advantage that the sponsors of such action hoped to secure. The time has long since passed when to hold or express such hostile sentiments should ever be permitted to work to the advantage of anyone. Those who resort to them should find that their standing in the public confidence is thereby seriously impaired. While isolated outbreaks may continue to occur in unresponsible quarters, I am firmly convinced that the responsible elements both in the North and the South each look with pride and satisfaction upon the brilliant contribution which the other is making to the national welfare and are just as eager to help the other as they are to help themselves. A notable example of this occurred in the last session of the Congress when the flood-relief measure for the lower Mississippi Valley, which will probably equal in cost the Panama Canal and a very large amount of which will be paid for by Northern States, passed by practically a unanimous vote. The day of sectionalism is passed. We are a united Nation.

It is in accordance with these conceptions that we have come to-day to dedicate this memorial and to rededicate ourselves to the support and preservation of those principles which have been demonstrated through long experience to be sound. We have come to increase our admiration for all that is heroic in life, to express our reverence for those who have made sacrifices for the well-being of their fellow men, to renew our fealty to the Constitution of the United States, to rejoice in the universal freedom which it guarantees, and in the perfect Union which it has created, and, finally, for all these blessings in gratitude and humility to acknowledge our dependence upon the Giver of every true and perfect gift.

AMERICA, MY COUNTRY

(The new national anthem)

By Jens K. Grondahl, Red Wing, Minn.

America, my country, I come at thy call,
I plight thee my troth and I give thee my all;
In peace or in war I am wed to thy weal,
I'll carry thy flag thru the fire and the steel.
Unsullied it floats o'er our peace-loving race,
On sea nor on land shall it suffer disgrace;
In rev'rence I kneel at sweet liberty's shrine,
America, my country, command, I am thine.

America, my country, brave souls gave thee birth,
They yearned for a haven of freedom on earth.
When proudly thy flag to the winds was unfurled,
There came to thy shores the oppresst of the world.
Thy milk and thy honey flow freely for all,
Who takes of thy bounty shall come at thy call;
Who quaffs of thy nectar of freedom shall say:
"America, my country, command, I obey."

America, my country, now come is thy hour,
The Lord God of hosts counts thy courage and pow'r;
Humanity pleads for the strength of thy hand
That peace and good will rule on sea and on land.
Thou guardian of freedom, thou keeper of right,
When liberty bleeds we may trust in thy might;
No more shall the sword and the saber enthrall,
America, my country, I come at thy call.

CHORUS

America, my country, I answer thy call,
That freedom may live and that tyrants may fall;
I owe thee my all and my all will I give,
I do and I die that America may live.

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DEDICATORY ADDRESS—LIEUT. COL. E. C. CLEMANS

The summer camps of the Minnesota National Guard regiments are named after members of the regiment, who, though dead, yet speak of service and heroism. The camp of this regiment, the One hundred and thirty-fifth Infantry, at Lake City last year was named in loving memory of William Colvill, the colonel of the First Minnesota in the Battle of Gettysburg, the decisive battle of the Civil War. The One hundred and thirty-fifth Infantry has been recognized by the War Department as the lineal successor of the First Minnesota, of Civil War fame, "first," not only in name but the first regiment accepted by President Lincoln for service in the War of the Rebellion. This memorial tablet gives the royal succession: First Minnesota, Civil War; Thirteenth Minnesota, Spanish American War; First Minnesota, Mexican border service; One hundred and thirty-fifth Infantry, World War; and on the battle streamers that adorn the regimental flag you can read the names of battles from 1861 to 1918. Our heroic dead lie on every battle field from Bull Run to the forest of the Argonne in France.

It was suggested at the regimental camp last year that the coming year the regiment, on the encampment Sunday, go in a body to Cannon Falls, and, at the grave of Colonel Colvill, the chaplain of the regiment conduct divine services, and the colonel of the regiment place a wreath upon the grave of the hero of Gettysburg. Col. O. I. Ronningen, the commanding officer of the regiment, immediately appointed a commission, composed of Lieut. Col. E. C. Clemans, Lieut. Col. W. T. Mollison, Maj. R. E. Gillesby, and First Lieutenant Soper to provide for a regimental memorial to be placed on the grave in Cannon Falls. The commission met and organized, erected this memorial with its surrounding steps, walks, and seats of Bedford stone, this bronze tablet giving the glorious, historical succession of one of the most famous regiments in the service of our country. And we have met to-day, honored by the presence of the President of the United States and his wife, these venerable survivors of the First Minnesota, these members of the Grand Army of the Republic, these statesmen, soldiers, and citizens of Minnesota met in patriotic and reverential assemblage to dedicate this memorial.

We dedicate this memorial to the flag of the First Minnesota of the Civil War, presented in April, 1861, to the regiment by the ladies of St. Paul, carried in victorious battle, war worn, bullet riddled, blood stained, its staff broken in two places by the shrapnel of the enemy, spliced with a section of a Confederate flagstaff, emblematical of a reunited North and South; the flag returned with the regiment to St. Paul, after three years gallant service, now resting in the capitol building of our State with not one star lost, not one stripe sullied—"it never touched the ground."

We dedicate this memorial to the members of the First Minnesota, "the brave men living and dead," who never failed to respond to every call of duty; who carried their flag in 23 battles; who, led by Colonel Colvill, shoulder to shoulder, marched to what seemed certain death; who determined to die "to the last man," if need be, to save the day; who charged bayonets and drove back a division of Confederates many times their number; who saved the battle the second day of the Gettysburg fight, in the last analysis saving the United States; who, out of 262 officers and men who went into the fight left 225 dead, wounded, or dying on the field. The First Minnesota, first in name, first in response to President Lincoln's call, first in its dreadful percentage of death at Gettysburg, first in the hearts of the officers and men of the One hundred and thirty-fifth Infantry, first in the hearts of the citizens of Minnesota, and, we trust in time to be, first with other brave regiments in the hearts of the American people.

We dedicate this memorial to the memory of Col. William Colvill, citizen soldier, loyal American, comrade as well as commanding officer, "wounded as wounded" with his men, modest and unassuming, calm and well poised. The brave officer, who, when asked by General Hancock on that bloody second day at Gettysburg whether he could hold back the victorious Confederates until the imperiled left flank of the Union Army could be reinforced replied, "General, to the last man!" To William Colvill, captain, major, colonel, brevet brigadier general, whose massive statue looks down upon us, cast in a metal which but feebly typifies his unflinching courage and bravery, we dedicate this memorial with the fond hope that his life of patriotic service and devotion may inspire us to greater love and service for the flag, which he so greatly loved and for the country he helped so heroically to save.

My comrades of the One hundred and thirty-fifth Infantry, in honoring William Colvill we have honored ourselves. With no help from the outside, you, each one of you, have contributed to make this memorial possible. You have done this with the firm intention to make the people of Minnesota and of the Nation remember the man whose heroic service and sacrifice have been forgotten. Your desire is to make the citizens of this land of ours know what William Colvill did at Gettysburg. And, my comrades, the dedication of this memorial will place his name among the immortal heroes of America. From now on no his-

torian can write the history of America and forget William Colvill. May the memory of this great soldier and his comrades inspire us to greater service and devotion and may we, in peace or war, as citizens of "no mean country" do all we can to preserve our great Republic, born amid weeping prayer, baptized in blood, and consecrated to the sacred cause of liberty and justice for all.

NAMING OF THE CRUISER "LOUISVILLE"

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD touching the announcement of the Secretary of the Navy that the scout cruiser now under construction at the Puget Sound Navy Yard will be christened the *Louisville* in honor of the city of Louisville, in the State of Kentucky.

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

There was no objection.

Mr. THATCHER. Mr. Speaker, announcement has been made by the distinguished Secretary of the Navy, Hon. Curtis D. Wilbur, that the scout cruiser now under construction at the Puget Sound Navy Yard will be christened and will bear the name *Louisville*, in honor of Kentucky's metropolis.

Since I represent the Louisville district in Congress, I am very grateful and happy over this action. The people of my district, and of the entire Kentucky region, are likewise very grateful and happy. A just and signal honor has been paid them and the city of Louisville.

It is most fitting that this gallant cruiser should be thus named. The city which has been recognized and complimented by this action is most deserving. Something of the history touching this matter may be of interest.

In April, 1927, at Louisville, information came to me from the Washington representative of the Louisville Times, Mr. Lorenzo Martin, that the policy which the Navy Department had in mind touching the naming of the eight new cruisers whose construction had been authorized, might afford the opportunity to secure the naming of one of these cruisers for the city of Louisville. I immediately wired the Secretary of the Navy, urging the claims of Louisville in this connection, and arranged for the sending of similar wires by the mayor and board of trade of the city. A few days afterwards, in Washington, I called on the Secretary and made further representations about the matter. Ever since then it has been my pleasure to continue these efforts. Also during the past few months an intensive campaign has been waged in the like behalf. It was deemed vitally essential that the people of the Louisville community should convince the officials of the Navy Department of their earnest desire that one of these cruisers be named for their city, and that they would appreciate this great compliment, if accorded. In Louisville the mayor and other public officials, the schools and school children, the civic and patriotic clubs and organizations, aided by effective newspaper publicity, in which the Louisville Herald-Post played a very active part, joined in this campaign; while in Washington Senator SACKETT, whose home is in Louisville, and I did everything within our power to cooperate and assist.

Thus the sentiment of the people of Louisville and of the Louisville community was effectively registered in the Navy Department, and important reasons and arguments in behalf of Louisville's claims were emphasized.

Some of these reasons are set forth in a letter I had the honor to address Secretary Wilbur on the subject in November last. I quote from that letter as follows:

Confirming the conversation I have just had with you, I earnestly hope that you may see your way clear to name for my home city of Louisville the cruiser which must shortly be christened.

Louisville has many strong arguments in favor of this proposal. It was founded by the famous conqueror of the Northwest, Gen. George Roger Clark, in 1778; two years later it was incorporated by an act of the Virginia Legislature and formally called Louisville, in honor of Louis XVI of France, whose soldiers were then aiding the American cause in the Revolutionary War.

The city stands at the great falls in the Ohio River, and is the greatest manufacturing center south of the Potomac and Ohio Rivers. It is a splendid city, rapidly growing, and now has a population of more than 350,000.

Louisville was the base of operations of General Clark in his famous expedition to the Northwest during the Revolutionary War, by means of which expedition the great States of Ohio, Indiana, Illinois, Michigan, and Wisconsin were wrested from British control and permanently brought under the American flag.

The year 1928 marks the one hundred and fiftieth anniversary of the founding of the city of Louisville, and the christening of this cruiser in honor of the Kentucky metropolis would, when added to the many other reasons, constitute a very happy and appropriate sesquicentennial recognition of the city's settlement and the work of its founder, mainly achieved in 1778, 150 years ago.

Among other considerations urged were the following:

Louisville is one of the most important inland cities of the Nation, and one of the most important of the entire Ohio River Valley region. Not only is it rich in historic and scenic interest, but it is also rich in every other feature of appeal. It is a city of homes, it holds a patriotic and splendid citizenry, and it is soundly progressive. Its financial and business institutions are solidly grounded. It leads the world in a number of important industries. Its hospitality is of the most thoroughgoing Kentucky brand, and is world famed.

It was a very happy idea, that of naming six of these scout cruisers after some of the more important of our interior cities. The other two have been named for two of our coast cities. By this action millions of our interior populations are brought into closer contact with the American Navy, and come to have a better understanding of its character and significance. Recently—that is to say, on February 23, 1929—I had the pleasure of accompanying Secretary Wilbur and other distinguished members of our Naval Establishment from Washington to Camden, N. J., to witness there the launching of one of these eight cruisers now under construction. This is the *Salt Lake City*, a sister ship of the vessel to be christened the *Louisville*. The launching was splendidly inspiring, and the fine patriotic address delivered by Secretary Wilbur on that occasion appears in the CONGRESSIONAL RECORD of January 25, 1929, in my extension of remarks upon the occasion of this launching. As indicated by the Secretary in that address, the *Salt Lake City* is the first of the eight scout cruisers now being constructed. That which is building at the Puget Sound Navy Yard, and which will bear the name *Louisville*, is the last of the eight. All of these vessels in tonnage, design, and armament will be practically identical in character. Hence, the *Louisville* will be of 10,000 tons displacement, with a length of 585½ feet, and a beam, or maximum width, of 65 feet. It will have an estimated speed of 32½ knots per hour. Also, it will carry nine 8-inch guns, and will have engines capable of developing more than 100,000 horsepower. This vessel is known as cruiser No. 28. It is expected that its hull will be completed about March, 1930, and its launching and formal christening will thereupon take place. This will be followed by the installation of engines, machinery, and armament, and it should be ready for service about March or April, 1931.

Mr. Speaker and colleagues, I desire now to extend to each and every one of you the heartiest possible invitation to attend the launching and christening of this gallant ship.

I quote from Secretary Wilbur's Camden address the following portions which bear on the subject of the construction of these cruisers:

The launching of the *Salt Lake City* is significant, as it is the first post-treaty cruiser to be launched by the United States. Its tonnage and its armament are limited by a treaty with the great naval powers. If we were to build the type of cruiser most needed by the United States its tonnage would be 40,000 instead of 10,000 tons, and its guns would discharge 2,100-pound projectiles instead of 250 pounds, such as the *Saratoga*, which was building in this yard at the time of the limitation of naval armament, one of whose guns was vastly more powerful than all of the guns of the *Salt Lake City* combined. The war and the Washington treaty left us with an unbalanced fleet. This was because of the exigencies due to the submarine war. We abandoned cruiser construction and devoted all our shipbuilding activities to the construction of a vast merchant marine, which we expected to be sunk by submarines, and a great number of destroyers and submarines to protect our transports and the allied merchant marine. We still have these destroyers and submarines, but with the lapse of time they are rapidly approaching obsolescence.

The treaty of Washington required us to scrap all our partly completed battle cruisers, as well as our uncompleted battleships, except the *West Virginia* and the *Colorado*, now with the fleet. We did complete ten 6-inch gun cruisers, and this represents our entire cruiser strength of vessels under 20 years of age.

Notwithstanding our shortage in cruisers we have proceeded hesitantly, and even reluctantly, to build new cruisers, not because they are not urgently needed, but because we hoped that either by our example or by further limitation the cost of naval armament to the naval powers might be further reduced.

Other powers to the treaty—Great Britain, Japan, France—however, proceeded to round out their fleets by the construction of the much needed cruisers. We are about to launch our first 8-inch gun cruiser. Great Britain has launched 16 (counting four 7½-inch), Japan 8, France 2, completed. We should regard this construction by these powers as evidence of the greatest possible weight as to the value of and the need of cruisers in national defense. Those who are unwilling to accept the evidence and the judgment of our own officials charged under the Constitution with our national defense, those who discount the official declarations of the President and of his Navy Department, should be persuaded by this tangible evidence, the best possible proof,

by other naval powers, as to such need. Nor are we driven to the necessity of inference from actual cruiser construction, however plain and manifest that inference, but we have the most formal and solemn statement of British needs, made in friendly conference at Geneva, that she needs, must have, and is constructing with all reasonable diligence 600,000 tons of cruisers.

The unanimous testimony of all naval authorities thus agrees to the positive need of cruisers.

In this general connection it is interesting to note the fact that while at present no naval vessel of the United States bears the name *Louisville*, during the World War there was a cruiser which carried this name; and during that critical period that ship made many interesting and hazardous trips between American and European ports and in a large way operated in the submarine and mine-infested waters of the European zones. It was retired from naval service shortly after the close of the World War. Before that time it had also known distinguished naval service in the Spanish-American War, bearing the name *City of St. Louis*. Later, under the same name, it became a trans-Atlantic liner, and thus operated until the United States entered the world conflict when, as already indicated, it became a craft of the United States Navy, bearing the name *Louisville*.

Mr. Speaker, as you know, the present Congress has enacted the necessary legislation authorizing the construction of 15 additional scout cruisers of the same character as the 8 already mentioned; and necessary appropriations for the beginning of this additional program of construction have been made during this session. Thus, within a few years our Navy will be increased by the total of 23 new scout cruisers.

Of the 15 additional cruisers just authorized, the first 5 will be of the same tonnage, horsepower, and dimensions as the 8 cruisers now under construction.

The armament of these 5 cruisers will each include nine 8-inch guns, just as will be the case with 6 of the 8 cruisers now building; that is to say, No. 26, No. 27, No. 28, No. 29, No. 30, and No. 31. Of the indicated 8 cruisers, the *Pensacola* and *Salt Lake City*, No. 24 and No. 25, respectively, though identical with the 6 remaining cruisers of the 8 in all other respects, will each carry ten 8-inch guns, instead of 9, as will be the case with the other 6 of this group of 8. The remaining 10 cruisers of the 15 just authorized it is expected will be of the same tonnage, general dimensions, horsepower, and armament as the first 5 of the group of 15; subject, however, to such modifications of machinery and equipment as improved processes and discoveries may warrant.

The eight cruisers now under construction will bear the names: *Pensacola*, in honor of Pensacola, Fla.; *Salt Lake City*, in honor of Salt Lake City, Utah; *Northampton*, in honor of Northampton, Mass.; *Chester*, in honor of Chester, Pa.; *Chicago*, in honor of Chicago, Ill.; *Houston*, in honor of Houston, Tex.; *Augusta*, in honor of Augusta, Ga.; and *Louisville*, in honor of Louisville, Ky.

The citizens of Louisville and of the Louisville region not only account themselves signally honored because this new cruiser will bear the name *Louisville*, but they deem themselves and their city as being also most highly honored by reason of the fact that so many other splendid cities of the country were friendly, but unsuccessful, rivals and contenders. Great credit is due to those who have cooperated in the effort to secure this favorable action by the Navy Department, and who have aided in the popular campaign to bring forth, and to register with naval officials, the interest of the people of the Louisville community in behalf of the claims of the city. This campaign was excellently conducted, and now that the movement to secure the naming of one of the eight cruisers in honor of the city of Louisville has been crowned with success, the Louisville community, in a collective way, is most grateful to all of those individuals, officials, agencies, and organizations that have cooperated to bring about this result.

Also, the thanks of the Louisville community are especially due to the distinguished Secretary of the Navy, who is shortly to retire from office after the performance of a period of distinguished, able, and patriotic service. Therefore, in behalf of the city of Louisville and in behalf of the men, women, and children of Louisville and the Louisville region, I take advantage of this opportunity to indicate, in this public manner, to Secretary Wilbur the assurances of their deepest appreciation and gratitude because of his action in conferring upon their city and upon them this great honor. Also I join them in giving expression to the belief that no worthier name for this gallant ship of the line could have been found than that which has been given it; and the prophecy is now indulged that, manned by American sailors, carrying the flag of our country, and bearing the name *Louisville*, this magnificent cruiser in the years to come after it shall be completed and committed unto the sea, will fully sustain the noblest traditions of the American Navy, and will bring to the city for which it is named the greatest possible measure of honor and renown.

THE PROBLEM OF PERMANENCY

Mr. WINTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of our American institutions.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to extend his own remarks in the RECORD. Is there objection?

There was no objection.

Mr. WINTER. Mr. Speaker, my theme is large. In fact, it is so great that I feel my utter inadequacy to present it. I can hope to give you but a fleeting glimpse of its vast circle. It is drawn from the depths of antiquity, it stretches into the unknown future, and yet it is of vital present interest to every American. It is the problem of the permanency of our national life and civilization.

From the far reaches of history I desire to draw, if possible, a few truths that, coupled with present science and philosophy, may well concern us in contemplating our present and future national life, and which are applicable to our individual lives.

No reader of history has failed to be profoundly impressed with the number of great nations, peoples, and civilizations which have appeared and disappeared—risen to supreme power and fallen into oblivion. Babylon, Assyria, Egypt, Greece, Rome, these and many more, forming a procession of colossals, have moved majestically from out the darkness of ignorance and barbarism into the light of civilization, power, preeminence, and then have passed tragically off the theater of the world's activities. To-day, we excavate their cities from the shifting sands of the deserts, or new cities have reared their growth over the old, or the old still exists, but in a living death, devoid of spirit or power or hope.

We ask, Why? Is there no such thing as permanency? Does the law of nature which demands motion, require inevitable endings, constant beginnings? Can there be no great world growth of humanity in the large continuing sense, except through new and successive peoples and waves or epochs? Must there always be displacement and replacement? In human history this law has been invariable. Every civilization in the past, with the exception of those nations or cities whose extinction may have been due to great climatic or seismic changes, has seen its period of overbalance, ultrarefinement, wealth and commercial greed, luxury, weakness, and decay; then, subjugation or supersession by a fresh race, physically strong, with a will to conquer.

These are underlying laws and principles that we must consider if we go to the bottom of the question. I may now say some startling things, but I ask that you suspend judgment until the entire theme is presented. In the human physical organization there are in the blood two kinds of corpuscles, the red and the white; the red, representing the iron, the strength-giving element; the white, the refining element. The savage represents the abnormal preponderance of the red; the highly cultured, the preponderance of the white; the one is undercivilized, the other overrefined.

ANTERIOR AND POSTERIOR BRAIN

In the first you will find excessive posterior development of the head or brain; in the second you will find an excessive frontal development. The frontal is the guiding influence, presiding over the mental attributes; the posterior is the motive power, presiding over the physical. Note that development runs from the posterior head to the frontal; that means the ascendancy of the intellectual in the individual, in peoples the advancement of civilization; in both, culture, education, gentleness, wealth. So far, so good. Then we come to the excess of these things—excess at the cost of their complements—their completements, the balance of qualities.

Carried to excess, meaning great disproportion, we find that culture results in insincerity and insincerity in falseness; education in the impractical, the impractical in the visionary; gentleness in effeminacy, and effeminacy in weakness; wealth is followed by idleness, and idleness by corruption. The end of all these is failure and death.

In the posterior brain development we find in the first alignment strength, courage, humanness (meaning social instinct, impulsiveness, passion, emotion), freedom—all beneficial and necessary, but which, carried to excess to the exclusion of their balancing qualities, their complements, develop as follows: Strength to brutality, to violence; courage to recklessness, to bravado; humanness to dissipation, to degradation; freedom to lawlessness, to savagery. And the end of all these is failure and death.

INDIVIDUAL EXAMPLES OF EXTREMES

Thus it is apparent that extremes kill. Let us take two individual examples. Here is a man who is an example of the utmost extremes of culture, gentleness, education, and wealth. His stock has run its course through seven or eight generations of wealth and idleness and is dying of decay. Vice finds him an easy prey; he has no powers of resistance, no constitution to withstand, no will; his moral, mental, and physical fibers are loosed. There is little hope for him; his inevitable end, in the natural course, is decadence and—death. It is not entirely his fault. The generations that have gone before him are in a great measure responsible; though to every man is given conscience, the divine spark, and if he wills he may save himself against all odds. But the process has gone far, accelerated by his own deliberate acts. He will perish.

On the other hand, here is a man whose blood is red. Heredity gave him that. Contact with nature has accentuated it. He comes from a fresh, virile, strong stock. His frontal development has been deficient; his posterior brain qualities are abnormally intense. He has the good qualities that belong to this type—strength, courage, humanness, love of freedom—but these have gone to their natural excess in him for lack of influence of the white corpuscle, the anterior brain qualities; and he has therefore been violent, brutal, lawless, savage. He is therefore subject to the penalty of these extremes, which is destruction. His career, carried out to its unhindered, logical conclusion, would end in a violent death.

But he is not necessarily doomed, as is the case with our other example, his antithesis, for the reason that in him there is the raw force that survives; and capacity for development, the beginnings of the frontal qualities, white corpuscles, which, though they have been undeveloped, nevertheless are there, and may at any time begin to assert themselves. If education, refinement, culture, moral principles, ambition for higher and finer things be developed in him, if those qualities are not substituted for but added to his superabundant physical power, his wonderful vitality, his fighting spirit, his love of freedom, his daring optimism, then, indeed, will there be a man to whom all things are possible. And if he then retains, as his education and refinement continue, the qualities of strength and courage, humanness, and independence, he may rise in stable equilibrium to incalculable heights.

SAME LAW AS TO NATIONS

I have spoken of individuals. It is through the individuals multiplied that these things work out in the larger organizations. All that I have said is therefore applicable to races, peoples, governments, civilizations. The nations of the past lost their vitality! Hence the tragic procession of the great peoples of antiquity; hence Egyptian civilization went down; effeminate Greek was conquered by the hardy Roman, and, in turn, the corrupt Roman by the fresh hordes of the Goths and Huns and Vandals under Attila the Scourge. I include in this list all nations which have sunk far from former grandeur. Spain was once mistress of the world. China endures because it has not lived. Such nations exist but do not live. But China, Japan, Russia, are from barbarian stocks which are yet to live, and this brings us directly to the question.

THE AMERICAN REPUBLIC

What of the American people? What of the destiny of this Republic? Shall it be thus with us? Will history repeat itself? Will progress demand in time our displacement? Will we be subject to that invariable process, or will we be an exception to the hitherto insatiable law of racial and national rise, deterioration, and death? Shall we perish at the hands of a raw race which will destroy or overrun or absorb, and itself begin a new era of development to a higher civilization? Or will this process of the ages terminate with and for us?

THE EAST

Tendencies that lead to deterioration can be observed in this country to-day. The East, especially as its life is found in our great cities, represents the white corpuscle, the frontal development. There we find education, culture, refinement, industry, high civilization, wealth; there, too, we find the settled, centralizing, conservative, consolidating influences. Like the sun, the East draws everything to itself—it has the habit of increase, increment. Customs, manners, habits, views there converge, contract, set, crystallize. We can already note there exclusion, seclusion, attenuation, overbreeding, interbreeding, the gradual diminution of physical power and motive force. Excessive and long-continued wealth, handed down from generation to generation in one family or relationship, is beginning to show its effects. The process of dissipation and idleness shows on the surface in moral disintegration, broken domestic relations, subnormal birth rate, dishonest business practices, domination of wealth, vice. Unhindered, carried to its natural end, all these mean ultimate destruction.

THE WEST

The West of this country has represented and now largely represents the red corpuscle, the posterior brain development and its particular attributes. The accompanying tendencies have in the past rather been in the ascendency, and whereas we have seen and admired the characteristics of strength, courage, humanness, freedom, we know they have many times run to excess and become, in their intermediate form, brutality, recklessness, dissipation, lawlessness, and in their last stages, violence, bravado, degradation, savagery. All of which, unhindered by the influence of the white corpuscle, the anterior balance, spell ultimate destruction.

In the natural course of events, the East would die of disease, which is general and complete—annihilative decadence. The West, if left to its tendencies alone, would be swept by violence, which is individual—destructive savagery. The West would not die; its more forceful element would endure and supersede.

POSTERIOR HEAD QUALITIES SURVIVE

Then, of the two excesses or extremes, the posterior brain force, the red corpuscle, the element of the stronger stock, will survive. The simple reason is that there is no hope where there is decay; dissolution has set in. It is the end—the stock has lived its life. The violence of the other extreme is significant of force, power, life, growth. It is the beginning—the stock has yet to run its course.

REASONS FOR PERPETUITY OF AMERICA

Now, it is indeed a bold man who would deliberately say that with our own people and Nation the inexorable processes of the ages will be turned aside. But I believe that there are reasons which justify us in entertaining the hope that our Nation, our civilization, Americanism, will endure indefinitely.

I preface my reasons with the obvious proposition, that it being the extremes that kill, the solution of the problem of permanency of continuous efficient life, is the normal, the golden mean.

ILLUSTRATIONS

This is true in everything. All work deadens; all idleness atrophies. Neither the Arctic Zone nor the Torrid Zone produces as does the Temperate Zone. Neither mountain peaks nor the swampy low lands, but the great intermediate plains and valleys feed the world. All study without experiment, or all experiment without study, all theory or all practice do not produce the desired results. An architect's dream is of no value unless reduced to blue print and produced in wood or stone or steel; on the other hand, we do not build a house without plans. Ultraconservatism kills by inaction, ultraradicalism by overaction; progress lies between. Nonresistance and nonpreparedness insure dishonor and defeat; ultramilitarism seeks aggression and will not be borne by a free people; honor and safety lie between. Science tells us that we are all either abnormal or subnormal in some respect in some degree. The normal is the perfect type. The true course then is that of balance, harmony, a proper combination.

PROPER COMBINATION

The first series of qualities of both the frontal and posterior head development are all good and all necessary to civilization and progress. The problem is not, then, how to retard or shackle either, but how, along with the growth of each, to keep them properly proportioned. So that as long as each of these tendencies has its proper place and influence in our country's people, they will each prevent the other from going to the extreme characteristic of each; thus the balance may be maintained permanently; and, though each develop indefinitely, the second and third harmful stages may be avoided. Note, if you mingle properly or combine reasonably education and freedom, you need not fear that they will ever become the impractical and visionary on the one hand or lawlessness or savagery on the other. Likewise, combine in the same race culture and courage; then insincerity and falseness, recklessness and bravado are eliminated. Again, join gentleness and humanness and you eradicate effeminacy and weakness, dissipation and degradation. Given a people who have both wealth and strength, and you will have no idleness and corruption, brutality and violence. The rule is that these qualities act as a check upon each other and prevent the extremes.

So the question is, Shall we be able in this country to maintain the right development of the frontal and posterior brain, the guiding and the propelling forces, the conservative and the radical, the white corpuscle and the red, avoid the extremes, maintain the mean, and thus endure? There are reasons to encourage a belief that we will.

FRESH STOCK

We are as a people a fresh, practically a new, stock. The hardy, the vigorous, the daring, the bold, the courageous, the strong, joined together in our Revolution to establish the new nation. They were explorers, builders, fighters, men of red blood, freedom lovers; they excelled in the hardier virtues; their posterior brain development, presiding over the physical, was strong, dominant. So, as a fresh stock, we have our national life yet to live.

VITAL FORCES MAINTAINED BY OCCUPATION OF NEW TERRITORY

We find an added argument for our perpetuity in that all through our national life, so far, the greater proportion of our people have been engaged in toil in the soil, in the subduing of the wilderness. They are yet exploring, prospecting, discovering, fighting, settling, conquering. This not only requires the motive power of the dominant physical and its attendant qualities of daring, enterprise, initiative, bravery, skill, self-dependence, but it also maintains and develops these qualities and renews in the blood of our people from the East to the West, as they settle each area, the iron of health, endurance, and longevity. Thus the blood will be kept red and strong.

INFUSION OF NEW BLOOD

Though our main racial current is the dominant Anglo-Saxon, and we will have to that extent the benefits which inhere in a distinctive blood strain, we are not a single race or nationality. Men of all nations, lands, and peoples fought in our ranks, battled nature, and laid the foundation for a new country. We are a mixture of nationalities, an admixture of blood. Not only did we have this mingling of nationalities originally, thus giving us a broad foundation and obviating, or, at least, indefinitely removing, the danger of the attenuation and weakening to which a distinct and separate strain is subject, but by the vastness and fertility of our country and the desirableness of our citizenship, this infusion of the fresh blood from the common, hardy, healthy stock of all nations, eliminating the diseased and criminal, is continuing and will continue for many years. So that, tower as high as the tree of national life may, it will be supported by adequate root and soil, for there will be this constant refreshment and reinvigoration from the bottom.

PHYSICAL GEOGRAPHY

Once more, the physical geography of our country will have its effect in maintaining in our people a proper balance. That climate and soil and altitude have a decided influence upon the character of mankind is a well-settled truth. By the vastness of our country we are afforded a variety of topography that is highly beneficial.

Generally speaking, the East is the ocean, seaboard, seafaring commercial portion of this country, and its people naturally develop, through social and business intercourse, industry, and invention; and, through the intercourse of peoples and trades, wealth, and culture. In the central part, we have the Great Plains section where agriculture is predominant, where there is contact with the soil. Its peoples are developed most in healthful labor and strength. In the West, we have the mountainous regions. Mountain dwellers have always, and history affords abundant proof, been devotees of freedom, patriotic, unconquerable. "Montani semper liberi—Mountaineers are always free men." Because of them, the spirit of liberty will never die with us.

With this variety of configuration and employment, the three qualities of culture, strength, and liberty will be maintained; and as long as they exist, the Nation can not die. These physical features of our country are unchangeable, hence their influence will be perpetual.

CHARACTERISTICS IMPARTED TO EACH SECTION

Not only will these respective saving qualities continue to generate and emanate and be wrought into the characters of the respective peoples of those sections, but the sections and peoples thereof being contiguous and being interlaced, despite our great area, by a thousand ties—by rail, mail, family, travel, contact, trade, interdependence—the preserving qualities of each are disseminated and absorbed throughout the whole. The leaven of each section will spread through and elevate the mass.

THE TRUE TYPE

Most marked example of this fact to-day is our central, plains people, extending from the Rockies to the Alleghenies. From each side, they absorb the best—culture from the East, freedom from the West, which, combined with their own quality of strength, makes them the most perfectly and harmoniously developed of our people. They represent the golden mean. To-day, they are the heart, the core, of this Republic. To-day, they constitute the highest average of intelligence, character, and efficiency, the best combination of all qualities, to be found not only in the people of this Nation but they are the highest product of mankind in mass the world has produced.

BALANCED GOVERNMENT

We have a form of government that coincides and harmonizes with this theory of proper balance. Our Constitution itself is a solution of this very same problem in governmental affairs. After chiefs came monarchs, despots, royal lines, and the so-called divine right of kings. Then the people awoke to the fact that government was too much centralized in these heads and that their former individualism has left them, their liberties were gone. Denied liberty, they in time revolted against all authority and produced anarchy; and history ever since has been made up of the struggles between governing powers for more power and the people for more freedom. Out of all this it was seen that there must be both governing power, meaning law and central authority, and individual liberty.

When this Nation was established it came nearer solving the problem of the proper balance of these factors than had any nation on earth. In fact, it solved it, although readjustments will go on for many years to come. We are now in a period of regulating too unrestricted liberty, to which we swung in our revolution in our fierce reaction against a tyrannical monarchy. Our Government is so formed that there is authority—the centralizing, centripetal power, corresponding to the sun in the solar system, the white corpuscle in the human system; and there is liberty—the expanding, centrifugal power, corresponding to the force of the earth's tangent-seeking momentum in the planetary system, the red corpuscle in the human system. Thus, like the earth, the Government is kept in its proper orbit equally balanced between centralization and individualism. The result is orderly liberty, which should endure.

PATRIOTIC SOLIDARITY

Another point of view. The patriotic solidarity of our people, considering our mass, notwithstanding the influx of heterogeneous millions, is the most wonderful of all time. The homogeneous patriotism of our people is not a subject but an appreciating, participating citizen patriotism. It is not the forced support of a system or a name, it is not an ignorant, blind, mechanical attachment, but a broad, free, intelligent, voluntary, glorious patriotism. This is due largely to our form of government, each individual being a unit in the sum of the whole.

EXCEPTION TO ALL NATIONS

We stand to-day an exception to all nations of earth, past and present, in that, while every nation may have some of the qualities that make for continuity and some nations have many of the characteristics and reasons for longevity, no nation, save America, has all of these factors that go to insure perpetuity.

THE WORLD PREPARED FOR PERMANENT PROGRESS

Why should the present civilization, as founded and as it is progressing, ever be displaced and replaced? There is no answer which appeals to reason. I hold the abiding conviction that the world is prepared for the development of a permanent, constantly progressing civilization. Why is not this, our Nation, our people, the fitting foundation for the perfect superstructure; the prepared root and stock for the perfect growth, foliage, flower, and fruit? For thousands of years mankind has been struggling upward for freedom, for justice, for liberty, for knowledge, for brotherhood. Through our race, upon our soil, under our Government may the goal of the ages be attained, and may we uplift and draw all mankind with us.

OUR DUTY

But a nation so situated and provided is like a man with talents. Talents alone do not prevail. A nation may preserve itself in efficiency, or it may fail despite all advantages. With all that has been given us it would be the calamity of all the world calamities—a crime against humanity—were Americans to fail of their high destiny.

We must remember as a people and as individuals that faith in our destiny is not enough. "Faith without works is dead." We must remember that the problem of permanency is solved by harmonious development, by equilibrium.

We are not as a people overrefined—far from it; we can not overemphasize education; education must go on and on; it is absolutely essential to our great future. We can and do underemphasize vitality. Vitality is necessary for existence, for life; and life is the sine qua non—the without which not. We must remember that highly-tempered steel crystalizes, brittles, and snaps under impact and strain, unless the strength, the molecular cohesion, the inherent tenacity of the original iron is retained.

We must bear in mind that a nation steeped in commercialism, the pursuit of material wealth, if it be to the exclusion of high ideals—in action, of strength exercised, of right defended—is treading the way of one extreme which kills, courting the loss

of the spirit that battles for and preserves existence. We do not expect to be attacked. Nobody wants war. But war is a possibility. We must be able, ready, and willing to defend our life or join in the procession of the living dead.

The Greeks fell not because they became highly intellectual, beauty lovers, artists, but because they lost their stamina, their motive power, the will to live.

The Romans fell not because of the intellectual development that produced the Roman law, not because of education, oratory, literature, and wealth, but because of the idleness, weakness, vice, corruption, which became associated with these things and the loss of honor, courage, vital force, the will to live.

Attila was called "the scourge" not without reason. "The scourge," because he was the instrument for the overrunning of a nation because of her delinquency, her failure to retain vitality, which abides only with morality, cleanness, health, activity, and redness of blood.

May America never cease refining. May America never be scourged. She is now full upon the stage of the world. Will she remain there? It is for us to decide for this and several generations whether she will lose her harmony of development, her self-preserving elements, and be forced off the stage of humanity's progress, either by a raw race or by a civilized power with a will to conquer; or whether she will hold fast to her vital forces, retain the iron in her blood, her moral and physical courage, her fighting spirit, the will to live. And stand. Maintain her balance and rise in humanity's service, to heights of glory.

Right alone does not save when pitted against might, but right evolving might will triumph over wrong and might. We must be a civilized, refined Nation whose will will be developed instead of atrophied, whose vitality, dynamic powers, and efficiency will be conserved and intensified simultaneously with advancement in culture and wealth.

Thus only may we endure, and our liberty, our ideals, Americanism be secured to humanity. Thus we will go upward, with mankind, to an ever-increasing, ennobling, and beneficent destiny.

STEAMSHIP "W. I. RADCLIFFE"

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 11698, conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table House bill 11698, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

MINUTE MEN'S CONSTITUTIONAL AMENDMENT

Mr. LOWREY. Mr. Speaker, I ask unanimous consent to print in the RECORD remarks of my own on a constitutional amendment for which I have introduced a bill.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his own remarks in the RECORD on the subject of a constitutional amendment. Is there objection?

There was no objection.

Mr. LOWREY. Mr. Speaker, under leave granted me by the House, I give this brief statement as to a resolution which I have introduced at the request of Frank J. Batcheller, chairman of the national committee of the American Minute Men, providing for an amendment to the Constitution. The Minute Men's organization has now a membership of over 6,000,000, and their amendment has been indorsed by organization whose membership exceeds 15,000,000. It is likely that resolutions backed by this immense constituency will be presented to the next Congress with an appeal for the approval of their proposed constitutional amendment.

This measure would absolutely prohibit appropriations of public money for sectarian schools and other religious institutions and would terminate all controversy over the matter. In the minds of thinking men it would forever remove any real cause of religious controversy from American politics. The measure is in every way eminently just and fair. It treats every religious body exactly alike. The Government, remember, must be the protector of all churches, but it must not be the patron of any.

There is a very real need for the amendment. In several States large amounts of public money are appropriated regularly for sectarian institutions. In several other States frequent attempts are made to secure such grants, many of the efforts being successful. Open demands have been made for State support of sectarian schools in different parts of the country, and actual attempts have been made to secure such appropriations in Rhode Island, Maine, and Illinois, the effort being successful in the last-named State, and hundreds of thousands of dollars being given to the religious schools of one denomination. There is no provision in the National Constitution to prevent sectarian appropriations by Congress whenever the element favoring such grants can secure the necessary votes in this body. These facts have convinced thinking citizens that this great issue must be met by the American people, and I believe that the statesmanlike way to settle the question is by the adoption of the Minute Men amendment.

The American Minute Men, the movement which originated the amendment and which is leading the fight in its behalf, is in no way connected with any other society or organization. It aims to prohibit sectarian appropriations; that and nothing else. It is in no sense of the word narrow, bigoted, or intolerant. It stands for broad, American principles in a broad, American way.

Its present membership is at least 5,000,000, and that membership is composed of men and women of the highest possible standing.

This amendment, which has been indorsed by civic, religious, and patriotic organizations all over America, is necessary to correct widespread abuses as natural as human nature itself. Of course, no man can object to such a law, except somebody who wants to get his hand in the Public Treasury for his own particular creed. Such an amendment is as fundamental as the very spirit of our Constitution—a spirit, alas, which has often been abused for lack of this specific provision.

If Roger Williams was right in teaching that the State has no right to coerce any person's conscience in the realm of religion, then this constitutional amendment is right in demanding that no man's purse shall be coerced for the sake of promoting another person's sectarian views. Its enactment into law will be the tardy triumph of the very essence of real Americanism.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5544, to increase the membership of the National Advisory Committee for Aeronautics, and I am doing this by direction of the Committee on Naval Affairs.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of Senate bill 5544, which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the membership of the National Advisory Committee for Aeronautics is hereby increased from 12 members to 15 members: *Provided*, That the 3 additional members to be appointed by the President shall be acquainted with the needs of aeronautical science, either civil or military, or skilled in aeronautical engineering or its allied sciences, and shall serve as such without compensation.

The SPEAKER. Is there objection?

There was no objection.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

PENSIONS—CONFERENCE REPORT

Mr. KNUTSON. Mr. Speaker, I present a conference report upon the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, for printing under the rule.

JOINT-STOCK LAND BANKS

Mr. McFADDEN. Mr. Speaker, I call up Senate bill 4039, to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended. This bill having been considered by the Committee on Banking and Currency I ask for its immediate consideration.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of Senate bill 4039, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, is this the same bill the gentleman sought to bring up last night?

Mr. McFADDEN. It is; yes.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the first proviso of the second paragraph of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended (U. S. C. title 15, ch. 1, sec. 19), is amended to read as follows:

"*Provided*, That nothing in this section shall apply to mutual savings banks not having a capital stock represented by shares, to joint-stock land banks organized under the provisions of the Federal farm loan act, or to other banking institutions which do no commercial banking business."

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

On motion of Mr. McFADDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

IMMIGRATION

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from Oklahoma [Mr. JOHNSON] for 20 minutes.

Mr. JOHNSON of Oklahoma. Mr. Speaker, a few days ago I introduced in the House a measure known as House Resolution No. 341, providing for the appointment of a committee of the House of Representatives for the purpose of investigating and making report on the illegal entrance of aliens into the United States of America, and fixing the responsibility for same.

I desire at this time to send the resolution to the reading clerk and have it read out of my time:

Resolution

Whereas it is estimated by reliable authority that approximately 1,000,000 aliens are now residing in the United States of America who entered our country illegally; and

Whereas it is known that hundreds of thousands of undesirable aliens have been smuggled, or otherwise illegally permitted to enter the United States of America in defiance of law, within the past eight years; and

Whereas such aliens illegally entered into the United States of America have added to the problems of the unemployed, they having displaced American citizens; and

Whereas it is a matter of common knowledge that the hordes of undesirable aliens who have been illegally and fraudulently permitted to enter our borders in recent years have added materially to the wave of crime and increased law violations in America; and

Whereas it is further known that a large persentage of such aliens as have been brought into America illegally within the past few years are engaged in the traffic of narcotics and liquors and are smuggling and bootlegging these unlawful and deadly drugs and liquors to the youth of our land, thereby undermining health, integrity, and moral fiber of the forthcoming generations: Therefore be it

*Resolved*, That the Speaker of this House is hereby authorized and directed to appoint nine Members from the House to act as and to constitute a special investigating committee; that said committee is hereby authorized and directed to immediately institute a thorough investigation to ascertain the facts and conditions concerning the foregoing allegations made, to determine the number of such aliens who have illegally entered the United States within the past eight years, the reasons for their illegal entrance and continued residence herein, and to ascertain the agency or agencies responsible for such conditions; and the aforesaid special committee shall report its findings to the House of Representatives on or before the first Monday in December, 1929, with such recommendations as it may deem advisable.

For the purpose of such investigation this special committee shall have, and is hereby given, the power to meet at such time and places, and to employ such stenographic service to report its hearings, and to make any and all other expenditures, including expenses for traveling, as it may deem necessary. The said special committee is further authorized to sit immediately following the adjournment of the Seventieth Congress, to send for persons and papers, and to provide for all expenses incident thereto, to administer oaths and affirmations, and to take testimony. The chairman of this special committee, designated as such by the Speaker, is hereby authorized and directed to issue subpœnas. In the event this committee holds hearings beyond the bounds and confines of the District of Columbia, the United States marshal of the particular district where such hearings are being held is hereby authorized and directed to serve any and all subpœnas required of him by the said special committee. Any person who willfully refuses to obey any such subpœna and any witness guilty of contumacy shall be reliable to the penalty provided in section 102 of the Revised Statutes.

The Department of Labor, and any and all other departments of the Government, shall cooperate with said committee and, upon request, shall furnish such assistance and information to said committee as will enable it to make a full, complete, and comprehensive report and findings.

All expenses of this special committee incurred under this resolution in making a full, fair, and thorough investigation shall be paid out of the contingent fund of the House on vouchers authorized by said committee, signed by the chairman thereof, and approved by the Committee on Accounts.

Mr. JOHNSON of Oklahoma. In introducing this resolution in the House of Representatives seeking to have a committee appointed by the House for the purpose of investigating the illegal entry of aliens into the United States, I had only one object in view, and that was to protect this country from a general influx of undesirable aliens in excess of the quotas provided by law.

Certainly no one can question the seriousness of this situation when the daily press is constantly carrying news items to the effect that smuggling and bootlegging are carried on promiscuously throughout the country. Neither can anyone seriously question the fact that there are hundreds of thousands, yes, there have been, in my judgment, according to the best information I can get, more than 1,000,000 aliens admitted illegally and improperly to the United States during the last eight years.

It is not the purpose of the resolution to embarrass anyone in authority, but most certainly the people of the United States are entitled to have their laws administered in a proper manner and to see to it that the officers in charge of law enforcement do their duty as outlined by the Congress of the United States. To hold any other view is contrary to the spirit and intent of our laws and is a rank miscarriage of justice. I have no particular interest in who administers the law, provided the law is properly administered, but as an American citizen and a Representative in Congress I say to you no excuse can be given by any law-enforcement officer for permitting the illegal admission of undesirable aliens into this country.

In my judgment no greater crime can be permitted to exist in America than the promiscuous bootlegging of aliens into the United States. Especially is this true when it is considered from the standpoint of law enforcement. Congress recently voted increased millions in an effort to better enforce prohibition in America, and yesterday the House passed the Jones bill, providing drastic penalties for violations of the dry law. I voted for the bill, hoping it will aid law enforcement. But I submit for your consideration that it will continue to be difficult to have real effective prohibition enforcement when officers and those sworn to uphold the Constitution and laws of the United States permit the illegal entry of more than a million aliens into our borders, many of whom are the scum of the Old World, who have no respect for our laws and who are adding materially to that great army of bootleggers. Many of these undesirable aliens are not only peddling booze but are bootlegging drugs and narcotics and contributing materially to the breaking down of law and order and lax enforcement in many quarters.

Before introducing my resolution to make a thorough investigation as to the number of aliens who have entered the United States I made a rather extensive investigation of the situation. If given an opportunity, I know that I can produce witnesses who will give the Congress information that is really astounding. I think it will be clearly demonstrated by investigation by a proper committee of Congress that not only are aliens bootlegged into the United States in large numbers and pay taken from them for their entry but in a great many instances the people who bootleg them into the country assist in having them deported after they have taken their money from them.

Furthermore, gentlemen of the Congress, I am convinced that undeniable and indisputable evidence can be obtained where aliens have been brought in and paid the price of entry to immigration officers, then robbed of all the remaining money they had in their possession, beaten up, and deported shortly thereafter. I am assured that it can be demonstrated by an investigation that women have been brought into this country, the price paid for their entry in accordance with the custom of those who have been taking bribes for their illegal entry into the United States, that these women have given birth to children shortly after their entry and left stranded, with no money and without proper medical attention.

Mr. SABATH. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I will be pleased to yield to the gentleman.

Mr. SABATH. Will the gentleman state where he gets his information?

Mr. JOHNSON of Oklahoma. I am glad the gentleman from Illinois has asked the question, and I assure my distinguished

and able friend that I did not make these statements without a thorough investigation, as I stated at the outset. I hold in my hand letters and affidavits from former immigration officials, and I will say to the gentleman I shall be gald to let him see some of them, and will also be delighted to submit same to a proper committee of the Congress. I think I can open the eyes of the gentleman with reference to this deplorable situation.

Mr. SABATH. I will say in reply that the committee, as well as myself, will be delighted and pleased to obtain this information and such evidence, because I know the committee is desirous of putting an end to the practice that it is charged is going on along the borders.

Mr. JOHNSON of Oklahoma. I thank the gentleman, and I again assure him that I will be glad to give him this information and much additional information if he so desires.

I have been assured by men who are willing to testify that they can tell a congressional committee, if they are properly protected, of various cases wherein aliens have been bootlegged into the country, where bribes have been accepted, and where reports have been made to the authorities and no action taken. As an instance of this deplorable, damnable condition, I have a case in mind—and I think the accuracy of the statement can be established without any question of doubt—where immigration inspectors have watched the smuggling of aliens, liquor, and morphine into the country in wholesale lots, and where the authorities were notified by immigration inspectors who could not be bribed that on certain dates smuggling boats would arrive at certain points, and instead of the authorities taking proper precaution to prevent the illegal entry of these aliens into the country, as well as the liquor and dope, they were permitted to land unmolested, unload their cargo of aliens, liquor, and narcotics, despite the fact that those in authority had advance information that these boats would enter.

Mr. SABATH. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes; I shall be pleased to yield again to the gentleman.

Mr. SABATH. This is a very serious charge against the Department of Labor and the immigration inspectors and officials, and in view of the fact that the gentleman states that he has the evidence, I think he ought to put it in the RECORD. We ought to know about it. We are entitled to have the information.

Mr. JOHNSON of Oklahoma. I shall be glad to give the gentleman and the committee and the House information concerning this and many other matters if they will permit me to appear before a proper committee. I could bring witnesses here within one hour. I have talked with them and I have some of their affidavits. All I am asking now is a chance to be heard and call witnesses before an investigating committee.

Mr. SABATH. Whenever the gentleman is ready, I will assure him that we will endeavor to call a meeting of the committee and give him the opportunity he seeks, and I am only regretful he has not made the request before to-day.

Mr. GIFFORD. Will the gentleman yield there?

Mr. JOHNSON of Oklahoma. I will be glad to yield, provided I may be assured of a little more time. I only have 20 minutes, and I want to give the Congress what information I can in the limited time given me. I have considerable information that is more astounding than any I have yet given you.

Mr. GIFFORD. I simply want to ask the gentleman if he has referred this information to the proper executive departments previous to bringing it here seeking an investigation, and also ask him if that is not the proper place for such information to go in the first instance?

Mr. JOHNSON of Oklahoma. I will say to the gentleman that I did not secure all the information I have in my possession until yesterday, but I think it is proper to call the attention of the House and of the country to the fact that I have introduced this resolution and have asked to appear before a proper committee and produce my witnesses. Gentlemen, I have them in abundance. Moreover, I am very much of the opinion that the proper departments have in their possession much of the evidence given me. Just why no action has been taken I am at a loss to understand.

I am also advised on what I have reason to consider reliable authority that as many as 150 aliens, to say nothing of the liquor and narcotics, have been landed within a very few days at one given point.

I have no doubt that substantially these further facts can be demonstrated, that when new immigration officers are assigned to certain points they will be immediately approached with the advice that they can have a high-powered car and go on the pay roll for much more money per week than they receive from the Government if they will only "keep their mouths shut" or be away from the docks at certain times when the boats arrive. If these men do not see fit to accept the terms of the alien bootleggers and have a sense of justice and decency and proper respect for their oaths of office, I am told they are either removed or some kind of complaint is filed against them. If they, in turn, seek to report these infamous, scandalous, and outrageous cases of violation of the law to a higher authority, they are dismissed from the service, so my informants declare, or threatened to be beaten up, if not actually beaten for doing so. If given an opportunity I can produce before an investigating committee men who will not only testify that they have been threatened to be beaten up for making reports of illegal entry of aliens into the country, but I am sure we can produce witnesses who were assigned to beat them up if they did not accept the terms.

Mr. BROWNING. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. Certainly I will yield to my good friend the distinguished gentleman from Tennessee [Mr. BROWNING].

Mr. BROWNING. I would like to ask the gentleman in that connection why a resort to the courts has not been had if such a condition prevails. I am very much interested in the gentleman's statement.

Mr. JOHNSON of Oklahoma. I am delighted that the gentleman has asked the question. I was just coming to that very thought. I will say to the gentleman that I yield to no one in my respect for the courts, but it is very difficult for an honest immigration official to get a square deal when he is "framed" by these law violators, these gangs of criminals who have no regard for law, for their oaths, and who delight in railroading honest officials to the penitentiary.

Mr. SABATH. If the gentleman has the information, I would appreciate it if he will put in the RECORD the number of such inspectors that have been discharged because they have failed to cooperate with the bootleggers, or any additional evidence he may have; and let me suggest to the gentleman that I know something about this information that comes to Members a few days before an immigration bill is taken up on the floor of the House, and I want to say that you can not always rely on all the "dope" they send out, because most of the time such people can not prove their statements.

Mr. JOHNSON of Oklahoma. I am pleased to assure the gentleman that I have asked my informants to reduce their statements to writing and, if possible, to affidavits. I have some of their affidavits and signed statements. I have promises of others that they will be delighted to give, if properly protected, before a proper committee—information that will astound the gentleman and shock the entire country. [Applause.]

Let us suppose a case, and I have reasons to believe that if this committee is appointed and makes proper investigations that it can uncover just such cases: Inspector A is an honest man, and he catches 5, 10, or even 15 aliens who have illegally entered the country and who have paid the price, whatever it may be—perhaps from $200 to $1,000 per alien—and the aliens are taken into court. Inspector A brings charges against them for illegal entry and incidently in these charges says Inspector B permitted the illegal entry into the country. The aliens in all probability will be instructed to plead guilty of having come into the country, and have as their defense that they paid the price required of them to be admitted; and when the court asks them to whom they paid the bootleg money, they are instructed to say they paid it to Inspector A, who made the arrest, and identify Inspector A as the man to whom they paid the graft.

The SPEAKER pro tempore (Mr. LAGUARDIA). The time of the gentleman from Oklahoma has expired.

Mr. GARBER. Mr. Speaker, the gentleman is making a very informative address, in which we are all interested, and I ask unanimous consent that his time be extended for a period of 10 minutes.

Mr. SNELL. Mr. Speaker, reserving the right to object, we have a lot of matters to take up to-day. Would the gentleman just as soon extend the rest of his remarks?

Mr. GARBER. The gentleman seldom addresses the House and certainly does not abuse the privilege of the House, and I would consider it a personal favor if the gentleman from New York would permit this extension of time.

Mr. SNELL. We have to adjourn at 4.30 for the Democratic caucus. I do not want to cut the gentleman off, but I hope he will not go longer than the 10 minutes.

Mr. JOHNSON of Oklahoma. I promise the gentleman I will not continue longer than 10 additional minutes, and I would not ask for any extension of time if I had not been interrupted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma [Mr. GARBER]?

There was no objection.

Mr. JOHNSON of Oklahoma. Let us see. I believe I was discussing a case I have in mind of Inspectors A and B. May I

not inquire in what kind of a position would Inspector A, the honest, faithful officer, find himself, under circumstances I related before being interrupted. Of course, the aliens would be deported, because they have plead guilty, but what about honest Inspector A who caught the aliens? Where do you suppose he would land as a result of his experience in the United States court? Or let us suppose that the aliens who have been caught, after they have paid the price, do not identify the inspector who made the arrest as the one who received the graft, but instead identify some prominent citizen, who may be in the court, or suppose some citizen who has interested himself in trying to break up an alien bootleg ring? These aliens will in all probability be instructed to name him as the one to whom they paid the graft and the court sends for this citizen and brings him before the judge, when these aliens positively identify this man as the one who accepted the bribe for their illegal entry. What happens to this public-spirited citizen in cases of this kind? I am quite sure that it would be a good guess to predict that he would take a trip to Atlanta or elsewhere for a forced vacation. I have heard of just such a case and perhaps if the committee is appointed we can produce some citizens who have served terms in Atlanta for just such cases as this.

Let us take another case. Suppose this committee in making its investigation as proposed in my resolution should find that men are willing to testify to the fact that they were the parties acting as immigration officers who were instructed by higher officers to act as a clearing house and accept for the ring the money paid by the aliens for illegal entry into the country? Could anyone say that if such evidence of flagrant violation of the law were disclosed as a result of this investigation that the efforts of Congress in making the investigation would be useless?

If by chance we were able to uncover, in our efforts to give clean government, the fact that when reports are made by officers who had some regard for their oath of office and some regard for common decency and the best interests of our common country, when they fail to get proper cooperation from district inspectors or other higher authorities, to the authorities in Washington, these reports instead of being investigated by the proper authority were forwarded to other district inspectors, who in turn forwarded them to the district inspector guilty of having been engaged in the business of bootlegging, and the man or men making reports of these flagrant violations of the law were told that if they made any more reports except through the regular channels they would be bumped off, beaten up, or something of that kind, would not such investigation have any effect on relieving this horrible situation?

Or let us presume a still further case. Suppose it were to develop, in an investigation, that when district inspectors or other inspectors are checked up and found remiss in their duties, or even guilty of accepting or knowing that bribes are accepted, and when such facts became known instead of being dismissed from the service they were transferred to other posts where they could ply their dastardly trade in a more remunerative manner and where opportunities for compensation were more alluring. Do you not feel, gentlemen, if this and other similar and even worse cases can be proven, that it would be worth the while to pursue an investigation of this character, in order that the Congress and the country may know just what is going on and those in higher authority may be convinced of the dire need for improvement and a general shake-up in several quarters. [Applause.]

It can not be said that I have ulterior motives in pressing a question of this kind. It is a well-known fact that many aliens have been admittedly illegally entered into the United States during the last eight years, and I assume that the new administration would surely welcome an investigation as to why these conditions exist. We are supposed to have an outstanding genius who is about to enter upon his arduous duties at the head of the Government, who, we hope and believe, will refuse to tolerate such deplorable and damnable conditions. It is not a party matter at all. It is a matter worthy the consideration of our people, as well as that of the Congress of the United States. I, therefore, express the hope that a thorough investigation of these conditions may be had at an early date, and see what can be done to rid the country of one of the blackest crimes in the annals of our Government. [Applause.]

HOSPITALIZATION FOR WORLD WAR VETERANS

The SPEAKER pro tempore. Under the special order the Chair recognizes the lady from Massachusetts [Mrs. ROGERS] for 10 minutes.

Mrs. ROGERS. Mr. Speaker and Members of the House, I have asked for time to-day in order that I might discuss H. R. 15921, a bill which I reported to the House for the Committee on World War Veterans' Legislation last week. This bill authorizes additional hospital, domiciliary, and out-patient facilities for our World War veterans. I wish to tell Members of the House of the greatly overcrowded conditions, not only in our veterans' hospitals but also in the State hospitals. That there is need for beds for the tuberculosis and neuropsychiatric cases in both Federal and State hospitals there is no denying. The situation is most deplorable. The Veterans' Bureau has repeatedly said that there are no unoccupied veterans' hospital beds for neuropsychiatric cases anywhere in the country.

There is also need for tuberculosis beds in certain sections of the country, and there is need for medical and surgical beds in certain sections of the country.

According to the records of the United States Veterans' Bureau on January 31, 1929, the bureau was operating 48 hospitals, using a part of the facilities of 50 other Government hospitals, and 144 civilian hospitals. The patient load in these hospitals was as follows:

TUBERCULOSIS

| | |
|---|---|
| United States veterans' hospitals | 5,380 |
| Public Health Service hospitals | 24 |
| Army hospitals | 706 |
| Navy hospitals | 87 |
| Soldiers' homes | 564 |
| Contract hospitals | 447 |
| Total, tuberculosis patients | 7,208 |

GENERAL MEDICAL AND SURGICAL

| | |
|---|---|
| United States veterans' hospitals | 3,668 |
| Public Health Service hospitals | 386 |
| Army hospitals | 1,135 |
| Navy hospitals | 2,141 |
| Soldiers' homes | 400 |
| Contract hospitals | 211 |
| Total, general medical and surgical cases | 7,941 |

NEUROPSYCHIATRIC

| | |
|---|---|
| United States veterans' hospitals | 10,945 |
| Army hospitals | 189 |
| Navy hospitals | 316 |
| Soldiers' homes | 662 |
| St. Elizabeths | 347 |
| Contract hospitals | 1,160 |
| Total, neuropsychiatric patients | 13,619 |

SUMMARY

The grand total for the above three classes of patients is:

| | |
|---|---|
| United States veterans' hospitals | 19,993 |
| Public Health Service hospitals | 410 |
| Army hospitals | 2,030 |
| Navy hospitals | 2,544 |
| Soldiers' homes | 1,626 |
| St. Elizabeths | 347 |
| Contract hospitals | 1,818 |
| Making a total patient load of | 28,768 |

These figures, as before stated, show the patient load of the United States Veterans' Bureau as of January 31, 1929. As of this same date the total capacity of the United States veterans' hospitals was 21,805, with additional facilities in process of building of 1,007. The average number of beds occupied during the month of January, 1929, was 19,601.

The hospital-construction program submitted by the United States Veterans' Bureau follows:

*Hospital-construction program submitted by United States Veterans' Bureau*

| Location | Type | Beds | Cost | Purpose |
|---|---|---|---|---|
| Bedford, Mass. | Neuropsychiatric | 150 | $360,000 | Continued-treatment building; additional staff and attendants' quarters. |
| New York, N. Y. | do | 1,000 | 1,900,000 | Additional facilities at Northport, Long Island; and the new hospital authorized at Somerset Hills, N. J., to replace the Bronx. |
| New York City | General [1] | 200 | 1,000,000 | New hospital and facilities for regional office. |
| Western New York State. | Neuropsychiatric | 400 | 1,700,000 | New hospital with facilities for a limited number of general cases to supplement the general beds contemplated at Aspinwall, Pa., and facilities for regional office. |
| Augusta, Ga. | General | 138 | 300,000 | Acute building. |
| Alabama | do | 250 | 1,100,000 | New hospital and facilities for regional office. |
| Gulfport, Miss. | Neuropsychiatric | 138 | 340,000 | Acute building; additional quarters. |

[1] Facilities will be provided for all 3 types of cases with beds for general condition predominant.

*Hospital-construction program submitted by United States Veterans' Bureau*—Con.

| Location | Type | Beds | Cost | Purpose |
|---|---|---|---|---|
| Indiana | General [1] | 150 | $500,000 | New hospital (exclusive of personnel quarters) and facilities for regional office. |
| North Chicago | Neuropsychiatric | 150 | 280,000 | Additional beds and quarters for personnel. |
| Knoxville, Iowa [1] | do | 150 | 270,000 | Continued-treatment building. |
| Albuquerque, N. Mex. | General [1] | 250 | 1,250,000 | New hospital and facilities for regional office. |
| San Francisco, Calif. | do.[1] | 200 | 1,000,000 | New hospital with facilities for diagnostic center and regional office. |
| Tucson, Ariz | Tuberculosis | 100 | 280,000 | Additional beds and quarters. |
| Texas | Neuropsychiatric | 300 | 1,200,000 | New hospital and facilities for regional office. |
| Total | | 3,576 | [2]11,480,000 | |

[1] Facilities will be provided for all 3 types of cases with beds for general condition predominant.

[2] To offset the expenditures called for by the above program the bureau proposes to secure legislation authorizing the sale of the hospital properties at the Bronx, N. Y., Dwight, Ill., and Waukesha, Wis., which it is conservatively estimated will result in the return of not less than $3,750,000 to the credit of miscellaneous receipts, Treasury Department. In addition, it is estimated that the sum of $2,000,000 will be saved to the Federal Government through the return of the hospital property at Fort Bayard, N. Mex., to the War Department for the purpose of housing a regiment of troops. Savings of approximately $143,000 annually will also be effected through the proposed evacuation of the space now reserved in leased buildings for the regional offices at New York, N. Y.; San Francisco, Calif.; Albuquerque, N. Mex.; Indianapolis, Ind.; and possibly Dallas, Tex. The regional offices at Buffalo, N. Y., and Birmingham, Ala., are occupying space in Government-owned buildings.

It will be noted that the program of the Director of the United States Veterans' Bureau is largely to provide additional facilities for neuropsychiatric cases and that while four of the projects mentioned are designated as hospitals of the general type, these facilities will provide for all three types of cases with beds for general medical and surgical cases predominating. The director of the bureau when appearing before the committee stated that the bureau's experience has shown that it is desirable to provide in each general hospital a certain number of beds for neuropsychiatric cases and a certain number of beds for tubercular cases. The wards might be termed as clearing houses. It is to such hospitals that suspected neuropsychiatric or tubercular cases will be sent. Their condition will be carefully studied and, if possible, a recovery made. If, after intensive treatment, it is determined that the disease will be of long duration, or that recovery within a reasonable time may not be had, the plan is to then send the patient to an institution for the care of such cases alone.

It will be noted that tubercular facilities are provided for at Tucson, Ariz. As is well known, there is already existing a large tubercular hospital at that point and the additional beds and quarters provided for herein are absolutely necessary to take care of the present load.

It is the plan of the bureau to offset the expenditures authorized by this bill upon the completion of the program by securing legislation authorizing the sale of the hospital properties at the Bronx, N. Y., Dwight, Ill., and Waukesha, Wis., which, it is conservatively estimated by the director of the bureau, will result in the return of not less than $3,750,000 to the credit of miscellaneous receipts, Treasury Department. In addition, it is estimated that upon the completion of the program the hospital property at Fort Bayard, N. Mex., may be returned to the War Department for the purpose of housing troops which would result in a probable saving to the Federal Government of $2,000,000. Savings of approximately $143,000 annually will also be effected through the proposed evacuation of the space now reserved in leased buildings for the regional offices at New York, N. Y., San Francisco, Calif., Albuquerque, N. Mex., Indianapolis, Ind., and, possibly, Dallas, Tex. The regional offices at Buffalo, N. Y., and Birmingham, Ala., are occupying space in Government-owned buildings.

The savings, in so far as the regional offices are concerned, will be immediate upon the completion of this program, as it has been recommended by the bureau, and in adopting the program your committee agrees that sufficient space in the administration buildings of such hospitals should be allotted to house the activities of the regional offices. In so far as the sale of the properties mentioned is concerned, your committee did not feel it proper to include in the present bill any authority, as experience may show upon the completion of this program, as has been the case with others, that the patient load of the Veterans' Bureau will not permit the immediate disposal of such plants.

The director of the bureau has informed the committee that, due to the fact that the bureau had not planned on presenting a program at this session of Congress and to the limited time available for the preparation of a program, it was not possible, as has been customary, for the bureau to submit its recommendations to the Federal Board of Hospitalization for the consideration of that agency. However, your committee had before it the Director of the Veterans' Bureau, the representatives of the various service organizations, many Members of both Houses of Congress, as well as others, all of whom submitted data showing the need for the projects authorized herein.

It must be kept in mind that there are at present 55,000 mentally afflicted World War veterans whose disabilities are connected with the service, and for which they are now in receipt of compensation. Yet less than one-fourth of these veterans—10,500—are now in Veterans' Bureau hospitals receiving Government care and treatment. What of the other 40,000 veterans mentally afflicted as a result of the war? Are they to be denied Government treatment and cure, because we have failed to build hospitals for their care?

The condition of many of these 40,000 veterans is growing steadily worse. Soon thousands of them will require hospitalization, and the Government should be prepared to do its duty by them by constructing hospitals for their treatment and cure when needed.

Congress, under the World War veterans' act, 1924, as amended, in section 202–10, has made mandatory the hospitalization of all T. B. and N. P. cases.

Some Members of the House feel, I know, that the States rather than the Federal Government should pay for the care of the nonservice-connected cases. Whether that is true or not, whether they are right in their opinions or not, I think we are all agreed that either the State or the Federal Government should care for the disabled veterans that need hospitalization. The Federal Government called the men to arms; the Federal Government should hospitalize our men before it is too late.

I have an idea that it may be possible to get the States at a later date to pay or help pay for the care of our nonservice-connected cases in veterans' hospitals. In the meantime, we need beds desperately and should build Veterans' Bureau hospitals. I have not time to read the telegrams from different State hospitals and from commissioners of health of different States, proving that there is hospital overcrowding, but I ask unanimous consent that they be inserted at this time and which are as follows:

PIERRE, S. DAK., *February 24, 1929.*

EDITH NOURSE ROGERS,

*Member of Congress:*

Insane, 1,300 beds; none vacant. Tuberculosis, 406 beds; none vacant. Feeble-minded, 526; none vacant. No State general hospital.

P. B. JENKINS.

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DOVER, DEL., *February 25, 1929.*

EDITH NOURSE ROGERS,

*Member of Congress:*

About 15 vacant beds in tuberculosis hospital; no vacant bed in insane hospital. This State maintains no general hospital beds.

A. C. JOST,
*Board of Health Building.*

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RICHMOND, VA., *February 24, 1929.*

EDITH NOURSE ROGERS,

*Member of Congress, Washington, D. C.:*

State tuberculosis hospitals only under our jurisdiction. Approximately 600 beds in 3 sanatoria all full. Information as to vacant beds at State neuropathic hospitals must be secured from superintendents at Williamsburg, Staunton, Marion, Petersburg, and Lynchburg. State welfare commissioner stated last week that each was crowded. New buildings are nearing completion. General hospital wards at University of Virginia almost always full. General hospital wards, medical college, Richmond, have to-day 20 vacant beds; white, 25; colored, 10; under 12 at children's hospital.

ROY K. FLANNAGAN,
*Assistant State Health Commissioner.*

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SPRINGFIELD, ILL., *February 25, 1929.*

EDITH NOURSE ROGERS,

*Member of Congress, Washington, D. C.:*

State hospitals in Illinois are overcrowded 1,190. The above are insane patients. Our institutions are not grouped according diseases.

RODNEY H. BRAMDON,
*Director Department of Public Welfare.*

MONTGOMERY, ALA., *February 24, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress, Washington, D. C.:*

Wire received. No State hospitals in Alabama, except for mental cases. These for both white and colored are crowded to capacity.

STATE BOARD OF HEALTH.

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LINCOLN, NEBR., *February 24, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress, Washington:*

No vacant beds in Nebraska State hospitals.

BARTHOLOMEW,
*Director of Public Health.*

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SALT LAKE CITY, UTAH, *February 24, 1929.*

EDITH NOURSE ROGERS,
*Member Congress, Washington, D. C.:*

Utah has no State hospital, excepting one for insane, at Provo, at present overpopulated.

P. B. BEATTY,
*State Health Commissioner.*

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BOISE, IDAHO, *February 24, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress, Washington, D. C.:*

There is no State hospital here.

COMMISSIONER OF PUBLIC HEALTH.

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BOSTON, MASS., *February 18, 1929.*

Mrs. EDITH NOURSE ROGERS,
*Member of Congress:*

Waiting lists at four tuberculosis sanatoria and cancer hospital under this department. Tewksbury State Infirmary reports 150 patients beyond supposed capacity. Department of mental diseases reports no vacancies in its institutions.

G. H. BIGELOW, M. C.

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INDIANAPOLIS, IND., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress, House of Representatives:*

State insane hospitals have no vacant beds except as needed for new patients as admitted. State has no psychiatric hospital. State has one general hospital at Indianapolis, with a constant waiting list. State tuberculosis hospital needs 300 more beds to care for waiting list.

WM. F. KING,
*State Health Commissioner.*

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AUSTIN, TEX., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress:*

All State hospitals full capacity. Have long waiting list.

J. C. ANDERSON, M. D.,
*State Health Officer.*

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CHEYENNE, WYO., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress:*

Ten vacant beds, tuberculosis; 50, general; none, neuropsychiatric.

AMY G. ABBOT,
*Secretary State Board of Charities and Reform.*

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ATLANTA, GA., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress:*

No vacant beds in tuberculosis or neuropsychiatric hospitals in State. Information as to beds in general hospitals not available.

T. F. ABERCROMBIE,
*State Commissioner of Health.*

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SEATTLE, WASH., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress:*

No vacant beds any State institution or hospitals. Legislature convening hope to pass building program at this session. No State tuberculosis hospital. State of Washington has adopted county-unit plan. Total number 6, all overcrowded.

A. E. STUHT, M. D.,
*State Director of Health.*

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JEFFERSON CITY, MO., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress:*

Hospitals for insane are full. School for feeble-minded and epileptic approximately 15 vacancies. Sanitorium for tubercular, 20 vacancies to-day.

W. P. FULKERSON, *President.*

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ALBANY, N. Y., *February 25, 1929.*

EDITH NOURSE ROGERS,
*House of Representatives, Washington, D. C.:*

Overcrowding State hospitals for insane, approximately 30 per cent. Substantial construction under way.

FREDERICK W. PARSONS, M. D.,
*Commissioner.*

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HARTFORD, CONN., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress, Washington, D. C.:*

Twenty-eight vacant beds for ambulatory patients only in five State tuberculosis sanatoria. Both State insane hospitals overcrowded and construction of another considered. State has no general hospital.

CONNECTICUT STATE DEPARTMENT OF HEALTH.

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CONCORD, N. H., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress:*

No vacant beds in the New Hampshire State Hospital for Insane.

C. H. DOLLOFF, *Superintendent.*

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TOPEKA, KANS., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress:*

Tuberculosis, neuropsychiatric, and general hospitals, Kansas, filled beyond capacity.

BOARD OF ADMINISTRATION.

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TRENTON, N. J., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress:*

New Jersey insane hospital 1,700 overcrowded.

W. J. ELLIS.

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DENVER, COLO., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress:*

No vacant beds in any Colorado State hospital. Each hospital needing additional beds.

S. R. MCKELVEY,
*Secretary State Board of Health.*

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PORTLAND, OREG., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress:*

Waiting list for tuberculosis hospital. Neuropsychiatric, Pendleton, few beds. Salem, full.

FREDERICK D. STRICKER,
*State Health Officer.*

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RALEIGH, N. C., *February 24, 1929.*

EDITH NOURSE ROGERS,
*House of Representatives, Washington, D. C.:*

Tuberculosis, none. Orthopedic, none. Neuropsychiatric, about 40. State has no general hospitals.

CHAS. O. LAUGINGHOUSE.

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AUGUSTA, ME., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress, Washington, D. C.:*

Hospitals mentioned in your telegram not under supervision of State department of health. Each have separate board, but reports state all beds occupied and large waiting lists.

C. F. KENDALL.

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CHARLESTON, W. VA., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress, Washington, D. C.:*

West Virginia has four State hospitals for neuropsychiatrics: Huntington, Weston, Spencer, and Lakin; all overcrowded. No vacant beds. Building nearing completion at Lakin, 250 beds. Budget before legislature now in session carries appropriation for 250-bed hospital building at Weston. We have one sanitarium at Hopemount for tuberculosis. No vacant beds now, but new building, 125 beds, to be opened

in September and another sanitarium at Beckley to be opened in September, 150 beds. We have three general hospitals—Welch, 54 vacant beds; McKendree, 30 vacant beds; and Fairmont, 27 vacant beds.

STATE BOARD OF CONTROL,
By J. S. LAKIN.

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LITTLE ROCK, ARK., *February 25, 1929.*

EDITH NOURSE ROGERS,
*House of Representatives:*

Re telegram, no vacant beds. State hospital for nervous diseases, 2,700 inmates, normally 2,200-bed hospital. State tuberculosis sanitarium, 340 beds; long waiting list. No general or other State hospital. Government has Army hospital, Hot Springs, and Veterans' Bureau hospital, Little Rock. Information available Washington, these hospitals.

C. W. GARRISON.

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JACKSON, MISS., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress, Washington, D. C.:*

No vacant beds in State hospitals. Overcrowded and long waiting list in most instances.

FELIX J. UNDERWOOD, M. D.,
*State Health Officer.*

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BISMARCK, N. DAK., *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress:*

No vacant beds in any State hospital. Large waiting list.

A. A. WHITTEMORE,
*State Health Officer.*

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DES MOINES, IOWA, *February 25, 1929.*

EDITH NOURSE ROGERS,
*Member of Congress:*

Answering wire to commissioner of public health, institutions of Iowa very much overcrowded; no vacant beds available at any of them.

BOARD OF CONTROL, STATE INSTITUTIONS OF IOWA,
By E. J. HINES, *Secretary.*

During the fiscal year ending June 30, 1927, there were 71,967 veterans hospitalized by the Veterans' Bureau. This number increased to 73,270 during the fiscal year ending June 30, 1928.

The American Legion at Denver, Colo., reports that there are 41 service-connected cases awaiting hospitalization at Denver.

The American Legion at Boston reported to-day that 42 service-connected cases of mental disability have been refused hospitalization within the past month due to lack of beds; that 177 202 (10) mental cases are now awaiting hospitalization there; and that there are in addition 154 mental cases in State hospitals eligible for transfer to Government hospitals for whom no claims have been filed.

The Veterans' Bureau corroborates this.

The Dallas (Tex.) regional office reports that there are 30 men now awaiting beds—4 service-connected cases and the remainder 202-10 cases, which are mandatory for hospitalization and should be counted as service connected. Six of this number are hospitalized in county jails.

We must face the fact that to care for intelligently veterans of all wars is a very big problem. I am going to ask that a board be appointed, nonpolitical and nonpartisan, and if possible a nonsalaried board, to study the whole veterans' problem and make a report as to what is needed to adequately care for the veterans and as to the best method of so doing.

Mr. BROWNING. Will the lady yield?

Mrs. ROGERS. I will yield a little later.

Statistics show at the present time that there are 1,100 service-connected cases awaiting hospitalization, and they are entitled to hospitalization in the Veterans' Bureau hospitals. Section 202 (10) of the act of 1926 as amended made mandatory the hospitalization of neuropsychiatric and tubercular cases, and certain other cases should be treated exactly as if they were service connected in the matter of hospitalization. I will quote that section:

SEC. 202-10, World War Veterans' Act, 1924, as amended: That all hospital facilities under the control and jurisdiction of the bureau shall be available for every honorably discharged veteran of the Spanish-American War, the Philippine insurrection, the Boxer rebellion, or the World War suffering from neuropsychiatric or tubercular ailments and diseases, paralysis agitans, encephalitis lethargica, or amoebic dysentery, or the loss of sight of both eyes, regardless whether such ailments or diseases are due to military service or otherwise, including traveling expenses as granted to those receiving compensation and hospitalization under this act. The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses incident to hospitalization to veterans of any war, military occupation, or military expedition, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, not dishonorably discharged, without regard to the nature or origin of their disabilities: *Provided*, That any and all laws applicable to women who belonged to the Nurse Corps of the Army after February 2, 1901, shall apply equally to members of the Army Nurse Corps who served under contract between April 21, 1898, and February 2, 1901, including all women who served honorably as nurses, chief nurses, or superintendent of said corps in said period: *Provided*, That preference to admission to any Government hospital for hospitalization under the provisions of this subdivision shall be given to those veterans who are financially unable to pay for hospitalization and their necessary traveling expenses: *Provided further*, That where a veteran hospitalized under the authority of this subdivision is financially unable to supply himself with clothing, he shall also be furnished with such clothing as the director may deem necessary: *Provided further*, That where a veteran entitled to hospitalization under this subdivision is suffering with a disease or injury necessitating the wearing of a prosthetic appliance and is financially unable to supply himself with same, upon an affidavit to that effect the director is hereby authorized to furnish such appliance and to effect necessary repairs to the same without cost to the veteran: *And provided further*, That the pension of a veteran entitled to hospitalization under this subdivision shall not be subject to deduction, while such veteran is hospitalized in any Government hospital, for board, maintenance, or any other purpose incident to hospitalization: *Provided further*, That the act of May 4, 1898, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes," the act of February 28, 1861, as amended by the act of February 2, 1909, relative to the Government hospital for the insane in the District of Columbia, or any other act, in so far as they are inconsistent with the provisions of this section, be, and they are, hereby modified accordingly.

In the insular possessions or Territories of the United States the director is further authorized to furnish hospitalization in other than Government hospitals.

The doctors in this House know only too well that prompt diagnosis, prompt hospitalization, means a saving not only of human life but it means a saving of reason. I feel I have a right to speak of this fact because I have worked in the hospitals. I worked steadily in hospitals from 1918 to 1922. I have watched the care of veterans in the hospitals in different parts of the country since then. I saw then what prompt care did in curing these service men and women, and I also saw how as a result of lack of care some of them become hopeless cases. Take a diabetic, for instance. At the present time, since the discovery of insulin, if he is promptly hospitalized, promptly diagnosed, he is taught to have the proper diet, taught the proper care, and he can go out in the world and earn his living for himself and for his family. Immediate care of a mental case often means that the patient is brought back to normal. Certainly from the economic point of view it is important to diagnose these men promptly, to hospitalize them promptly. It is much better for the men to have them get well and it is much better for the families to have them get well, and also for the Federal Government. They are, then, not a financial drain upon the Government.

This bill (H. R. 15921) provides approximately 3,500 beds for our disabled veterans in the different parts of the country. The program which goes with the bill, which is inserted in the committee's report of the bill, is recommended by the Director of the Veterans' Bureau as being the one he favors at this time. I am not completely satisfied with it because I believe we need beds in certain other parts of the country that he has not recommended. He has stated that while no appropriation could possibly pass the House and the Senate during this session of Congress, yet if he had the authorization to go ahead and plan to build these hospitals, there would be a great saving of time in their erection.

The Veterans' Bureau states that it takes nearly three years to complete a building program. This statement, however, is not borne out by an analysis of the actual facts. It should be recognized that if a program were to be completed within three years, that the average date upon which all of the hospitals included in the program were to be opened would necessarily be less than three years. For example, if the entire program were to be completed within three years, the first hospital must have been completed within, say, 18 months and the remaining hospitals completed at intervals every few months thereafter until the completion of the last hospital within the 3-year limit.

An analysis has just been made of the dates on which the last 10 Veterans' Bureau hospitals have been opened. This analysis shows that it takes three years, on the average, from the date of authorization to the completion date of a hospital, and does not in any sense represent the time for completion of a hospital building program.

The 10 last hospitals opened by the Veterans' Bureau, from which this study has been made, are listed below, showing the name of the hospital, the date of its authorization, the date of its completion, the elapsed time between authorization and completion and the number of beds involved.

| Name and No. | Date authorized | Date completed | Time from authorization to completion | Number of beds |
|---|---|---|---|---|
| St. Cloud, 101 | April, 1922 | September, 1924 | 2 years 5 months | 340 |
| Excelsior Springs, 99 | do | October, 1924 | 2 years 6 months | 125 |
| Camp Custer, 100 | do | do | do | 575 |
| Livermore, 102 | do | April, 1925 | 3 years | 306 |
| Aspinwall, 103 | March, 1921 | October, 1925 | 4 years 7 months | 228 |
| San Fernando, 104 | April, 1922 | March, 1926 | 3 years 11 months | 230 |
| North Chicago, 105 | June, 1924 | do | 1 year 9 months | 700 |
| Minneapolis, 106 | do | April, 1927 | 2 years 10 months | 557 |
| Northport, 108 | do | April, 1928 | 3 years 10 months | 1,000 |
| Bedford, 107 | March, 1925 | July, 1928 | 3 years 4 months | 350 |

It took 30 years and 8 months to complete these 10 hospitals, or an average of 3 years for each hospital. The average bed capacity of each of these hospitals is 441 beds, in other words, average-sized hospitals.

The last 10 hospitals opened were chosen arbitrarily to obtain the average time of construction, for several reasons, as follows:

First. The Veterans' Bureau architectural and engineering corps is now working at higher efficiency than in the beginning, so their latest efforts form a better medium of comparison than would their earlier efforts.

Second. Ten hospitals were chosen arbitrarily, as this would give a sufficient number from which to strike a fair average time for the construction of one hospital under present conditions.

The 4,411 beds involved approximate the size of the average program authorized by the Congress.

Third. Of the hospitals opened at an earlier date many were buildings which had not been erected for hospital use but which were purchased by the Government and transformed into hospitals for use of the disabled veterans. Others were purchased outright. For this reason an analysis of the elapsed time between authorization and opening of the earlier hospitals would not be a true indication of the time it takes to build a hospital, it now being the Veterans' Bureau policy to construct the hospitals authorized by the Congress.

The present program will not be adequate to hospitalize all veterans in Veterans' Bureau hospitals. It is felt that with these additional facilities and the continued use of the beds now allotted to the bureau by other governmental agencies the Veterans' Bureau will be in a position to take care during the next several years of practically all service-connected cases and the more aggravated 202—10 cases.

In approving the program submitted by the director, there is no intention on the part of the committee to designate a particular location for hospitals. It is expected to place the structures in the areas set out herein at such places as the director may select, but if conditions should be so altered as to require changes in location or allocation, it is expected that the director, with the approval of the Federal board for hospitalization and the President, will make such changes.

This bill has been indorsed by the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Spanish War Veterans, and the Grand Army of the Republic. The suggestions of these veterans' organizations have been very helpful as they constantly make surveys of the hospitalization problem. While your committee did not see fit to recommend all that these organizations requested, it did attempt to fill the greatest need.

I have taken at random the 10 last hospital projects. They have averaged three years a project. You can imagine what three years means to a sick veteran if he is waiting for hospitalization. The Legion tells me, and I know from my own experience, that it takes frequently from one to three months to secure hospitalization for a veteran, and then it is necessary, often, to have a Member of Congress telegraph to secure that hospitalization. The veteran should be hospitalized the day that he is taken sick.

There is one thing I think most of us do not take into consideration, and that is the transportation costs to the Government if the hospitals are at a considerable distance from the veteran's home. Last year the veterans expended over $2,000,000 in transportation. Last year the hospital bill authorized for the building of beds an appropriation of $15,000,000. That money has already been appropriated, and every cent of it the Director of the Veterans' Bureau tells me has been allocated. Seven million dollars was appropriated by Congress immediately after the passage of the bill last year. And this session of Congress appropriated $6,000,000, and granted to the bureau authority to obligate the remaining $2,000,000. I speak of this because, on the floor, it was said that was $2,000,000 available which the director could use for hospital projects. The Veterans' Bureau has told me several times that every cent of the $2,000,000 is allocated, every cent of it obligated. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Speaker, it is my intention in a few moments to move to suspend the rules and pass H. R. 16819, and pending that motion I ask unanimous consent to address the House for 10 minutes upon the question of hospitalization for disabled veterans.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, I make the request to couple with that that I have five minutes, to follow the gentleman from South Dakota.

The SPEAKER. The gentleman from Mississippi couples with that a request that he may have five minutes. Is there objection to these requests?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, like every other Member of the House, I have listened with a great deal of interest to the address concerning hospitals made by the distinguished lady from Massachusetts [Mrs. ROGERS], and like every other Member of the House, and I know that to be a certainty, having served here for 11 years since the war, I desire to see every disabled soldier in the United States given hospitalization. The whole matter of veterans' legislation presents many problems to the Congress and to the country. The legislation with reference to compensation and that with reference to hospitalization must be considered together. We have entered this hospital-building program rather gradually. The sum total of appropriations for the building of hospitals since the war is approximately $90,000,000, which means that for each service-connected disabled patient in Veterans' Bureau hospitals in the United States the Government has expended $7,000.

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

Mr. JOHNSON of South Dakota. No; not until I finish this statement. The total load in all hospitals to-day is approximately 29,000 men. We started out with the theory that we would give hospital treatment to every service-connected person who was disabled in the war, but in the veterans' act of 1924 we found that there were some vacant beds not required for service men, which could be used by those who were not disabled in the war. Congress passed this act:

> The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses incident to hospitalization of veterans * * * without regard to the nature or origin of their disability.

So that the existing law to-day is that every ex-service man of the World War who has a service-connected disability mandatorily must be hospitalized, and if there are vacant beds these men who have non-service-connected disabilities may be hospitalized. For instance, men who last year were run over by an automobile or to-day become diseased may be hospitalized. That is existing law. This has been the final result: We have 29,000 men in the hospitals and 10,000 of them have non-service-connected disabilities; so that if they were removed from the hospitals, as contemplated by the existing law, whether it was wise or not, there would be plenty of beds available for the service-connected men.

I call your attention to this largely because I know that the time is now here when Congress must not only consider this matter in connection with a general hospital policy but in connection also with a policy of pensions. In that connection I wish to call attention to report No. 2715 which accompanies the bill H. R. 15921, discussed by the lady from Massachusetts [Mrs. ROGERS], and also call attention to the minority views. They are called "minority views" because that is the only way we can file them. But as a matter of fact I do not think there will be any disagreement eventually among the responsible Members of Congress and the responsible service men and citizens of the country as to what must be done. But before this program is carried out, and before we make commitments and agreements, we ought to know where we are going to get the money, and what should be done with it, and how the men will be treated.

All I desire to do in this short time that I have is to call the attention of the House to the great problem and to see that Members do not commit themselves to a policy that may be found to be unsound. When we do agree upon a policy we ought to let the ex-service men and the taxpayers know what we promise, and then live up to that promise.

I happened to be on the floor of the House 12 years ago, when war was declared, and I happened to be on the floor when we passed the conscription law; and I still remember those fluent speeches made by gentlemen who insisted on our entering the war unprepared as to what would be done with the men who would be injured. It is not my duty to definitely determine what will be done with the men, but it is up to us to make a comprehensive study before we decide upon a program.

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

Mr. BROWNING. Mr. Speaker, will the gentleman yield there?

Mr. JOHNSON of South Dakota. I will yield first to the member of the committee, the gentleman from Tennessee.

Mr. BROWNING. Is not the law now absolutely mandatory that we hospitalize every disabled veteran?

Mr. JOHNSON of South Dakota. The gentleman, as usual, is correct in the statement of the law with reference to these two classes. As to the non-service-connected cases, if they were taken from the hospitals, we would have room for the classes of patients to which the gentleman refers.

Mr. BROWNING. Are there not numbers of those men who can not get hospitalization?

Mr. JOHNSON of South Dakota. Yes; non-service-connected cases. If the hospital bill is passed—and I have said frankly in the minority views that I did not think it would pass——

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

Mr. JOHNSON of South Dakota. In a moment. And time has demonstrated that I was right, because in my opinion we have not a chance to pass it. Even if it passed this body it would not become law. If we did pass this hospital bill there would be no opportunity afforded to procure the money necessary for the building of the hospitals until July 1, 1930. I have every confidence that this administration must recognize the fact that there must be a consolidation of activities affecting the ex-service men, instead of having five different operating heads, including hospitalization and everything else. We must use some plain, ordinary common sense in this governmental matter and put all these activities under one head, and then we could intelligently appropriate the money that may be necessary. There are 11 or 12 soldiers' homes, and the patient load may be entirely different a year or six months from now from what it is to-day.

Mrs. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Certainly.

Mrs. ROGERS. I suppose the gentleman realizes that the Director of the Veterans' Bureau has repeatedly stated that we would not have enough beds even if those of the soldiers' homes were taken over by the Veterans' Bureau?

Mr. JOHNSON of South Dakota. I have been so informed by ladies and gentlemen who have talked with the Director of the Veterans' Bureau, but I must depend for his attitude upon the statements he makes when he comes before the committee as a witness. He has never made that statement to the committee or to me.

Mr. BROWNING. Mr. Speaker, will the gentleman yield again?

Mr. JOHNSON of South Dakota. Yes.

Mr. BROWNING. Can the gentleman tell us why he is so positive that this bill can not pass the Senate?

Mr. JOHNSON of South Dakota. I do not want to go into that, but experience here has taught me that certain bills can go through without being fought, and certain others will not pass. I do not believe the gentleman and myself will disagree on what eventually ought to be done.

Mr. BROWNING. If we had the same unanimity of view in the House as there is in the committee, the gentleman would think, would he not, that there would be an overwhelming vote in favor of the bill?

Mr. JOHNSON of South Dakota. I can not go into that. I can not answer the gentleman's question without violating the rules of the House.

The SPEAKER. The time of the gentleman from South Dakota has expired.

COWPENS BATTLE GROUND

Mr. McSWAIN. Mr. Speaker, by authority of the chairman of the Committee on Military Affairs and at the request of the author of the bill, the gentleman from South Carolina [Mr. STEVENSON] I ask unanimous consent to take from the Speaker's table H. R. 12106, to erect a national monument at Cowpens battle ground, with Senate amendments, and concur in the Senate amendments. The Senate amendments are very much more favorable to the Treasury of the United States, and we desire to end the matter.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table House bill 12106 with Senate amendments and concur in the Senate amendments. The Clerk will report the bill and Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

JOHN F. FLEMING

Mr. McSWAIN. Mr. Speaker, by authority of the chairman of the Committee on Military Affairs I ask unanimous consent to take from the Speaker's table H. R. 12650, granting an honorable discharge to John F. Fleming, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table House bill 12650, with a Senate amendment, and concur in the same. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

HOSPITALIZATION FOR WORLD WAR VETERANS

The SPEAKER. The gentleman from Mississippi [Mr. RANKIN] is recognized for five minutes.

Mr. RANKIN. Mr. Speaker, I thoroughly agree with the lady from Massachusetts that we ought to pass the hospital bill reported from the Veterans' Committee. I submit, Mr. Speaker, in answer to the gentleman from South Dakota [Mr. JOHNSON] who says it has not a chance to pass, that if it is given an opportunity to pass it will pass this House and the other body and receive the signature of the President.

The sentiment in favor of this legislation is overwhelming. It is recommended by the American Legion; it is recommended by the Disabled American Veterans; it is recommended by every veterans' organization that has investigated the hospital situation; it has the approval of the Veterans' Bureau, and it has the approval of the Veterans' Committee, of which the gentleman from South Dakota is the chairman. They indorsed it by a vote of almost 4 to 1 on a record vote.

Why, then, should we be denied the opportunity of bringing this bill before the House? He says we could not get the money for some time. But we want to begin making arrangements for the construction or expansion of these hospitals in order that by the time the money can be appropriated we will be ready to proceed with their construction.

The gentleman from South Dakota says we are taking care of men now whose disabilities are not service connected. He knows that in the beginning I was one man, if not the only man, on the committee who opposed embarking upon that policy. But we have embarked upon it now, and even the gentleman from South Dakota will not stand on this floor and say he is willing to back off from it, and to throw these men out into the cold who are now in the various hospitals.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. RANKIN. For a question; yes.

Mr. JOHNSON of South Dakota. It would be difficult to make it a question. I will have to make a statement. I will say I would favor the policy of putting all veterans who have service-connected disabilities in hospitals and to equalize the States, fixing a percentage of non-service connected cases that could be admitted to each hospital.

Mr. RANKIN. I can not yield for a speech, Mr. Speaker. The time has now come when we need space, when we need new hospitals, and when we need these hospitals expanded. The Director of the Veterans' Bureau tells you that in the program he has submitted the hospitals are in localities where the increases in the load are going to be greatest in the years to come.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. JOHNSON of Washington. Does the proposed bill specify a set and limited program?

Mr. RANKIN. If the gentleman from Washington will read the report, he will find that in that report the committee has inserted the tentative program as recommended by the Veterans' Bureau. It includes the hospitals we want to construct or expand, and in those localities where they are most necessary to take care of the disabled veterans we are not able to take care of now.

Mr. JOHNSON of Washington. And where is the program that will lead to further needed hospital construction? Will we not need still another program? Do we not need it now?

Mr. RANKIN. Certainly! Wars always lead to disabled soldiers, and if a government does its duty disabled soldiers

lead to hospitals and caring for those men when they break down as a result of their war services. [Applause.]

Mr. BROWNING. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. BROWNING. I will ask the gentleman if he does not think there are really thousands of these sick men who have never been service connected by the bureau, but who are absolutely disabled because of their service connection?

Mr. RANKIN. Absolutely; and there is your trouble. You have a great deal of technical red tape by which men are being denied compensation, and as a result many of those men who are now suffering for the want of compensation or hospitalization are suffering from service-connected disabilities. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

WORLD WAR VETERANS' LEGISLATION

Mr. JOHNSON of South Dakota. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16819) to amend the World War veterans' act, 1924, as amended.

The SPEAKER. The gentleman from South Dakota moves to suspend the rules and pass the bill H. R. 16819, as amended. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 16819) to amend the World War veterans' act, 1924

*Be it enacted, etc.*, That section 16 of the World War veterans' act, 1924, as amended (sec. 442, title 38, U. S. C.), is hereby amended to read as follows:

"SEC. 16. All sums heretofore appropriated for the military and naval insurance appropriation and all premiums collected for the yearly renewable term insurance provided by the provisions of title 3 deposited and covered into the Treasury to the credit of this appropriation shall, where unexpended, be made available for the bureau. All premiums that may hereafter be collected for the yearly renewable term insurance provided by the provisions of title 3 hereof shall be deposited and covered into the Treasury for the credit of this appropriation. Such sum, including all premium payments, is made available for the payment of the liabilities of the United States incurred under contracts of yearly renewable term insurance made under the provisions of title 3, including the refund of premiums and such liabilities as shall have been or shall hereafter be reduced to judgment in a district court of the United States or in the Supreme Court of the District of Columbia. Payments from this appropriation shall be made upon and in accordance with the awards by the director."

SEC. 2. That section 19 of the World War veterans' act, 1924, as amended (sec. 445, title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 19. In the event of disagreement as to claim, including claim for refund of premiums, under a contract of insurance between the bureau and any person or persons claiming thereunder, an action on the claim may be brought against the United States either in the Supreme Court of the District of Columbia or in the district court of the United States in and for the district in which such persons, or any one of them, resides, and jurisdiction is hereby conferred upon such courts to hear and determine all such controversies. The procedure in such suits shall be the same as that provided in sections 5 and 6 of the act entitled 'An act to provide for the bringing of suits against the Government of the United States,' approved March 3, 1887, and section 10 thereof in so far as applicable. All persons having or claiming to have an interest in such insurance may be made parties to such suit, and such as are not inhabitants of or found within the district in which suit is brought may be brought in by order of the court, to be served personally or by publication or in such other reasonable manner as the court may direct. In all cases where the bureau acknowledges the indebtedness of the United States upon any such contract of insurance and there is a dispute as to the person or persons entitled to payment, a suit in the nature of a bill of interpleader may be brought by the bureau in the name of the United States against all persons having or claiming to have any interest in such insurance in the Supreme Court of the District of Columbia or in the district court in and for the district in which any of such claimants reside: *Provided*, That not less than 30 days prior to instituting such suit the bureau shall mail a notice of such intention to each of the persons to be made parties to the suit. The circuit courts of appeal and the Court of Appeals of the District of Columbia shall respectively exercise appellate jurisdiction and, except as provided in sections 239 and 240 of the Judicial Code, the decrees of the circuit courts of appeal and the Court of Appeals of the District of Columbia shall be final. This section shall apply to all suits now pending against the United States under the provisions of the war risk insurance act, as amended, or of the World War veterans' act, 1924, and amendments thereto.

"No suit shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made, or within one year from the date of the approval of this amendatory act, whichever is the later date: *Provided*, That for the purposes of this section it shall be deemed that the right accrued on the happening of the contingency on which the claim is founded: *Provided further*, That this limitation is suspended for the period elapsing between the filing in the bureau of the claim sued upon and the denial of said claim by the director. Infants, insane persons, or persons under other legal disability, or persons rated as incompetent or insane by the bureau shall have three years in which to bring suit after the removal of their disabilities. If suit is seasonably begun and fails for defect in process, or for other reasons not affecting the merits, a new action, if one lies, may be brought within a year, though the period of limitations has elapsed. Judgments heretofore rendered against the person or persons claiming under the contract of war-risk insurance on the ground that the claim was barred by the statute of limitations shall not be a bar to the institution of another suit on the same claim. No State or other statute of limitations shall be applicable to suits filed under this section. This section shall apply to all suits now pending against the United States under the provisions of this section.

"In any suit, action, or proceeding brought under the provisions of this act, subpœnas for witnesses who are required to attend a court of the United States in any district may run into any other district: *Provided*, That no writ of subpœna shall issue for witnesses living out of the district in which the court is held at a greater distance than 100 miles from the place of holding the same without the permission of the court being first had upon proper application and cause shown. The word 'district' and the words 'district court' as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia.

"Part-time and fee-basis employees of the bureau, in addition to their regular travel and subsistence allowance when ordered in writing by the director to appear as witnesses in suits under this section, may be allowed, within the discretion and under written orders of the director, a fee in an amount not to exceed $20 per day."

SEC. 3. That section 28 of the World War veterans' act, 1924, as amended (sec. 453, title 38, U. S. C.), is hereby amended to read as follows:

"SEC. 28. There shall be no recovery of payments from any person who, in the judgment of the director, is without fault on his part, and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. No disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section.

"When under the provisions of this section the recovery of a payment made from the United States Government life-insurance fund is waived, the United States Government life-insurance fund shall be reimbursed for the amount involved from the current appropriation for military and naval insurance.

"This section, as amended, shall be deemed to be in effect as of June 7, 1924."

SEC. 4. That a new section be added to Title I of the World War veterans' act, 1924, as amended (title 38, U. S. C.), to be known as section 37, and to read as follows:

"SEC. 37. Checks properly issued to beneficiaries and undelivered for any reason shall be retained in the files of the bureau until such time as delivery may be accomplished, or, until three full fiscal years have elapsed after the end of the fiscal year in which issued."

SEC. 5. That section 201, paragraph (f), of the World War veterans' act, 1924, as amended (sec. 472, title 38, U. S. C.), be hereby amended to read as follows:

"(f) If there is a dependent mother (or dependent father), $20, or both, $30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of $75. Such compensation shall be payable, whether the dependency of the father or mother or both arises before or after the death of the person: *Provided*, That the status of dependency shall be determined annually as of the anniversary date of the approval of the award, and the director is authorized to require a submission of such proof of dependency as he, in his discretion, may deem necessary: *Provided further*, That upon refusal or neglect of the claimant or claimants to supply such proof of dependency in a reasonable time, the payment of compensation shall be suspended or discontinued."

SEC. 6. That section 202, subdivision (1), paragraph (e), of the World War veterans' act, 1924, as amended (sec. 475, title 38, U. S. C.), be hereby amended to read as follows:

"(e) If he has a mother or father, either or both dependent on him for support, then, in addition to the above amounts, $10 for each parent so dependent: *Provided*, That the status of dependency shall be determined annually as of the anniversary date of the approval of the award, and the director is authorized to require the submission of such proof of dependency as he, in his discretion, deems necessary: *Provided further*, That upon refusal or neglect of the claimant to supply such proof of dependency in a reasonable time, the payment of such additional compensation as herein provided shall be suspended or discontinued."

SEC. 7. That the first paragraph of section 202, subdivision (7), of the World War veterans' act, 1924, as amended (sec. 480, title 38, U. S. C.), be hereby amended to read as follows:

"(7) Where any disabled person having neither wife, child, nor dependent parent, shall, after July 1, 1924, have been maintained by the Government of the United States for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the director to be insane, the compensation for such person shall thereafter be $30 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person: *Provided, however,* That if such person shall recover his reason and shall be discharged from such institution as competent, such additional sum shall be paid him as would equal the total sum by which his compensation has been reduced through the provisions of this subdivision."

SEC. 8. That section 206 of the World War veterans act, 1924, as amended (sec. 495, title 38, U. S. C.), is hereby repealed.

SEC. 9. That section 209 of the World War veterans' act, 1924, as amended (sec. 498, title 38, U. S. C.), is hereby repealed.

SEC. 10. That section 301, paragraphs 3 and 4, of the World War veterans' act, 1924, as amended (sec. 512, title 38, U. S. C.), be hereby amended to read as follows:

"In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to reinstate or convert said term insurance as hereinbefore provided: *Provided,* That where the time for conversion has been extended under the second paragraph of this section because of the mental condition or disappearance of the insured, there shall be allowed to the insured an additional period of two years from the date on which he recovers from his mental disability or reappears in which to convert.

"The insurance except as provided herein shall be payable in 240 equal monthly installments: *Provided,* That when the amount of an individual monthly payment is less than $5, such amount may in the discretion of the director be allowed to accumulate without interest and be disbursed annually. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for refund of premiums, cash, loan, paid-up, and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per cent per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than 240 months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided."

SEC. 11. That section 311 of the World War veterans' act, 1924, as amended (title 38, U. S. C.), be hereby amended to read as follows:

"SEC. 311. The director is hereby authorized and directed to include in United States Government life (converted) insurance policies provision whereby an insured, who is totally disabled as a result of disease or injury for a period of three consecutive months or more, before attaining the age of 65 years and before default in payment of any premium, shall be paid disability benefits at the rate of $5.75 monthly for each $1,000 of converted insurance in force when total-disability benefits become payable. The amount of such monthly payment under the provisions of this section shall not be reduced because of payment of permanent and total disability benefits under the United States Government life (converted) insurance policy. Such payments shall be effective as of the date of beginning of total disability, and shall be made monthly during the continuance of such total disability. Such payments shall be concurrent with or independent of permanent total-disability benefits under the United States Government life (converted) insurance policy. In addition to the monthly disability benefits the payment of premiums on the United States Government life (converted) insurance policy and for the total-disability benefits authorized by this section shall be waived during the continuance of such total disability. Regulations shall provide for reexaminations of beneficiaries under this section; and, in the event that it is found that an insured is no longer totally disabled, the waiver of premiums and payment of benefits shall cease and the United States Government life (converted) insurance policy, including the total-disability provision authorized by this section, may be continued by payment of premiums as provided in said policy and the total-disability provision authorized by this section. Neither the dividends nor the amount payable in any settlement under any United States Government life (converted) insurance policy shall be decreased because of disability benefits granted under the provisions of this section. The payment of total-disability benefits shall not prejudice the right of any insured, who is totally and permanently disabled, to total permanent disability benefits under his United States Government life (converted) insurance policy: *Provided,* That the provision authorized by this section shall not be included in any United States Government life (converted) insurance policy heretofore or hereafter issued except upon application, payment of premium by the insured, and proof of good health satisfactory to the director. The benefit granted under this section shall be on the basis of multiples of $500, and not less than $1,000 or more than the amount of United States Government life (converted) insurance in force at the time of application. The director shall determine the amount of the monthly premium to cover the benefits of this section, and in order to continue such benefits in force the monthly premiums shall be payable until the insured attains the age of 65 years or until the prior maturity of the policy. In all other respects such monthly premium shall be payable under the same terms and conditions as the regular monthly premium on the United States Government life (converted) insurance policy."

The SPEAKER. Is a second demanded?

Mr. BULWINKLE. Mr. Speaker, I demand a second.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, time is very limited for the discussion of this meaure, and it is very technical. In order that all this discussion concerning veterans' legislation and hospitalization may be found in one place and that the things that are said concerning this measure may be brought to the attention of the House, I ask unanimous consent to extend my remarks by inserting the report on this bill and the majority report and the minority views on the bill H. R. 15921, the hospitalization bill, which is found in report No. 2715. This will put in the RECORD the views of everybody.

Mr. RANKIN. Mr. Speaker, I reserve the right to object. I can not agree to see go into this RECORD the minority report on bills that the gentleman from South Dakota will not help us to get up on the floor of the House and pass, and I will have to object.

Mr. JOHNSON of South Dakota. Will the gentleman reserve his objection for a moment?

Mr. RANKIN. Yes; I will do that.

Mr. JOHNSON of South Dakota. Why will not the gentleman let everything that has been said by everybody who has discussed these measures go into the RECORD, so that every Member of the Congress and the public will not have to search 40 different RECORDS and reports to find out what has been said and what has been done. If the gentleman will consent to my request, it will put in the RECORD to-day the views of everyone on all veterans' legislation and save a great search of RECORDS and reading of reports.

Mr. RANKIN. I am not willing for that minority report to go into this RECORD without having an opportunity to answer it on the floor of this House, and I am going to stand by my objection.

Mr. JOHNSON of South Dakota. Now, Mr. Speaker, in order that the membership of the House may in the future be able to find the conflicting viewpoints of Members of the House, I desire at this time to say that anyone who desires to be fully advised may refer to the RECORD of last Monday, February 25, when a bill reported by the gentleman from Mississippi [Mr. RANKIN], a general pension bill, was discussed in the House, and the debate will be found in the RECORD of the date to which I have referred. I desire further to call the attention of the House, in connection with the debate we have just had, to the fact that all the information concerning the hospital building bill (H. R. 15921) may be found in report No. 2715; and in that report will be found the majority report of the Committee on World War Veterans' Legislation and the minority views signed by myself and three other members of the committee.

Mr. GREEN. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman from Florida.

Mr. GREEN. I believe the chairman of the committee is advised that something like two years ago there was considerable talk by the bureau, if not by the committee, about consolidating hospitals in the Southeast and possibly the elimination of the hospital at Lake City, Fla., does the gentleman know of any move like that?

Mr. JOHNSON of South Dakota. I would say to the gentleman I do not think there is any such move under way. I do not foresee the abandonment of any Veterans' Bureau hospital at this time.

Mr. GREEN. I appreciate that information.

Mr. JOHNSON of South Dakota. Now, Mr. Chairman, in the short time allotted to me it is absolutely impossible to discuss in any great degree this technical measure. So I now ask unanimous consent to insert in the RECORD at this point in my remarks the unanimous report of the World War Veterans' Committee on the bill now under consideration.

Mr. RANKIN. The bill now before the House?

Mr. JOHNSON of South Dakota. Yes; the insurance bill.

The SPEAKER. Is there objection?

Mr. RANKIN. That does not include the minority views on the other bill?

Mr. JOHNSON of South Dakota. No.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, the report contains the bill itself. The bill has already been read and I suggest that the gentleman omit the bill which is at the conclusion of the report.

Mr. JOHNSON of South Dakota. I shall omit that in my remarks.

The SPEAKER. Is there objection?

There was no objection.

The matter referred to follows:

Mr. JOHNSON of South Dakota, from the Committee on World War Veterans' Legislation, submitted the following report (to accompany H. R. 16819):

The Committee on World War Veterans' Legislation, to whom was referred the bill (H. R. 16819) to amend the World War veterans' act, 1924, as amended, having considered the same, reports thereon with the recommendation that it be passed. The bill as now presented proposes several substantial changes to which the attention of the House of Representatives is specifically directed. They are as follows:

1. Section 1 of the bill amends section 16 of the World War veterans' act, 1924, as amended, for the purpose of specifically authorizing the refund of premiums on war risk term insurance. The bureau since its inception has always, wherever a retroactive rating of permanent and total disability has been made as of a date prior to the time when the insured ceased the payment of premiums, refunded such premiums. This practice is in accord with the practice of all commercial insurance companies. However, in the Harvey Ned Howard case the Comptroller General (decisions of November 9, 1928, and January 7, 1929) stated that the appropriations for yearly renewable term insurance were not available for the refund of premiums. Your committee thought that the bureau's practice was in accord with the existing law but in order to overcome the decisions of the Comptroller General and to insure expedited action on the refund of such premiums the amendment is included in this bill.

2. Section 2 of the bill proposes to amend section 19 of the World War veterans' act, 1924, as amended, which relates to the filing of suits on insurance, by including therein a provision authorizing the court as part of judgments entered thereunder to direct the refund of unearned premiums, and also by authorizing the issuance of subpœnas for witnesses who are required to attend the trials, these subpœnas to run from any district into another, provided that in the event the witness lives out of the district in which the court is held at a greater distance than 100 miles from the place the court is held, the permission of the court must be had. Prior to September 19, 1928, the district courts had authority to issue subpœnas under the circumstances mentioned, this authority being contained in section 654, title 28, United States Code, the operation of which, however, expired, by its own terms, on September 19, 1928, since which date the United States district courts have had no authority in civil cases to subpœna witnesses living in a different district a greater distance than 100 miles from the place in which the court is held. Defense witnesses in most of the insurance suits live more than 100 miles from the district court in which the suits are brought, and although authority exists for the taking of testimony of such witnesses by deposition, this method is unsatisfactory and the defense of the Government is restricted and hampered by the limitations of the present law. This amendment is recommneded by the director. The bill further proposes to amend section 19 by the inclusion of a paragraph under which the director will be authorized to order part-time and fee-basis employees of the bureau to appear as witnesses in suits against the Government under this section and to pay them, in his discretion, a fee in an amount not to exceed $20 per day. The Comptroller General has ruled that the Government is unauthorized to pay as expert witnesses in the trial of insurance suits physicians who are already in the employ of the Government on a part-time or fee basis, on the theory that the payment of a witness fee in addition to the usual compensation paid them as part-time salaries or as fees by the bureau would be double payment to these employees. This lack of authority in the bureau to use and pay as witnesses physicians who are familiar with the cases in suit also hampers the Government in its defense.

3. Section 3 of the bill proposes to amend section 28 of the World War veterans' act, 1924, as amended, to provide that said section, as amended, shall be deemed to be in effect as of June 7, 1924. Section 28 of the World War veterans' act, as amended, authorizes the waiver of recovery of payments from any person, who, in the judgment of the director, is without fault on his part, and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience, and further provides that no disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section. The last-mentioned provision, relieving the disbursing officers from liability, was inserted in the statute at the first session of the present Congress on recommendation of the Director of the United States Veterans' Bureau, it having been shown that the Comptroller General of the United States had held that, although recovery might be waived in so far as the payee was concerned, the disbursing officer was nevertheless liable under his bond for any erroneous disbursement. Although the committee believed that the language was sufficiently clear and unambiguous to express the intention of Congress, that these disbursing officers should no longer be liable for amounts, the recovery of which had been waived prior to the amendment, as well as those which might be waived subsequent thereto, the Comptroller General has ruled that there is no authority to apply this amendment retroactively so as to relieve disbursing officers for disallowances set up against their accounts prior to May 29, 1928. This amendment specifically declaring that section 28, as amended, shall be deemed to be in effect as of June 7, 1924, is therefore now included at the request of the director of the bureau. It is estimated that the cost of this amendment will be approximately $218,500.

4. Section 4 of the bill adds a new section to Title I of the World War veterans' act, 1924, as amended, to provide that checks properly issued to beneficiaries, which are undelivered for any reason, shall be retained in the files of the bureau until such time as delivery may be accomplished, or until three full fiscal years have elapsed after the end of the fiscal year in which issued. This amendment is included at the request of the director. At the present time the General Accounting Office insists that all undelivered checks, which are more than three months old, be forwarded to that office for safe-keeping, with the requirement that a claim be submitted by the payee before they may be remailed. This procedure was established under regulations issued by the Comptroller General under his general authority to regulate the settlement and adjustment of the accounts of the Government of the United States. It is not believed, however, that this procedure properly considers the great numbers of checks issued by the bureau and which, upon failure of delivery to beneficiaries, are returned. It is not thought that a beneficiary, who has once filed a proper claim for the benefits conferred by the legislation administered by the United States Veterans' Bureau, and who very often is receiving current payments on an award, should be required to file another claim in order to secure a check which has been issued to him and returned to the bureau undelivered for any reason. Further, the work of the bureau is complicated unduly, especially in the supervision of the accounts of fiduciaries for minor and incompetent beneficiaries, inasmuch as when these checks are remailed by the General Accounting Office the bureau receives no notice thereof, unless certification is made to a payee other than the one in whose favor the check was originally drawn, and it will readily be seen, therefore, that a fiduciary may receive payments of which the bureau will have no knowledge and will therefore be unable to require a proper accounting as contemplated by section 21 of the World War veterans' act, as amended. The amendment recommended whereby the Veterans' Bureau will be authorized to retain these checks for a period of not more than three years will be less costly, in the opinion of the bureau, than the present procedure under which they are required to be delivered to the General Accounting Office, to be held for a period of not less than three years before final disposal is made of them.

5. Section 5 of the bill proposes to amend section 201, subdivision (f) of the World War veterans' act, 1924, as amended, which now provides that the status of dependency of a father or mother of a deceased veteran who is receiving dependency compensation, shall be determined as of the first day of each year, by the substitution of language, which, although requiring an annual determination of dependency, will not require it as of the first day of each year, which has been construed by the bureau and the Comptroller General to mean the first day of each calendar year. The administrative burden placed upon the bureau through the necessity of reviewing all of these cases as of the 1st day of January in each year is so great that the director has recommended that the language be changed to permit of the annual review as of the anniversary date of the award. This will spread the reviews throughout the entire year, and not only relieve the burden upon the bureau but also upon the dependent parents, especially in those cases where the first award is made toward the end of one calendar year, only to be reviewed, with the submission of such proof as may be required, as of the first of the next calendar year.

6. Section 6 of the bill proposes to amend section 202, subdivision (1), paragraph (e) of the World War veterans' act, 1924, as amended, which provides for the payment of dependency compensation to parents of disabled veterans, by the substitution of the same language relative to the annual review of the status of dependency as is included in

section 201 (f) and explained in paragraph 5 of this report with reference to parents of deceased veterans. The reasons for making this amendment are the same.

7. Section 7 of the bill proposes to amend the first paragraph of section 202, subdivision (7) of the World War veterans' act, 1924, as amended, by increasing the amount of compensation now paid to disabled veterans who have no dependents and who are being maintained by the Government in hospitals, from $20 to $30 per month. This amendment would result in an increased cost to the Government of $643,980 per annum.

8. Sections 8 and 9 of the bill propose to repeal sections 206 and 209 of the statute which now limit the time for filing claim and proof thereof to April 6, 1930. There would be no immediate increased cost involved in this amendment in view of the fact that the termination date will not be reached until April 6, 1930. It is impossible to estimate the effect of the repeal of these sections prior to that date. It is the opinion of the committee that no restrictions should be placed upon the filing of claims and proof thereof.

9. Section 10 of the bill proposes a slight amendment to paragraph 3 of section 301 of the statute. This section now provides that where an insured, whose yearly renewable term insurance has matured by reason of permanent and total disability, is found and declared to be no longer totally disabled, and is required to renew payment of premiums on said term insurance, and this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given an additional period of two years in which to renew payment of premiums and to convert said term insurance. The amendment provides that during the same two years he shall also have the right to reinstate his term insurance should it lapse. There are quite a number of cases in which the insured has permitted his insurance to lapse either by failure to pay the first premium at the required time, or, having once renewed the payment of premiums, and before conversion, has permitted the insurance to lapse. In such cases the insured, unless in a state of health which would meet the requirements for direct application for converted insurance under section 310 of the World War veterans' act, as amended, is precluded from carrying Government insurance. This amendment would, within the 2-year period described, permit him to reinstate his old-term insurance and convert it under less rigid requirements as to good health.

The records of the bureau show that there are at present 100 cases in which insurance has been allowed to lapse after recovery from a disability rated permanent and total, 48 of which lapsed for the nonpayment of the first premium due after the rerating, and 52 for the nonpayment of premiums subsequent to the first. In a number of cases the remittance to cover the monthly premium was only a few days late. The fourth paragraph of this section is also amended, the purpose being merely to carry through the entire act the amendment included in section 1 of this bill which, as explained heretofore, amends section 16 of the World War veterans' act, 1924, as amended, to specifically authorize refund of unearned premiums on yearly renewable term insurance.

10. Section 11 of the bill proposes to amend section 311 of the statute, which was added to the law at the last session of Congress (Public, No. 585, 70th Cong.), and was designed to authorize the director to include in the present United States Government life (converted) insurance policy a clause providing a new maturing factor. This amendment provided that where an insured was totally disabled for a period of 12 consecutive months he should receive disability benefits as though he were permanently and totally disabled, thus authorizing the payment of disability benefits of $5.75 for each $1,000 of insurance, the face of the policy being depleted by such payments. Prior to this amendment the man must have been permanently and totally disabled before any disability benefit was payable under his policy. The amendment in the present bill, however, provides for a disability benefit of $5.75 per $1,000 upon application of the insured, which upon the happening of the contingency on which it is based, i. e., total disability for a period of three months or more, shall be paid independent of the present permanent and total disability clause in the policy and shall not deplete the face value of the policy. In the event the insured becomes actually permanently and totally disabled within the meaning of the present provision in the converted insurance policy he is, under the amendment, to receive payments under the new total disability clause concurrently with payments under the permanent and total disability clause now in the converted policy, payments under the latter only depleting the face value. This new disability feature is limited to a rate of $5.75 on each $1,000 of insurance carried and may be less than the total amount carried but not more. It is to be handled as a separate liability from the present provision for a permanent and total disability and will be so shown on the records, so that the present United States Government life-insurance fund shall not be assessed for any losses to be paid under this provision. This insurance will be paid for by the insured and will not result in any increased cost to the Government except in so far as the cost of administration is concerned.

Mr. JOHNSON of South Dakota. Mr. Speaker, this measure would cost the Government approximately $900,000 per year. It is a unanimous report of the committee, and the bill contains no provision that was not unanimously reported from the Committee on World War Veterans' Legislation during the last session of this Congress and was not unanimously passed by this House at the last session of this Congress.

It was the intention of the committee to present a bill to this House, and, therefore, to the Congress, that could be enacted. There were many matters that perhaps a majority of the committee would like to have included in this measure, but at this short session in a parliamentary body not so far away from here it might meet with opposition and be defeated if it contained controversial matters.

One of the most important provisions in the bill is the change in the insurance features of the World War veterans' act which will allow service men by the payment of a slight additional premium to secure a rider on their insurance policies not at the Government expense but at their own expense, which will give them in the future for total disability, $57.50 monthly for life, making to these men who carry insurance a total payment of $115 per month. The $57.50 additional will not be deducted from the face of the policy as is now done under the total disability act.

Mr. Speaker, I reserve the balance of my time.

Mr. BULWINKLE. Mr. Speaker, this is a legislative bill, and its provisions are primarily for the benefit of the disabled men. I have not the time to speak of all of the provisions of the bill, but again I wish to call to your attention the fact that this bill carries a provision to remove the limitation as to the time of filing the claim for those who were disabled in the service.

The bill last year had it, and the Senate struck it out. There is no reason why a man who is disabled or injured in the service should not at any time file his claim for compensation. There should be no limit on that.

Another provision in the bill which would take quite a time to explain is that provided for the benefit of those who are carrying insurance. The bill, on the whole, is largely for the administrative purposes of the bureau.

While others have spoken of the hospital bill, I desire to call the attention of Members of the House to a condition which will have to be met in the future by Congress. We are constructing hospitals in many States in the United States for the benefit of the disabled men. The load of the insane or mental cases is increasing, and the experts say that in the next 20 years the Government will have 45,000 to 50,000 of these cases. Realize, now, that the Federal Government has no right to control the custody of any citizen of the United States, whether that citizen be sane or be mentally ill. As an illustration, North Carolina has no hospital for those mentally ill. North Carolina's patients have to be sent to Perry Point, Md., Augusta, Ga., or to Gulfport, Miss. No court in North Carolina, or in any other State, for that matter, can adjudge a man who is insane to be confined out of the State in an institution. A man can go to the Gulfport Hospital, but when he gets there—in a moment of sanity, it may be—he says that he wants to be turned loose, and they have to turn him loose, and he goes home.

This is one of the conditions that will have to be met in the future, for it is causing the bureau trouble now. I believe that every man who is in the service, who is disabled by that service, should receive the full benefit of the law; if possible, he should receive more than the benefit, if you please, from this Government; but there should not be any wild method of arriving at what should be the best for him.

There are bills which have been introduced, which will place every man who is disabled regardless of his disability under the provisions of the World War veterans' act, and speaking as an ex-service man I can not approve of those bills, one of which, I think, has been reported, which would allow any man who was disabled in the World War, from any cause whatever, to receive the benefits of the World War veterans' act. Speaking as an ex-service man myself, if I had been injured in the service the Government should deal very kindly and sympathetically with me, but the Government does not owe me one cent because I served it in time of national peril.

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

Mr. BULWINKLE. Yes.

Mr. DENISON. Does the gentleman from North Carolina understand the present law to be that veterans who are suffering with diseases that are of nonservice origin can only be hospitalized when there are beds not needed by soldiers who are suffering from service-connected cases?

Mr. BULWINKLE. That is hardly correct.

Mr. DENISON. Then, is the law being disregarded when the hospitals are filled up by service men who are suffering with diseases of nonservice origin, when there are other veterans who are entitled to be hospitalized?

Mr. BULWINKLE. It is, yes; if that is being done.

Mr. DENISON. What can we do about that, what ought we to do about that?

Mr. BULWINKLE. I agree with the lady from Massachusetts [Mrs. ROGERS] that there should be a careful investigation of this subject, and sufficient beds should be provided to take care of the Government beneficiaries. But remember this, that in the tuberculous cases the load is decreasing each year, and in the surgical cases, I think, it is slightly increasing.

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

Mr. BULWINKLE. Yes.

Mr. MICHENER. As a matter of fact, in determining who enters the hospitals when they are crowded for room, the bureau goes into the financial condition of the applicant, does it not?

Mr. BULWINKLE. I do not think so; I never heard of that being done.

Mr. MICHENER. I had a letter from a service man the other day who said that they asked him to fill out what he called a "pauper affidavit," and I took up the matter with the department and sent them the letter, and their reply was that they had to make proper regulations and make certain inquiries, and the substance of the reply was that when there was one man who could afford to pay for his own treatment, then the other man who could not so afford was given preference, or something to that effect.

Mr. BULWINKLE. Possibly that is so, but I have never had that to contend with. I would suggest that you talk to General Hines. He, I might say, is doing his utmost for the disabled.

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

Mr. BULWINKLE. Yes.

Mr. NEWTON. I would like to get the gentleman's opinion on the question of limiting the percentage of non-service-connected cases so as to keep beds always available for service-origin cases.

Mr. BULWINKLE. You never will have beds available unless the number of hospitals and the number of beds are increased. We have taken in the Spanish-American War veterans, all the World War veterans, all veterans of the Philippine insurrection, and others, and it should be remembered that each day these men are growing older, and that diseases are increasing among them to a certain extent. I would not want to say that I would be in favor of limiting any number that could be taken under any bill.

Mr. NEWTON. The way we are now proceeding, even if we should make a substantial increase in the number of hospitals, and thereby increase the beds, in a short space of time they would be filled up by nonservice patients. Am I not correct in that?

Mr. BULWINKLE. That is correct.

Mr. NEWTON. Will we not be faced with that situation, and is there any way out of it other than the multiplying of hospitals to a great extent or limiting the number of nonservice patients?

Mr. BULWINKLE. I would not limit them at the present time, but, as the lady from Massachusetts [Mrs. ROGERS] said, you will have to have a study of this question. All on the committee agree practically on the question of hospitalization. I know there is not a single man who opposes increased hospital facilities.

Mr. VINSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. VINSON of Kentucky. As I understand the gentleman, he states that the peak in the tuberculosis cases has been reached?

Mr. BULWINKLE. Yes.

Mr. VINSON of Kentucky. And that the peak in the surgical cases is almost reached?

Mr. BULWINKLE. Yes.

Mr. VINSON of Kentucky. In regard to the nervous or mental disease cases, is it not true that that peak has not been arrived at?

Mr. BULWINKLE. There will be within the next 20 years 30,000 more men than there are now. There are now around 15,000, in round numbers, and there will be around 45,000 to be taken care of 20 years from now.

Mr. VINSON of Kentucky. As a matter of fact, do not the authorities state that the peak in the N. P. cases will not be reached until 1947?

Mr. BULWINKLE. That is correct.

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

Mr. BULWINKLE. Yes.

Mr. HASTINGS. I am very much interested in the statement of the gentleman from North Carolina and also in the statement of the lady from Massachusetts. The lady from Massachusetts referred to a bill which I understood is pending that will create a board to make an investigation of this entire subject. I want to know why your committee could not make that investigation, why it could not summon the officers of the Veterans' Bureau before it, why, through correspondence with Legion posts and representatives of the Legion, it could not make an investigation, because, if a board is created, it means that it must go over for another year?

Mr. BULWINKLE. Are you going to take over the soldiers' homes? If you do, you will add additional facilities. That is to be considered. You have the Public Health Service hospitals. All these institutions should be considered in the entire question of hospitalization.

Mr. HASTINGS. Ought not a committee of Congress consider it rather than a board?

Mr. BULWINKLE. A committee of Congress would be satisfactory, but probably what the lady from Massachusetts has in mind is a board appointed by members of these various committees affecting this matter to consider it.

Mr. HASTINGS. I favor the committee considering it itself, without passing the responsibility on to any board, because, after all, the committee will have to come back and review the findings of the board.

Mrs. ROGERS. Mr. Speaker, my feeling was that it would be much better to have a nonpartisan board, a board composed of men who were not paid for that investigation. Then you would have, in my opinion, a little fairer report and a report that the country would consider a little bit more unprejudiced.

Mr. HASTINGS. I thought that this committee was a nonpartisan committee.

Mr. BULWINKLE. It is absolutely a nonpartisan committee. I have never seen yet, since I have been on the committee, a single bit of partisanship manifested. Of course, the members of the committee differ on various questions, but not from a partisan standpoint.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. JOHNSON of Washington. I want to know if this is a slow program, a continuation of hospital building as the ex-service men need hospitals?

Mr. BULWINKLE. The program up to this date is just what was thought to be needed.

Mr. JOHNSON of Washington. I know; but I need hospitals for 150 men who are insane and I can not get them.

Mr. BULWINKLE. I regret that time does not permit me to answer the questions and further explain this and the hospital bill. I must close, but before I do I wish to express my appreciation of the many kindnesses and the many courtesies and the sterling qualities of each and every member on the committee.

Mr. Speaker, I yield the remainder of my time to the gentleman from Mississippi [Mr. RANKIN].

Mr. JOHNSON of South Dakota. Mr. Speaker, how much time remains on each side?

The SPEAKER. The gentleman from North Carolina [Mr. BULWINKLE] has 6 minutes and the gentleman from South Dakota has 13.

Mr. JOHNSON of South Dakota. Mr. Speaker, this is the last time the distinguished gentleman from North Carolina [Mr. BULWINKLE], who has just addressed the House, will appear in this body for some time as a Member of Congress, and I do not want to close this discussion on veterans' legislation without expressing to him some of the feeling that the majority side of the House entertains for him. His work on the committee has been rendered without partisanship. He has rendered in the House and in committee the same service that he rendered to his Government as a major of artillery in a combat unit during the World War. [Applause.] No propaganda from any source has been able to swerve him from his path of duty, any more than the enemy artillery could drive him from the battle field in the World War. [Applause.]

Members of the House may not know it, but so far as I know—and I think I am correct—he is the only man of the minority party who was ever appointed by a chairman of the opposite political faith to act as chairman of a subcommittee. I had the pleasure of appointing him as the chairman of a subcommittee to survey and inspect the hospitals in the South, and he discovered many things in the hospitals of North Carolina and neighboring States which were of great value to the committee, to the service men, and the country. When he leaves here I know I am expressing the feeling of the entire House when I say the House realizes that it is losing a man of great moral courage and of high ideals whose presence from the House will be greatly missed. [Applause.]

I yield the remainder of my time to the gentleman from Massachusetts [Mr. LUCE].

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. LUCE. Mr. Speaker, I am very glad to have the opportunity to add a word to what the gentleman from South Dakota [Mr. JOHNSON] has said in regard to the gentleman from North Carolina [Mr. BULWINKLE]. The gentleman from North Carolina has been a courageous, consistent, and faithful public servant. [Applause.]

In the matter of the pending bill it is only fair to call attention to the fact that the action of the committee is unanimous. The support of it includes that of every man on the committee who has been charged in some quarters with being disloyal to the interests of the veterans. Such unanimous support has been the case with nearly all the general legislation that has been reported in behalf of World War veterans since the committee was created.

In that period its advice has prevailed in the matter of three hospital bills, resulting in the total appropriation of $31,850,000 for new construction. With the other members of the committee I have shared the responsibility for this, approving and urging all save $2,000,000 last year added to the bill that as chairman of the subcommittee on hospitals I had reported to the full committee. My reason for opposing that addition was one I would bring to your attention because of its bearing on this whole matter of hospitals, namely, lack of knowledge on which to act. This is also a fundamental reason why there bids fair to be no action this year. It lies in the fact that we have been unable to verify the allegations made that there are veterans of the World War suffering from ailments or injuries incurred therein who can not be hospitalized. Again and again I have asked for that information, and I ask for it to-day. I request that so much as one name, with address, be submitted. My colleague tells you that there are hundreds of such cases, but not a name has been brought to our committee.

Mrs. ROGERS. Mr. Speaker, will the gentleman yield there?

Mr. LUCE. I do so, with great pleasure.

Mrs. ROGERS. Mr. Speaker, I ask unanimous consent to insert in the RECORD the names of men who are awaiting hospitalization who are service connected. [Applause.]

Mr. LUCE. I thank the lady. I have been hunting for this information and have been assured again and again that it would be given to me, but never has the name with address of one such case been presented. If names with addresses are now presented I shall be grateful. I have sought such names in order to verify the allegations. If such names are given they will be sent to the Veterans' Bureau and if the facts are as represented we will demand the reasons why these men are not in hospitals. Under the law they should be hospitalized. The Veterans' Bureau time and time again has denied that there are such cases. I do not want to act upon rumors and gossip. I want to rely on facts. There may be those in this House who do not want facts and are willing to grant every request made to them in behalf of the veteran without consideration of details. As a member of the committee and as a Member of the House I want to know the facts that a just and wise answer may be given when requests for legislation are made.

The suggestion of my colleague the lady from Massachusetts that a thorough study be made of the whole hospital situation, meets my hearty approval. Also I approve her suggestion that there should be inquiry as to the possibility of some plan whereunder the various States should pay for the non-service-connected cases in Federal hospitals. The need for knowledge confirms my belief that we act prudently this year in not authorizing further appropriation now. Within a month Congress has appropriated $8,000,000 for new construction and $3,250,000 for extensions, alterations, and so forth, making a total of $11,250,000 available for construction purposes in the coming fiscal year. The Veterans' Bureau informs us that this is as much as it can wisely expend in the 12 months onward from the 1st of July next. There will be ample time next winter to provide what should be expended after July 1, 1930. The inquiry and study my colleague suggests to be desirable would let us then act with understanding of the need such as human foresight is now unequal to giving.

Mrs. NORTON of New Jersey. Will the gentleman please tell the Members of the House why he introduced this bill?

Mr. LUCE. I introduced the hospital bill at the request of the American Legion. I believe in the purposes of the American Legion. I desire to help the American Legion, and when I am asked as a matter of courtesy to introduce a bill it submits, I gladly grant its request. Does the lady think I am to be criticized for granting that courtesy to the American Legion?

Mrs. NORTON of New Jersey. I think one should be criticized for introducing a bill and then not supporting the bill.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. JOHNSON of South Dakota. May I call the gentleman's attention to the fact that the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars—the three recognized organizations—submit bills to the chairman of the committee for introduction and the chairman introduces such bills for the benefit of the membership of the House, but that does not mean that the chairman supports everything contained in those bills.

Mr. NEWTON. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. NEWTON. I want to add to what has been said that it is the practice of the chairman of the Committee on Interstate and Foreign Commerce and of the chairmen of subcommittees of that committee to repeatedly introduce bills at the request of others for the purpose of bringing the subject matter before the House for careful consideration and deliberation. I have done it. It is likewise the practice in other committees. It does not commit one to the bill or even its general principle.

Mr. LUCE. Mr. Speaker, I would make an earnest appeal to Members to read the report to which reference has been made, and, lest you may not have secured the number of the report, I give it again, Report No. 2715, accompanying H. R. 15921. You will find in the minority views no argument, but you will find a statement of facts that vitally concern directly, individually, and personally every Member of this House.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield the gentleman one additional minute.

Mr. LUCE. The proposals therein explained vitally concern the fortunes of every man here; they concern the affairs of the Republic more than any other proposals that have been brought in since the World War; in their ultimate results they involve billions of expenditure. I ask you simply to study the facts. You will have to answer the questions raised. They are here. They must be faced. You should be ready to answer [Applause.]

Under permission to extend my remarks, I would add a condensation of the "views" to which reference has been made. These views are held by the chairman of the Committee on World War Veterans' Legislation, Hon. ROYAL C. JOHNSON, of South Dakota, Hon. RANDOLPH PERKINS and Hon. FREDERICK R. LEHLBACH, of New Jersey, and myself. The full statement should be read by anyone who would share in contributing to that public opinion without adequate expression of which no decision on such all-important issues should be reached.

The issues in question are those of pensions and State medicine for between four and five million of our people. They involve ultimate outlay of a huge amount through the medium of taxes and appropriations.

They were raised by two bills reported on the same day from the Committee on World War Veterans' Legislation. One would have given virtually a pension of $100 a month to every veteran totally disabled by a chronic or constitutional disease, regardless of its origin, thus bringing in men suffering from ailments incurred or injuries sustained since the World War, whether or not the result of accident or their own misconduct. This would be the first step toward pensions to all afflicted veterans. In the case of those hospitalized it would be on top of $120 a month of hospital expense borne by the Federal Government, making a total grant of $220 a month.

As the maxim says, "It is the first step that costs."

The chairman of the committee, in his minority report, pointed out that such legislation, carried to its logical conclusion, would shortly require the expenditure of billions of dollars of the public funds. If the laws are to be so amended, we must immediately face the problem of greatly increasing the public revenue. It is manifestly unfair, unjust, and inequitable, said Mr. JOHNSON, to prefer one sole class of non-service-connected disability cases and pay this class $100 per month pension plus hospitalization.

The other measure reported, the hospital construction bill, was the response to the first definite expression of intent on the part of the Veterans' Bureau to build new hospitals in order to serve non-service-connected cases, a course not now warranted by law. Hitherto the new construction has all been to meet the needs of those suffering by reason of the war. This would bring in those suffering by reason of the hazards of life since the war.

It was pointed out that the original outlay is but the beginning of expenses. The maintenance cost averages $4 a day, or $1,460 a year for every occupied bed. For hospitals of medium size, 250 beds, this means $365,000 a year of running expense. If the hospital should be used for 40 years, the total would be $14,600,000 in addition to original cost of not less than $1,100,-

000, and there should be added for replacements and repairs enough to make the grand total at least $16,000,000.

This means that every bed supplied implies an ultimate expenditure of $64,000.

The total of more than $200,000,000 involved in the particular program urged for authorization this year was brought to attention, not because it is beyond the capacity of the Nation, nor because it should be escaped if duty demands otherwise, but to bring out the seriousness of action by the committees of Congress and by Congress itself.

The House was informed that on the 1st of last December the Veterans' Bureau was hospitalizing 10,160 cases not shown to be connected with the World War, more than one-third of all those being hospitalized. They were costing the Federal Government, at $4 a day for average maintenance cost, $40,640 a day, which is at the rate of very nearly $15,000,000 a year.

In these enlightened days, it was declared, the common instincts of humanity demand that all suffering men and women who can not afford private treatment shall get hospital care.

We do not so much as whisper a word against this outlay—

Said the report—

we raise only the question, Who shall bear the cost? Ought it to be borne by the Nation, or by the States, counties, cities, towns, or neighborhoods concerned? These men and women once wore the khaki. Does this of itself put on the Federal Government the responsibility of caring for their ailments or injuries? Or when those ailments or injuries are the result of the hazards incident to civil life, as distinct from military service, is the responsibility instead that of civil organization of the vicinity, governmental, or otherwise? We are not disposed here to try to answer the question. What we urge, and the only thing we urge, is that it should be answered and forthwith.

The "views" referred to went on to say that the present situation is wholly illogical and unfair, for the reason that it is distributing the burden unequally. To illustrate, the district made up of Illinois, Michigan, and Wisconsin is hospitalizing at Federal expense about three times more in proportion to population than is the district made up of Ohio, Indiana, and Kentucky; that made up of Louisiana, Alabama, and Mississippi about twice as many as that made up of Pennsylvania and Delaware. There is good reason to believe, though it can not be proved by figures, that the cities are getting much more than their fair share of Federal aid in this way, with injustice to the remoter country regions. To illustrate, in the Edward Hines Junior Hospital, in Chicago, December 1 last, there were 293 victims of the war, and 558 cases that could not be shown to be connected with the war. The maintenance cost for these 558 nonservice-connected cases is at the rate of more than $800,000 a year.

If these 558 men and women, not suffering because of military service, should nevertheless be cared for at Federal expense, if the more than 10,000 such cases in the whole country now hospitalized should so be cared for, then why not every other suffering man and woman in the land ever in the Army or Navy be treated in the same way?

If so, then at any rate the cost in prospect should at least be estimated and faced. What will it cost to hospitalize at Federal expense between four and five million men and women whenever it may be needed as long as life may last?

The instant need would be to build about 200 more hospitals, at a cost of perhaps $150,000,000. Many more would be necessary if attention were to be paid to propinquity; that is, to putting a hospital within easy reach of every sufferer.

As to the maintenance costs of these hospitals and the additional expense contemplated by the program urged, only a guess is possible, but if you put at a million, the figure of those who will turn to Federal hospitals for medical, surgical, ocular, aural, dental, and other treatment (for in principle there is no limiting the nature of the demand), and if you put the total cost through life at $1,000 each, covering the needs of, say, 40 years on the average, you would have a thousand million dollars as the total.

This estimate would be far below the probabilities, for the proposal is to give free treatment to every applicant who can reach the door of a hospital, regardless of his ability to pay. In the light of the well-known phase of human nature, it can be safely predicted that many more than from one-fifth to one-quarter of the veterans of the World War will turn from private practitioners to the Federal physicians, surgeons, oculists, aurists, and dentists when their services can be had without charge. Furthermore, the Federal practitioners, supported by the taxpayers, will not be the only resort. To-day the inmates of the hospitals get when necessary the help of the best specialists within reach. It may be confidently predicted that like help will be put at the command of those who come to the doors of the hospital.

The program may not stop there. The records of the bureau show that last year the out-patient medical service reported 38,633 home visits. Where is this to end logically save in home visits to every ailing veteran?

The strong protest of the American Medical Association may be prompted by self-interest. Its merit is not to be here weighed. "We wish" it was said, "simply to call attention to the existing fact, and to its logical conclusion."

Under the law the Director of the Bureau is required to hospitalize every service-connected case, in the State or civil hospitals when there are not available beds in Federal hospitals. The suggestion that this can not be done because of lack of room in State and civil hospitals is hard to reconcile with the fact that in 1922, when the peak was reached, 47,962 veterans were in State or civil hospitals, whereas in 1928 the number had been reduced to 2,416.

It is inconceivable that only six years ago there were almost 48,000 beds available in State and civil hospitals, but that there are none now. As a matter of fact the continued presence of 2,416 veterans in State and civil hospitals is in part due to the opposition to transfer made by guardians, and to the preferences of patients or their relatives.

Furthermore, while the supply of beds in Federal hospitals has been steadily increasing, the demand for them to accommodate service-connected cases has, with equal steadiness, been decreasing. From 21,899 such cases hospitalized in Veterans' Bureau hospitals or outside under contract December 31, 1925, the number fell to 16,253 at the end of September last. That is to say, in less than three years the demand fell by one-quarter. The general medical and surgical cases fell off by a third; the tuberculosis cases by more than one-half; only the neuropsychiatric increased. The rate of increase of the neuropsychiatric cases was 327 a year, at which rate the building of one medium hospital a year would suffice in case need could not be met by altering facilities no longer necessary for other types of disease.

All this shows that the real reason and the only reason for such further hospital construction programs as that submitted by the committee is to hospitalize veterans not shown to be suffering from ailments or injuries connected with the war.

Passage of the hospital bill would have committed the House to the policy of State medicine for four or five million of our people. This most far-reaching committal would have been made without adequate consideration by the House itself, without the benefit of any discussion of the issue in the press, without the knowledge of the people of the land. If it were wise thus to commit the Nation to a policy that would ultimately mean the expenditure of a billion dollars or more, surely that ought not to be done without the support of public opinion and the knowledge of the Congress making the commitment.

So we come face to face with these tremendously important issues. They must be met.

Mr. JOHNSON of South Dakota. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from South Dakota has four minutes remaining and the gentleman from Mississippi six minutes.

Mr. RANKIN. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, I wish to take one of these minutes to pay my tribute to the ranking Democratic member of the Veterans' Committee, Major BULWINKLE, who is about to retire from Congress at this time. I wish to say to the membership of the House of Representatives that the service men of the United States, and particularly the disabled service men of the United States, had no better friend in the Congress of the United States than the gentleman from North Carolina, Major BULWINKLE. [Applause.]

Now, in the short time remaining to me, I wish to say simply this: For the third time on the floor of the House of Representatives at the close of a Congress I wish to protest against veterans' legislation being brought in under suspension of the rules. It seems that the powers that be are afraid to trust the membership of the House and afraid to give the membership of this body an opportunity to put any amendments on a bill affecting the World War veterans. The right is given to every other committee in the House, but the leaders are afraid to let the Congress go on record in doing justice to the service men. At this time I protest against it. Let me say again to the service men of the country that the administration has double-crossed them, and it will continue to do so until legislation is brought on the floor here which will allow the opportunity for

amendments to be offered so that Congress and not the Republican leaders will be legislating for the disabled service men of the United States. So, I am again uttering my protest. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. VINCENT]. [Applause.]

Mr. VINCENT of Michigan. Mr. Speaker, a very large part of the discussion on this bill has been in connection with other matters and not at all connected with the present measure that is before the House for consideration. I hope the membership of the House will not be confused by that as to the question upon which they are now to decide—the passage of this particular measure.

May I say that this measure was prepared by a subcommittee consisting of the chairman of our main committee [Mr. JOHNSON of South Dakota], the gentleman from North Carolina, Major BULWINKLE, and myself. It secured the unanimous approval of the Committee on World War Veterans' Legislation. It ought to be passed without a dissenting vote, in my humble judgment.

It has the support of the Veterans' Bureau with respect to every section of it. It will be of great benefit to the ex-service men. I have not time in three minutes to explain all of this. One thing it does is to repeal the time limit under which service men may make a claim for compensation. So long as they have to prove service-connected disability in order to get a compensation claim allowed, certainly the man who has waited and has taken his part in society ought not to be penalized and prevented from introducing his claim for consideration by the bureau by any time limit at all. [Applause.]

Another thing it does is this: The disabled man who has Government insurance can not obtain the benefit of the total and permanent disability provision under our present insurance policies until the physicians of the bureau have found that he is permanently and totally disabled so that there can never be any question of any recovery. This is not the rule with respect to policies in private insurance corporations. They provide, most of them, for three months' total disability; some provide for six months' total disability to bring into being the total-disability benefits.

This bill provides a sane, sensible way by which the veteran can obtain the benefit of total and permanent disability after a short time of actually proved total disability.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, I now yield the one minute I have remaining to the gentleman from New York [Mr. FISH], himself a distinguished soldier, to introduce a congressional medal of honor man and a very famous soldier of the World War who is now in the gallery.

A DISTINGUISHED VISITOR

Mr. FISH. Mr. Speaker and gentlemen of the House. It seems eminently fitting at this time, while we are discussing legislation for the benefit of disabled veterans, to introduce to the House one of the outstanding heroes of the World War, Lieut. Dan Edwards, of New York City, who won the distinguished service cross with the First Division at Cantigny, and who later won the medal of honor at the battle of Soissons. Lieutenant Edwards lost an arm and a leg in the World War. I ask him now to stand up and be introduced to the Members of the House of Representatives. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Speaker, I only wish there could be present in the gallery with Dan Edwards the youngest congressional medal of honor man, Dick O'Niel, who will be leading one of the organizations in the Inaugural Parade. I hope to have the pleasure of introducing that boy to the Members of the House before the expiration of the session.

WORLD WAR VETERANS' LEGISLATION

Mr. RANKIN. Mr. Speaker, we are all for this bill. Our only objection is that it does not go far enough.

I object to the gentleman from South Dakota stating to the House and to the country, or to anybody else, that the bill which I introduced to take care of our disabled ex-service men who are totally and permanently disabled is a "general pension bill." His statement on the floor of the House the other day that it would pay some men $220 a month is so absurd, far afield, that I hardly think it is necessary to answer it.

But we have a few men who are not covered by this bill. We have a few men who evidently received their disabilities originally in the World War, who are now totally and permamently disabled, but who can not get a dollar in the world, and it is to take care of these men that I introduced this bill.

I want also to answer the distinguished gentleman from Massachusetts [Mr. LUCE], who is attacking the hospital bill. The gentleman says he introduced it, but he did it at the instance of the American Legion. Does the gentleman from Massachusetts think, or does the House think, that the American Legion or the Disabled American Veterans or any other veterans' organization would mislead the chairman of the subcommittee into introducing such a bill?

Not only this, but after an investigation the Veterans' Bureau came in and not only approved that bill but added $1,480,000 to it. This hospital bill, which the gentleman from Massachusetts [Mr. LUCE] and the gentleman from South Dakota [Mr. JOHNSON] are opposing, was considered by the World War Veterans' Committee and reported by a vote of almost 4 to 1. That bill is meritorious; the hospitals are needed and should be provided for at once.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. HUGHES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the pending bill.

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

There was no objection.

Mr. HUGHES. Mr. Speaker, I was unable to get any time from Mr. JOHNSON, the gentleman in charge of H. R. 15921, the hospitalization bill. I am very much interested in this measure, and I feel that that is one proposition in which the Government should go out of its way to take care of World War soldiers. They made the great sacrifice and came back to us, a great many of them, in a condition for which no amount of money would repay them, and we certainly should use every effort to, as far as possible, take care of them in the best possible way, and give them the very best opportunity to recover as far as it is possible for them to do so.

Now, this statement with reference to having plenty of hospitals that has been made on the floor of this House. The facts will not substantiate it, for I have in my office now a number of cases where soldiers are waiting for hospitalization. They are emergency cases, and they should be hospitalized at the earliest possible date. In fact, any delay is very dangerous for them. Take, for instance, this case. A man with a blood pressure of 250. That is a dangerous condition for him to be in, and unless he gets medical treatment, at least at an early date, he is liable to die at any time. I know of such cases as that. I know of cases where men have lost their minds and they have to be kept at home for a week, 10 days, 2 weeks, and sometimes longer, before they can get in a Government hospital. This condition should not exist, and I sincerely hope that the committee having this matter in charge will use every effort to take care of these unfortunate people. In addition to that, there are a lot of the laws that are now controlling the compensation to soldiers that should be amended.

I have offered myself two bills which are meritorious, and should, by all means, be passed at the earliest possible date. It is true I introduced those bills late in the session, but early enough, so they could have been passed, if I could have gotten a report from the committee on them. One of them is H. R. 16765. This bill would amend section 200 of the World War veterans' act, 1924, by striking out January 1, 1925, wherever it appears in such section, and inserting in lieu thereof January 1, 1930. I think the present pension law would allow these soldiers a pension but it is not so construed by the Veterans' Bureau and they are turning down day after day deserving cases. This would let in a lot of cases that they could not possibly turn down, and it would compel them to do, in my opinion, what I think the law already sets up for them to do, but which under the construction of this act they fail to do, thereby doing these soldiers a great injustice.

Now, in addition to this bill, I have introduced another bill amending section 202, paragraph 7, of the Word War veterans' act of 1924, so as to amend by adding at the end thereof the following new paragraph, to read as follows:

> That statements of competent physicians diagnosing disability act of tuberculosis should be accepted as sound proof in the absence of sputum or X-ray examinations.

Now, these cases run back as far as 1918, and unless these sputum or X-ray examinations are furnished these cases are turned down. At that time there were no X-ray examinations for those purposes, and therefore it was impossible for the soldier to have an examination which would cover that. Now, in my opinion, the Veterans' Bureau should not be so technical in cases where they can not help, but know where a man has been gassed and shell shocked that the disability that he now has should be traced to that. I have one particular case where a man was examined and treated for bronchial trouble and dis-

ease of his lungs by one of the most competent physicians in the city of Huntington. This case was turned down by the United States Veterans' Bureau at Charleston. It was then appealed to New York and was turned down there, and was argued by the board at Washington and all the evidence was presented in that case that anyone could possibly ask for, and then it was turned down. I was present and I knew that it was going to be turned down. I could feel that the board had already made up their minds before they heard a word of that evidence, and I want to repeat now my statement that I made to that board, and that was that the board did not realize or know what their duties were. They seemed to be of the opinion from their actions that it was their duty to, by some technicality, prevent the soldier from getting what he was justly entitled to. I told them that was not their duty; that their duty was to try this case the same as a judge on the bench, and if there were leanings at all, they should be in the interest of the soldier, because the Government was able to take care of itself. But that is not the way those cases are decided, and that is my reason for offering these amendments, so that the soldier can get what I feel he is justly entitled to.

The SPEAKER pro tempore. The question is, Shall the rules be suspended and the bill passed as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

REDUCTION OF INTEREST RATES ON ADJUSTED COMPENSATION LOANS

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16395) to reduce interest rates on adjusted compensation loans.

The SPEAKER pro tempore. The Clerk will read the committee amendment:

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That subdivision (i) of section 502 of the World War adjusted compensation act, as amended, is amended to read as follows:

"'(i) The Director of the United States Veterans' Bureau is authorized, through such officers and at such regional offices, suboffices, and hospitals of the United States Veterans' Bureau as he may designate, and out of the United States Government life insurance fund established by section 17 of the World War veterans' act, 1924, as amended, to make loans to veterans upon their adjusted-service certificates in the same amounts and upon the same terms and conditions as are applicable in the case of loans made under this section by a bank, and the provisions of this section shall be applicable to such loans; except that the rate of interest shall be 2 per cent per annum more than the rate charged at the date of the loan for the discount of 90-day commercial paper under section 13 of the Federal reserve act by the Federal reserve bank for the Federal reserve district in which is located the regional office, suboffice, or hospital of the United States Veterans' Bureau at which the loan is made, but in no event shall the rate of interest exceed 6 per cent per annum.'

"SEC. 2. Section 705 of the World War adjusted compensation act, as amended, is amended to read as follows:

"'SEC. 705. Whenever it appears to the director, by evidence clear and satisfactory to him, that any adjusted-service certificate has, without bad faith upon the part of the person entitled to payment thereon, been lost or destroyed, and such adjusted-service certificate is identified number and description, he shall, under such regulations and with such restrictions as to time and retention for security or otherwise as he may prescribe, issue a duplicate thereof of like value in all respects to the original certificate and so marked as to show the original number of the certificate lost or destroyed and the date thereof. The lawful holder of such certificate who makes application for a duplicate shall file in the United States Veterans' Bureau a bond in a penal sum of the face value of such lost or destroyed certificate, with two good and sufficient sureties, residents of the United States, to be approved by the director, with condition to indemnify and save harmless the United States from any claim upon such lost or destroyed certificate; except that a duplicate certificate shall be issued without the requirement of a bond when it is shown to the satisfaction of the director that the original certificate, (1) before delivery to the veteran, has been lost, destroyed, wholly or in part, or so defaced as to impair its value, and (2) after delivery to the veteran, has, without bad faith upon the part of the person entitled to payment thereon, been partially destroyed or defaced so as to impair its value, is capable of identification, and is surrendered by such person to the Veterans' Bureau.'"

Amend the title so as to read: "A bill to amend the World War adjusted compensation act, as amended, by reducing the rates of interest on loans made by the Veterans' Bureau upon the security of adjusted-service certificates, and for other purposes."

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

There was no objection.

The committee amendment was agreed to.

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

The title was amended.

A motion by Mr. HAWLEY to reconsider the vote by which the bill was passed was laid on the table.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Interior Department appropriation bill, H. R. 15089, and further insist on the disagreement to the Senate amendment, and agree to the conference asked for

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the Interior Department appropriation bill, further insist on the disagreement to the Senate amendment, and agree to the conference asked for. Is there objection?

Mr. GARNER of Texas. I presume this is satisfactory to the minority Member?

Mr. CRAMTON. It certainly is.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. CRAMTON, Mr. MURPHY, and Mr. TAYLOR of Colorado.

SURVEY FOR A NICARAGUAN CANAL

Mr. SNELL. Mr. Speaker, by direction of the Rules Committee, I call up a privileged House resolution.

The Clerk read the resolution, as follows:

House Resolution 345

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 117, authorizing an investigation and survey for a Nicaraguan canal. That after general debate, which shall be confined to the Senate joint resolution, and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the Senate joint resolution, the Senate joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the Senate joint resolution for amendment the committee shall rise and report the Senate joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the Senate joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, the intent and purpose of this resolution are fully set forth in the rule itself, which was debated about an hour yesterday and will be further debated under the bill itself. I do not want to take any more of the time of the House, and I move the previous question.

Mr. HUDDLESTON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HUDDLESTON. It is my understanding that this resolution has been reported to-day. It is my recollection of the rule that it must be reported by a two-thirds vote in order to be in order except during the last three days of the session. The parliamentary inquiry is whether this is within the last three days of the session?

The SPEAKER pro tempore. The Chair will hold that it is within the three last days of the session.

The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question now is on agreeing to the resolution.

The resolution was agreed to.

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 117.

Mr. GARRETT of Tennessee. Does not the gentleman wish to make some arrangement as to the control of the time?

Mr. PARKER. I assumed that the gentleman from Texas would control half of the time. I ask, Mr. Speaker, unanimous consent that one half the time be controlled by the gentleman from Texas [Mr. RAYBURN] and the other half by myself.

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

There was no objection.

The motion of Mr. PARKER was then agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MICHENER in the chair.

The Clerk read the title of the joint resolution.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the first reading of the joint resolution be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARKER. Mr. Chairman, this resolution or practically this resolution was discussed for an hour last night and rather thoroughly discussed. The charge was made that there was no reason for this resolution, that the resolution was brought up with undue haste. If you will refer to the RECORD of December 17, 1928, you will find that the Senator from New Jersey made a very long address in the Senate, in which he advocated the passage of this resolution, and served notice on the Senate that he was going to do his best to secure its adoption. If you have read the papers—both your local papers and the Washington papers during the last three months—you will have seen continuously in these papers a discussion about the consideration of this particular measure. So that I do not think the charge made that this resolution has had no consideration is quite fair.

As to the reason for the resolution, the gentleman from Alabama [Mr. HUDDLESTON] talked about bugs under a chip. If he can find one, all well and good. He is a much smarter man than I am, I admit, but let me tell you the plain, ordinary facts about the case. The maximum ability of the Panama Canal is conceded to be 54 boats a day, that is, a 24-hour-day service. Fifty-four boats are all the boats that can go through the Panama Canal in 24 hours. The canal can not be used at that capacity in the dry season, so that 54 boats do not mean the maximum the year around. We are now spending $12,000,000 in Panama on the so-called Alhajuela Dam to insure water that will lift these boats to 85 feet, which they must be lifted from the Atlantic to Gatun Lake. You have to have water to do that. The evaporation in Panama is tremendously great during the dry season. The engineers think that they have water enough to put in a third lock, but that can not be determined until this dam, which is now called the Madden Dam, in honor of the former chairman of the Committee on Appropriations of this House [applause] is completed. How long will that take? The engineers tell us it will be seven years before that dam is completed. We appropriate a million and a half dollars this year to do what? To construct a dam? No; to get ready to construct it. We are building a cement road down there up to the site of the dam, many miles long, instead of building a railroad, which we would have to tear up afterwards. We are building a cement road so that the repairs to the dam can easily be made. When this dam is completed the capacity of the canal will be 54 ships. That is dependent almost entirely upon the mechanical perfection of your locks, and there is not a man here who does not know that any mechanical device is not 100 per cent perfect. You all know that. You all know that those locks will not function 100 per cent all of the time, and the effectiveness of your canal is the effectiveness of your lowest point.

The strength of your chain is the strength of the weakest link. It can not be 54 boats a day. That is too high, because you have not perfection. How many boats have ever been through the canal in one day. The maximum number of boats through the canal in one day is 53. Thirty-five of those were commercial boats and 18 of them were Navy boats. That was a 24-hour operation. If you want to get the facts, they are all in the record, brought out by questions responded to by the governor of the canal, put to him by the gentleman from California and the gentleman from New York, members of the Subcommittee on Appropriations on Military Affairs. They say that you have an average. Your theoretical spread is between 54, the number of boats that theoretically might be put through and your average. Your average is 19 a day. To digress a moment, do you gentlemen realize that in the month of January the receipts of the Panama Canal were $80,000 a day, for tolls? We are not dealing in small business. I am surprised that my friend from Alabama [Mr. HUDDLESTON] is against this proposition, because, as I understand it, Government ownership is not objectionable to his theory of government. Here is a pure and simple Government-ownership proposition. The revenues in January were two and a half millions dollars, $80,000 a day.

Mr. QUIN. Will the gentleman give us the difference between the expense and the revenue for the year?

Mr. PARKER. In answer to that, I will say that my information is that the canal paid over 7 per cent on the investment, and that is all that I can say.

Mr. SIROVICH. Would the gentleman be good enough to let us know what the toll charged is for each trip?

Mr. PARKER. I can not tell the gentleman that.

Mr. SIROVICH. The receipts are $80,000 a day.

Mr. PARKER. Yes.

Mr. SIROVICH. And with 20 boats on an average that would be $4,000 a ship.

Mr. PARKER. You all know that your average is not what tells the story, because you have not a constant flow of ships through the canal. You have many more to-day than you will have to-morrow. I have pointed out that the record is 53. Certainly, if the record is 53, you must have some small days to bring it down to 19.

Mr. JOHNSON of Texas. Can the gentleman tell us what the increase is in the volume of business through the canal?

Mr. PARKER. Yes. The Governor of the Canal Zone made the statement that he thought business would increase 10,000,000 tons every 10 years, or 1,000,000 tons a year. We often think of this business as being entirely oil.

We shipped through the canal in 1926, 4,500,000 tons of oil. Last year we shipped through the canal only 600,000 tons, a decrease of nearly 4,000,000 tons. So your increase in the tonnage in the canal is not a matter entirely of the shipment of oil. The decrease in oil means that you are shipping more of the general commodities of commerce, and your increase in tonnage comes from general commerce, not from the shipment of one kind.

Mr. RAYBURN. The gentleman is talking about the Panama Canal entirely?

Mr. PARKER. Entirely.

Mr. RAYBURN. Let me say this to the gentleman from New York: If he will limit this resolution to the Panama Canal and increasing its facilities in time to come, the whole opposition would be withdrawn.

Mr. PARKER. I was quoted yesterday by the gentleman from Alabama [Mr. HUDDLESTON] as saying we could not pass this bill in regard to the Nicaraguan canal. I will tell you why we could not do it. It would be the worst business in the world to do it. There is no man living in this House who knows whether we should embark on an expenditure of, perhaps, hundreds of millions of dollars to enlarge the Panama Canal until we know whether we would expend the money to far better purpose by digging a new canal in Nicaragua. No one knows that fact, and all that we do in this resolution is to provide for the ascertainment of the facts. I agree with the gentleman from Texas. If it can be done, I am in favor of enlarging the Panama Canal and not digging a new canal. It does not seem that the House in its wisdom should turn down a resolution of this kind whn it commits us to nothing in the world.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. PARKER. Yes.

Mr. BLACK of New York. Have the engineers informed the committee how long it would take to build the Nicaragua canal?

Mr. PARKER. No; we have only the old estimates.

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

Mr. PARKER. Yes.

Mr. THATCHER. Have the investigations shown that the Panama Canal can be increased in its capacity and that its capacity ought to be increased and exhausted before we embark on another ambitious program?

Mr. PARKER. That is my personal opinion. This bill does not authorize anything but an investigation.

Mr. THATCHER. Just an investigation?

Mr. PARKER. Yes. You have got to come back to this House after you have obtained these facts and get an authorization to build the Nicaragua canal or to extend the Panama Canal or anything else. This does not bind you to one single thing.

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

Mr. PARKER. Yes.

Mr. McMILLAN. Have the engineers informed the committee how long it would take to make a survey?

Mr. PARKER. The estimates call for two years.

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

Mr. PARKER. I yield back the balance of my time.

The CHAIRMAN. The gentleman has 16 minutes remaining.

Mr. COLLINS rose.

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

Mr. COLLINS. Mr. Chairman and members of the committee, the facilities of the Panama Canal were discussed on December 11, 1928, at some length before the subcommittee of the Committee on Appropriations handling the War Department appropriation bill. Col. Harry Burgess, the Governor of the Canal Zone and in charge of all facilities of the Panama Canal, was on the stand. I dare say he knows as much about the situation down there as any other man in this country, and Governor Burgess testified that the existing facilities there now, with the ratio of increase in the future as in the past, would take care of all traffic for the next 30 years, and in addition to that he testified that with the addition of one lock beside the two at each point along the canal, in other words, the changing of the locks from the duplicate system to the triplicate system, then the canal would take care of all traffic for 60 years hence.

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

Mr. COLLINS. No; I can not yield; but I am going to read his testimony to you. Here it is. The question was asked of Governor Burgess—

Have you made any estimate of the time when you will have to increase the lockage facilities?

His answer was:

As nearly as we can tell, the increase will not be more than 10,000,000 tons per decade. We are transmitting 30,000,000 tons now. We can take care of 60,000,000 tons before we need the third locks. That indicates a period of about 30 years before we need the third locks.

The addition of this third lock or triplicate system will take care of 30,000,000 tons additional, and 10,000,000 tons increase per decade means that the facilities there now, with this additional third lock, will take care of traffic for 60 years hence.

Now, gentlemen, we might as well approach this subject from the standpoint of business men, and if we do there is certainly no excuse for a proposal for another canal. If we had a hotel that was actually taking care of all business now and able to take care of all future business for 60 years hence, we would not begin the construction of another hotel. To do so would be foolish, and this proposal is on all fours with the illustration.

Governor Burgess is a capable engineer. He is as well equipped, and better so, to give us the facts as they really are than any commission that could be appointed. His is the testimony of a capable man who is in charge of the canal's operation. He is studying it day by day. His conclusions are the result of his best judgment, and his judgment is that of the most experienced officer having to do with the canal's operation.

Mr. ALLGOOD. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. ALLGOOD. Is it not a fact that the canal can be electrified so that they can use it at night also?

Mr. COLLINS. Yes; and I thank the gentleman for suggesting this. The canal is operated now only during the day. It can easily be operated at night, and the expense of doing this is small, whereas the cost of building a new canal in Nicaragua would amount to more than a billion dollars.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman and gentlemen, I really do not know whether this resolution is seriously offered or is being submitted to the House merely for the purpose of a little play. Personally, of course, I do not blame the New York delegation for favoring this legislation or this outlay of money; but I, in a measure, represent the Great Lakes region, and I am especially interested in the welfare of that section of the country—the Middle West. I would like to know what good the Middle West might be expected to derive from this proposed legislation? I know this, that we have for years been endeavoring to secure a waterway, the so-called St. Lawrence project, but certain interests in the East, aided by powerful Canadian influences, have been able to prevent any action upon that much-needed water route that would be of some benefit to the Middle West. I would like to know from the gentlemen representing the farm sections of the Middle West how much good they can expect from this legislation. I admit the Panama Canal—and I voted for all of these appropriations—has done a great deal of good for the Nation. It has saved millions and millions of dollars to the East and to the coasts, but unfortunately the legislation which has been passed in this House during the last 10 or 15 years—notwithstanding the fact that the Middle West always delivers itself to the Republican Party—has not been of benefit to that section of the country. No effort is being made to do anything for that vast territory, for the manufacturing interests, or for the farmers of the Middle West.

Mr. KNUTSON. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. KNUTSON. Is it not a fact that the Panama Canal has resulted in giving us in the Middle West higher freight rates and placed us at a disadvantage with the two coasts?

Mr. SABATH. There is no question about that. I will take it for granted that these gentlemen are intelligent and honest, but if they are frank, they must admit they have always deliberately discriminated against the Middle West and the people west of the Mississippi.

Mr. KNUTSON. And a canal at Nicaragua would aggravate the situation?

Mr. SABATH. Well, it may increase the discrimination. Of course, we will have one privilege, the privilege of paying additional taxes for the construction of the Nicaraguan canal or the enlargement of the Panama Canal.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. SABATH. Yes; I yield to the gentleman from New York, who is always ready to protect his section of the country, and especially his city. I yield to him.

Mr. O'CONNOR of New York. Well, I did not rise for that purpose at this moment. I wanted to ask the gentleman this question: If the opposite party has discriminated against the Middle West, has it ever lost anything politically by such discrimination?

Mr. SABATH. It seems to me it has not, and that is because the people have not really been awakened; they have not seen the light, but I am of the opinion that the time is at hand when they will recognize that they can not expect anything from that party to which they have at all times delivered themselves, and that they will ere long see the light and in the future rally around a party that has their interest at heart and that really desires to aid and protect them. I feel that if the money provided for in this resolution is expended it will not secure much, if any, benefit for our section of the country, but we will have to shoulder an enormous expense.

The gentleman from Wisconsin and the gentleman from New York argue that a Nicaraguan canal should be constructed in the interest of peace and in the interest of the security of the United States as well.

However, I can not forget that when the House was considering the Panama Canal we also heard equally alluring appeals. Many gentlemen who believed themselves experts in military and naval matters assured us the Panama Canal would materially strengthen us in a military way, and that it would obviate the necessity of two fleets and be a great saving in that way; that instead of requiring a fleet in the Atlantic and another in the Pacific, a single fleet, which could pass swiftly through the canal from one ocean to the other, would suffice.

This argument appealed to many as being logical. But, Lord behold, within a short space of time after the work on the canal had gotten well under way, these very same gentlemen, together with the militarists, changed their tunes completely and began pointing out to us the necessity, by the very reason of protecting the Panama Canal, of increasing—yes, doubling—the number of battleships and cruisers and of the entire United States Navy. They now declared that unless this was done the canal and the United States itself would be in grave danger. The Japanese bugaboo, too, was used as a club. So the Navy was greatly enlarged in every respect, as was the Army, and in addition the taxpayers have been forced all these years to meet a tremendous burden of added expense in maintaining and fortifying the Canal Zone and in keeping troops there. What I am wondering is whether history is not going to repeat itself in the case of the proposed Nicaraguan canal.

This resolution, in my judgment, is tantamount to authorization of the construction of a Nicaraguan canal, which is going to cost this Nation more than a thousand million dollars—a billion dollars—and this notwithstanding the fact that the reports show that the Panama Canal can take care of the ever-increasing tonnage passing through the canal for at least 30 years to come.

Why I say this resolution is really tantamount to the authorization of a new canal is because a survey has already been made of a canal route through Nicaragua. It was made before we decided to take over the construction of the Panama Canal. But it seems to me that the eastern and southern influences behind this Nicaraguan project are so great that, regardless of what I may say, or anyone else from the Middle West may say, the resolution will be adopted, and this notwithstanding that when we on the Great Lakes and in the Middle West appeal for even small appropriations for an actually needed water route that would be of great value to our section, such as a 9-foot channel in the Illinois River to complete a water route from the Great Lakes to the Gulf, or seek action upon the St. Lawrence River project to give us an outlet to the seas, our requests are ignored.

How long, I wonder, will the people on the Great Lakes and in the Middle West continue to stand for this discrimination? I for one propose from now on to oppose these tremendous appropriations for waterways and great improvement projects for other sections of the country until some consideration and much-needed relief is given our own greatest manufacturing and farming section in the world.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PARKER. Mr. Chairman, may I inquire how much time has been consumed?

The CHAIRMAN. The gentleman from New York has 18 minutes remaining and the gentleman from Texas has 20 minutes remaining.

Mr. PARKER. Mr. Chairman, I yield four minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman and gentlemen, I am sorry to see my colleagues opposing this resolution. The United States Government for many years argued through the Congress for some kind of canal. Senator Morgan, of the State of Alabama, when I was a little boy in swaddling clothes, was talking for the Nicaragua canal. It finally wound up by our getting the Panama Canal a few years ago, which men on both sides of the aisle at that time said would be a losing game for the United States.

Just such stuff as the gentleman from Arkansas has preached here was talked 30 years ago; and it has been demonstrated not only with the progressive age we are now living that the Panama Canal was an absolute necessity, but it is also paying 7 per cent profit on the money invested.

What do we care if it does cost $1,000,000,000? It will make your Southern States worth more than $1,000,000,000. It will increase the trade with Central and South American countries and will benefit the Southern States more than it will New York or any other State.

My friend from Chicago says this will not help the Middle West. Look at the railroads now running from Chicago clear down to the Gulf of Mexico. Your country is living off of the South, and yet you object to the railroads running from Chicago to the Gulf of Mexico or to the city of New Orleans. You object to the railroads having freight to carry back to that country that comes off of the vessels coming through the Panama Canal and there would be greatly increased freight in case we established the Nicaragua canal, and yet the gentleman says he is against it because it will not help the Middle West.

A man must be looking through smoked glasses if he believes that a great, world-wide enterprise that takes commerce from all parts of the earth to our next-door neighbor down in Central America will not only benefit New York City, but Arkansas, Texas, Mississippi, Georgia, and every other State of this Republic. The gentleman does not understand and visualize what this means.

Gentlemen of the committee, we can not be narrow-minded when we realize this great Nation of 125,000,000 people is now recognized wherever the flag of commerce, culture, and civilization floats. To sit down and say we can not put out $150,000 to have a survey to see whether we are going to increase the capacity of the Panama Canal or whether it is in the best interests of the country to have another canal built is ridiculous.

The gentleman from Arkansas said it would take 30 years. It took 75 years to get the Panama Canal, and, with such talk as we are having on this floor in opposition to this measure, it will take 75 years to ever get the Nicaragua canal. So it is time to start the survey.

I am for this resolution and hope it will pass. [Applause.]

Mr. PARKER. Mr. Chairman, I yield three minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman, the Panama Canal was constructed as a military necessity, not as a commercial enterprise. It was built and constructed for the purpose of enabling this country to get its fleet from the Atlantic to the Pacific, or from the Pacific to the Atlantic expeditiously, in order to meet any emergency that might arise in the future of this country. Of course, the proponents and advocates of this defense necessity appealed to the cupidity of the people and put it on the basis of a commercial enterprise in order to get them to favorably respond and do the patriotic thing. That has been the history of all similar enterprises in the history of the world. In peace times it is necessary to stimulate the interest of the people in their own defense by pretending and assuming that the national necessity is a commercial enterprise and will yield golden returns. The Nicaragua route was preferable to the Panama Canal but had to be abandoned out of expediency. The Nicaragua route is necessary as an additional safeguard to our national defense for as the Panama Canal is a lock canal and can be blown into infinitesimal smithereens by bombs dropped from enemy airplanes it is the part of prudence and safety to have another canal at Nicaragua making for an insurance that can be secured in no other way and reducing our present risk immeasurably. The Nicaragua canal is preferable to the people of the Mississippi Valley, and the Gulf ports for it places the Gulf ports 600 miles nearer to the West Coast. I am surprised that southern men here who voted for the cruiser bill, the naval bill, the Army bill, making for enormous expenditures all over the country except in their own sections, should oppose this proposed survey and as a justification for their opposition conjure up in their heated imaginations sinister purposes and designs on the part of its proponents and indulge in bolderdash and tommyrot to the effect that the Nicaraguan canal survey will keep the marines in Nicaragua. Did the building of the Panama Canal bring or keep marines in Panama? Bunk, balderdash! Flapdoodle! There is not the remotest connection between the marines in Nicaragua and a proposed survey to ascertain the feasibility of constructing another great canal for defense purposes and to meet the expanding commercial requirements of our country. I can understand some of the Great Lakes people looking for the development of the St. Lawrence and not the Mississippi, fighting this great patriotic and commercial undertaking upon the basis laid down by the gentleman from Illinois [Mr. SABATH], though I hold that they are blind to their own interests and indifferent to ours in not seeing that which would benefit the greater part of the valley would inure to the prosperity of the Nation as a whole. Why does he not go to the Interstate Commerce Commission for the relief which he implies should be given to the Mid West? Why do not he and those of his thought endeavor to secure rates that would be competitive with coastwise water rates through the canal, or why do they not try to place coastwise traffic under the jurisdiction of the Interstate Commerce Commission?

O my friends, why becloud the issue? This is a proposed survey and who can object to finding the facts that will be gathered and laid before the Congress? I am amazed; you vote for bills in the way of enormous expenditures for every section for stupendous ornamental bridges and unnecessary public buildings at a cost of millions, but when it comes to the development of your own section and your own interests you turn your backs upon it. You see visions, and see spooks, you see it as some dreadful monster keeping the marines down there, binding your eyes to the fact and bludgeoning your common sense into the delusion that you can maintain the Monroe doctrine by a policy which would mean that we would not assist in preserving order, and will not permit anyone else to do so. If we will not protect the lives and the property of other nationals how in the name of all that is fair, just, and decent can we object to their own countries doing so, and whenever they will or would do so, that would mean an invasion of, a violation of, the Monroe doctrine, and bring us into military contact with nations that would never consent to endure the intolerable situation that would be presented.

The marines in Nicaragua means for peace with European countries; their withdrawal means chaos in Central America and war with Europe. There are none so blind as those who will not see. There are many idealists who persist in looking at the horizon when they should be looking at their feet. No further elaboration of these remarks is necessary, Mr. Chairman, in view of the report and the many explanatory and brilliant speeches made here to-day in behalf of the resolution.

Mr. PARKER. Mr. Chairman, I yield four minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON. Mr. Chairman, I was opposed to this bill when it came over from the Senate. However, the Committee on Interstate and Foreign Commerce struck out everything after the enacting clause and inserted in lieu thereof certain provisions which make it practically an entirely different bill. For example: The title of the Senate bill was, "Authorizing an investigation and survey for a Nicaraguan canal."

Throughout the entire bill there was the emphasis, if not specific commitment, for the building of a new canal, the Nicaraguan canal. The Nicaraguan features appeared in the first part of the Senate bill. Among other provisions of section 1 of the Senate bill the House struck out the following:

> The investigation and survey [of the Nicaraguan route] which shall be made upon the basis of a canal having a capacity sufficient for the convenient passage of vessels of such tonnage and draft as may reasonably be anticipated.

This language our committee struck out.

The Senate bill contained several sections referring to the treaty between the Republic of Nicaragua and the United States. In this connection there was a provision which in the original text of the Senate bill read as follows:

> The President of the United States is hereby authorized and empowered to enter into negotiations for an agreement upon the details of the terms under which such canal may be constructed, operated, and maintained.

The convention between the United States and Nicaragua, signed in 1914 and consented to in 1916, contained a provision whereby Nicaragua granted certain interoceanic canal rights to the United States. Among the provisions thereof in Article 1 of the treaty is a grant of the right to construct a canal—

> The details of the terms upon which such canal shall be constructed, operated, and maintained to be agreed to by the two governments whenever the Government of the United States shall notify the Government of Nicaragua of its desire or intention to construct such canal.

Did not the text in the original Senate bill contain sufficient language to notify Nicaragua within the meaning of the treaty of a commitment and intention upon the part of the United States to construct the canal? Apparently the Senate thought that it did or that, at least, it might be so contended, for the Senate inserted a proviso to the contrary. Our committee, however, struck out the entire proposition and any reference to the treaty.

In section 6 of the Senate bill there was a direct appropriation made of $150,000. That is the amount of the authorization in this bill. In addition, however, there was inserted this language:

and there are hereby authorized to be appropriated such additional moneys as may be necessary for such purposes.

The purposes, of course, were those set forth in the Senate bill. The principal purpose of the Senate bill was a practical commitment by this Government to the construction of the Nicaragua canal. Our committee struck out this general blanket authorization. If we had not done so, there would have been an authorization for the expenditure of any sum of money necessary for the purpose of making the investigation and survey.

The above are the provisions, therefore, that we in the Committee on Interstate and Foreign Commerce of the House saw fit to strike out before reporting this measure to the House because we did not want to commit this Government to the Nicaraguan route either by direct commitment or even by undue emphasis or a blanket authorization of expenditure.

As amended what does the bill do? That is best expressed in the new title of the bill which reads as follows:

Joint resolution authorizing an investigation and survey for the purpose of ascertaining the practicability and the approximate cost of constructing and maintaining additional locks and other facilities at the Panama Canal, and for the purpose of ascertaining the practicability and probable cost of constructing and maintaining an interoceanic ship canal across the Republic of Nicaragua.

Note that the investigation of additional facilities at Panama comes first and that the Nicaraguan route comes second in the title.

Section 1 of the new bill authorizes a survey relating to enlarging facilities at Panama.

Section 2 of the bill which relates to the Nicaraguan route, reads as follows:

The President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, and with the aid of such civilian engineers as the President shall deem advisable, a full and complete investigation and survey for the purpose of revising and bringing down to date the reports of the Isthmian Canal Commission transmitted to Congress, with respect to the practicability and advantages and approximate cost of constructing a canal across Nicaragua, and for the purpose of obtaining all additional available information respecting (1) the most practical route for an interoceanic ship canal across the Republic of Nicaragua by way of the San Juan River and the Great Lake of Nicaragua, or by way of any other route over Nicaraguan territory, including suitable locations for harbors at each of the termini thereof; (2) the practicability and approximate cost of constructing and maintaining such canal; and (3) the approximate cost of acquiring all private rights, properties, privileges, and franchises, if any, included in or necessarily affected by such canal route.

Note there is provided the following:

Bringing down to date the reports of the original Isthmian Canal Commission with the object of obtaining information as to practicability, approximate cost, and other information, including approximate cost of maintenance and acquiring of rights as well as approximate cost of construction.

Note that there is no commitment whatever. There is no emphasis upon the Nicaraguan route. The provisions pertaining to Nicaragua are not substantially dissimilar from those pertaining to the enlargement of the facilities at Panama.

I am going into this matter in detail because I am one of those who must be shown before he is going to vote for the construction of another isthmian canal. The construction of the Panama Canal has worked havoc with some of the industries in the upper Mississippi Valley. To-day it is possible to ship a goodly number of commodities by rail from Mississippi River points to the Atlantic seaboard and from there by boat to the Panama Canal and to the north Pacific coast for less than it costs to ship the same commodity by rail from the same point to the north Pacific coast. Some of our industries, by reason of this fact, have been placed at a distinct disadvantage. We do not want that disadvantage aggravated or increased. We have a well-grounded fear that such would be the case if another canal was constructed. There is no question but what the bill as it came from the Senate would have been a practical commitment to a new route. Therefore I want to say to my good friends who feel as I do about this matter that the Committee on Interstate and Foreign Commerce has done some very excellent work in eliminating these provisions so objectionable to us. As amended, the resolution is a straight out and out modest authorization for information, with no commitments for a new route or even for an extended survey in the event that a proposal should be made in the future for substantially additional authorizations of money.

It has been said, authorize the investigation as to the Panama Canal; but why even seek information on the other route? Information without implied or expressed commitment at no great expense is not going to harm anybody. Bear in mind that we paid Nicaragua $3,000,000 for this option for the right to construct a canal. We have that much money invested. Our engineers some years ago made an extensive survey and an exhaustive report. With this investment and with the propaganda that is going on for the construction of a canal in another route, it would seem to me that we ought to be willing to spend a little money to bring that report down to date so that we may have up-to-date information. In substance, that is all that there is in this bill in so far as the Nicaraguan route is concerned.

Mr. Chairman, the recent agitation for the construction of this Nicaraguan route commenced last summer, as I recall it. I do not believe that its construction is at all necessary, but that is no reason why I should oppose any reasonable effort to acquire information.

Now then, if after the investigation has been made and a report is submitted, this is followed by a movement to construct such a canal, I shall undoubtedly oppose it and oppose it vigorously. We in the upper Mississippi Valley are in substantial accord on the proposition that before there is to be any new Isthmian Canal route or any substantial enlargement of existing facilities for the construction of one, for which we will be taxed with the rest of the country, that substantial progress be made toward the construction of the Great Lakes-St. Lawrence waterway project and the development of our inland riverways system. The development of our inland rivers through the deepening of our channels to a generally uniform and standard depth where there can be an interchange of freight, is absolutely essential for the people of the Middle West; we need a 9-foot channel. I want to again state that substantial progress along these lines must be made before there should be any construction of a new Isthmian Canal in Nicaragua or anywhere else.

In closing, Mr. Chairman, let me again reiterate that this amended resolution merely seeks information. It does not commit the Government to the construction of another route, nor does it even emphasize that. I shall, therefore, support the resolution as it has been so substantially amended by our committee.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. RAYBURN. Mr. Chairman and gentlemen of the committee, I am opposed to the passage of this resolution. In the first place, when a committee of which I am a member brings legislation into this House, I have pride enough in the committee to want it to come before the House with enough information about the proposed legislation to intelligently tell the House of Representatives the reason why it should be enacted. This resolution came to our committee about three days ago, a resolution involving not only great national but great international problems. It came there and was taken up without one word of hearing, without one scintilla of testimony. When those of us who wanted to know something about the resolution asked why we should vote for it and what were the facts about the Panama Canal as to its present capacity and its capacity to take care of the ships that might pass through it in the future, we were asked to read a Senator's speech and get the information we desired in order to pass on a great question like this.

I am amused at some of the gentlemen here who say that we should vote for this resolution because if this canal is built there will be some money expended in our section of the United States. What is the hurry about this? Why not have knowledge as to the capacity of the Panama Canal? The Governor of the Panama Canal Zone said in his testimony before the Committee on Appropriations that before the Panama Canal would need enlarging, it could take care of all the commerce that would want to go through it for 30 years to come. Then why build another canal? Why do you want to investigate the Nicaragua route again when it was abandoned because it was impracticable, because the cost of digging the canal there was prohibitive. If we want to increase the capacity of the canal,

why not limit this resolution to an investigation of the Panama Canal and that alone? Do you want to have another canal that will increase your foreign entanglements? Do you want to have another canal that you will have to defend, if such a time ever comes?

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

Mr. RAYBURN. Yes.

Mr. PARKER. Does not the gentleman think it wise, while we are ascertaining facts about the Panama Canal, to also find out if it would be advisable, from a business standpoint, to dig the Nicaragua canal?

Mr. RAYBURN. I do not, for the simple reason that I do not think we ought to go into negotiations with any other country in Central America as long as there is a canal that we can broaden or deepen and increase, which we already have.

Mr. PARKER. Have we not already gone into those negotiations? Did we not go into them under the Wilson administration, and was there not a treaty made with Nicaragua by Mr. Bryan?

Mr. RAYBURN. Oh, yes; but this is the first time anybody has ever suggested that we operate under it.

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

Mr. RAYBURN. Yes.

Mr. SIROVICH. This resolution appropriates $150,000 to make a survey of the Nicaragua route. Was there ever a survey made of the proposed Nicaragua canal before the Panama Canal was built?

Mr. RAYBURN. Yes; and it was abandoned and the Panama Canal was dug.

Mr. KNUTSON. This measure is simply the entering wedge for the construction of a Nicaragua canal, is it not? This is preliminary, and if we want to block it now is the time to block it.

Mr. RAYBURN. I think we ought to strike everything out of this resolution except with reference to investigating the capacity of the Panama Canal. I wanted a hearing on this resolution, and the reason was I wanted to find out who it is who wants to open up negotiations with Nicaragua. I wanted to find out what bug is under the chip, and why the United States wants to open up again negotiations with Nicaragua. If we had had time to investigate the subject, if we had called witnesses before the committee who had information on the question, we would have been able to develop whether or not this proposition is a business proposition, whether we shall dig a canal at Nicaragua, or whether the $150,000 is an entering wedge to spend millions of dollars there to try to pull somebody out of an international mess.

Mr. PARKER. Does the gentleman think we could determine whether it is a good business proposition without having a survey?

Mr. RAYBURN. It has been abandoned once as a bad business proposition.

Mr. SABATH. There is already a survey.

Mr. RAYBURN. There was a survey, and everyone, to begin with, was in favor of digging the canal through Nicaragua, but after the investigation, after the survey, they abandoned that route, and went to Panama, where we now have our fortifications and our canal in operation, and where, with a few more men to operate it, we can take care of the commerce there, and we will then have only one canal to protect. What I protest against in the passage of this resolution, and every other resolution involving great questions, is being asked to support it without information or an attempt to get information.

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

Mr. RAYBURN. Yes.

Mr. MEAD. I am wondering if the necessity for this legislation could be based on the fear of earthquake or slides or lack of water or any other physical condition imperiling the Panama Canal. Is there anything like that in this question?

Mr. RAYBURN. I do not know. We called no experts. We did not know anything about it. That is the reason why I do not like legislation of this character crammed down our throats in the dying hours of a session without hearings and without explanation.

Mr. PARKER. Whom would you expect to give the information?

Mr. RAYBURN. I should expect some one sponsoring this resolution to give us some information. I should like to ask some few questions.

Mr. JOHNSON of Texas. Mr. Chairman, will my colleague yield?

Mr. RAYBURN. Yes.

Mr. JOHNSON of Texas. The object of this resolution apparently is to revise and bring down to date the estimates of the Isthmian Canal Commission. Does the gentleman think the lapse of time has so changed conditions that the estimates should be brought down to date?

Mr. RAYBURN. Not at all.

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

Mr. RAYBURN. Yes.

Mr. HUDDLESTON. They have had a number of earthquakes down there along the line of the proposed canal. They have them so frequently that it would take a good many investigations to keep up with them.

Mr. RAYBURN. I think what the House ought to do would be to strike out everything in this resolution except the authorization of an investigation of the facilities of the Panama Canal. After we shall have done that, then we can go down there to some other country and begin to negotiate treaties and agreements and to acquire property on which to build another canal. I protest now, as I have always protested in this House, against legislation which is brought up in the dying hours of a session, with no information on the subject, and which is attempted to be jammed down the throat of Congress. Why in this resolution can you not cut out Nicaragua? We must ask the Senate of the United States to do it before we can put it in an appropriation. If the Senate agrees to this and the House does not agree to it, why not abandon it?

Mr. PARKER. Does the gentleman think this resolution ought to be changed?

Mr. RAYBURN. Yes. I would rather have none; but if you are investigating merely the Panama Canal, then you are doing something.

Mr. NEWTON. Does not the gentleman understand that the House very substantially amended the Senate resolution?

Mr. RAYBURN. I think the House should still more amend the Senate resolution, so that we will know what we are doing. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Texas yields back the balance of his time.

Mr. PARKER. Mr. Chairman, has the gentleman from Texas exhausted his time?

The CHAIRMAN. The gentleman from Texas has two minutes remaining.

Mr. PARKER. Mr. Chairman, with the understanding that the gentleman from Texas has used all his time, I yield the balance of my time to the gentleman from Illinois [Mr. DENISON].

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

Mr. DENISON. Mr. Chairman and members of the committee, before our Government constructed the Panama Canal many able engineers in this country thought the canal ought to be built at Nicaragua. We appointed a commission, which made an exhaustive study of both routes, and that commission unanimously recommended Nicaragua. Some of the ablest men in the Senate and in the House thought we ought to construct the canal across Nicaragua, but Congress at that time decided otherwise.

Now, whether we approve of it or not, in 1914, the President of the United States negotiated a treaty with the Republic of Nicaragua, which was approved by the Senate. That was done during the administration of President Wilson. That treaty gave us the right to construct a ship canal across the Republic of Nicaragua.

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

Mr. DENISON. Yes.

Mr. MONTAGUE. Was that done under the Wilson administration?

Mr. DENISON. Yes; that was done under the Wilson administration, and Mr. Bryan negotiated the treaty.

Mr. MONTAGUE. For a canal across the Isthmus of Panama?

Mr. DENISON. Across Nicaragua.

Now we have that right. I am in favor of this resolution. We will always retain that right unless Congress takes some action looking to either utilizing it or surrendering it, and I think that as long as we have this rather incomplete canal right by the treaty negotiated in 1914 it is liable to be used as an excuse for interfering or intervening down there in that country. I think this Government ought to have an exhaustive survey made of the proposed Nicaragua route and find out whether it is practicable to build a canal there and ascertain what it will probably cost. If the investigation shows that it will be impracticable, or shows that it is going to cost too much, then our Government ought to abandon the rights we have there under the treaty of 1914 and get out.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield there for a question?

Mr. DENISON. The only way that will ever be done and the only way we will ever get action is to have a complete investigation and survey made, as provided in the pending resolution, and find out the facts.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield there?

Mr. DENISON. I am sorry I can not yield. I have only five minutes.

I think it is good business and good policy to make this investigation, so that our Government can determine the course it is going to pursue with reference to Nicaragua.

Mr. CROSSER. Is there any such big rush as seems to be assumed at this hour? Assuming all the gentleman says to be true—and I admit there is some force in what he says—would it not be better to have some one called here to give us an explanation of the foreign policy they have in mind?

Mr. DENISON. I will say this to my friend from Ohio: The State Department recommends that this be done; the War Department recommends that it be done; the Secretary of War, who has general supervision over the Panama Canal, recommends that it be done; the Navy Department recommends that it be done; the President is agreeable to it, and the Bureau of the Budget approves it.

Mr. PARKS. Why did they not come before the committee?

Mr. DENISON. They did come before the Senate committee and their views are all in the report. The resolution was submitted to all these departments of the Government and their replies are all in the report, so I think the House has ample evidence upon which to act.

Now, the testimony of Colonel Burgess, the Governor of the Panama Canal Zone, has been read here. I have recently been to the Panama Canal Zone. I am intensely interested in that project and I happen to be the chairman of the subcommittee that handles all Panama Canal legislation. I am a believer in the future of the Panama Canal, and I think I know the feelings of the Governor of the Panama Canal, Colonel Burgess. I believe he thinks this investigation ought to be made.

Mr. PARKS. An investigation of the Panama Canal or of the Nicaraguan route?

Mr. DENISON. Both of them. I think they ought to go together, and such an investigation and survey will have to be made sooner or later. If that is so, why not go ahead and have it made now? The sooner we make a complete investigation and survey of the Nicaraguan route and the sooner the House and the Senate are fully informed as to what it will cost to build a canal there, and whether or not it will be practicable, the better it will be for this country in order to enable us to determine our policy toward Nicaragua as well as toward the Republic of Panama. In short, if this investigation and survey should show that it is practicable to construct an interoceanic ship canal across Nicaragua, and that the cost of such a canal would not be prohibitive, then our Government should fully protect our rights under the treaty of 1914 from interference from any source. But if it should show that such a canal would be impracticable, or that the cost would be prohibitive, then we should surrender our rights under the treaty and withdraw from further special interests there.

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired, and the Clerk will read the bill for amendment.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the amendment be read in lieu of the bill.

The CHAIRMAN. Is there objection?

Mr. FISH. Reserving the right to object, will that cut anybody off from striking out the last word?

Mr. PARKER. That is not the intention at all.

Mr. BURTNESS. Reserving the right to object, in the event the amendment is read, how would amendments be proposed after the reading of each section or at the end of the entire amendment?

Mr. PARKER. After the reading of the entire committee amendment, which is the entire resolution.

Mr. HUDDLESTON. Mr. Chairman, reserving the right to object, would not the gentleman from New York think it better to consider the amendment as the bill and read the amendment by sections, as though we were reading the bill instead of considering the amendment as an entirety and reading it from beginning to end without stopping? If it can be arranged to read the amendment in lieu of the bill and deal with it by sections, as though we were reading the original bill, I shall have no objection.

Mr. PARKER. I simply ask unanimous consent to have the amendment read in lieu of the bill. I do not wish to shut off anybody from offering any amendment that they may see fit to offer, but I do believe we should have it read all at once. I believe we should read the amendment and then offer such amendments to it as are desired to be offered.

Mr. SABATH. But there are several sections, and if the unanimous consent is granted Members will be prevented from offering any amendment to the various sections.

Mr. PARKER. Not at all; and that is not the intention.

Mr. SABATH. So that amendments to the respective sections will be in order?

Mr. PARKER. That is my understanding.

Mr. RAYBURN. Will not the gentleman ask that it be read section by section?

Mr. PARKER. I prefer to have it read the other way. It makes no difference, and I think it will expedite matters.

Mr. RAYBURN. Well, it might not. I do not want to object and have the original Senate bill read and thus waste time.

Mr. PARKER. I am only making this request for the purpose of saving time and not for the purpose of shutting off anybody from offering any amendment they please to offer.

Mr. RAYBURN. I think it would save time if it is read section by section.

Mr. PARKER. If I do not secure this unanimous consent, I shall move to have it read in that way.

Mr. RAYBURN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard, and the Clerk will read.

The Clerk read as follows:

*Resolved, etc.*, That the President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, and such civilian engineers as the President deems advisable, a full and complete investigation and survey for the purpose of revising and bringing down to date the reports of the Isthmian Canal Commission transmitted to the Congress, and for the purpose of collecting the additional information and data necessary in order to ascertain (1) the most practicable route for an interoceanic ship canal by way of the San Juan River and Great Lake of Nicaragua or by way of any route over Nicaraguan territory, including a suitable harbor at each of the termini thereof; (2) the feasibility and approximate cost of the construction and maintenance of such canal; and (3) the cost of acquiring all private rights, privileges, and franchises, if any, pertaining to such route. The investigation and survey shall be made upon the basis of a canal having a capacity sufficient for the convenient passage of vessels of such tonnage and draft as may reasonably be anticipated.

Mr. FISH. Mr. Chairman, I move to strike out the last word.

Mr. TILSON. Mr. Chairman, has the entire bill been read?

The CHAIRMAN. The Chair would inform the gentleman that we are reading the bill under the general rules of the House section by section. Amendments will be in order at the conclusion of the reading of any section of the stricken-out part of the bill.

Mr. FISH. Mr. Chairman, I am opposed to the entire bill. I am not opposed to it for the reasons given, that it might keep our marines in Nicaragua. I believe both factions in Nicaragua, the Conservatives and the Liberals—and if there are any other factions, those, too—would agree unanimously in favor of the United States coming down there and spending hundreds of millions of American dollars to dig this 180-mile ditch. There is no question about that. You could not find anybody in Nicaragua who does not want us to come down there and spend our money. It is not a question of whether the marines are to stay in Nicaragua or whether they are to get out.

I am opposed to this resolution because it amounts virtually to a commitment to build the Nicaraguan canal, and we will be led right into appropriating $500,000,000 or $1,000,000,000 within a year or so to dig a 180-mile canal in a foreign country which we do not need.

I am opposed to this whole proposition, and I hope that the Representatives of the farmers of the Western States will pay some attention to the purposes of this legislation. For the last eight years they have been promising their farmer constituents in the Middle Western States that they were about to start building an all-American route, or the St. Lawrence route, to permit ships to go from the interior to Europe. Certain Western States have subsidized the St. Lawrence route, and when and where in the world do you expect to get the money for either the St. Lawrence route or the New York route if you go ahead and make a virtual commitment for $1,000,000,000 now to be spent in Nicaragua?

Let me say further to the farmers from the West—from Minnesota and the other Western States—I appreciate that they are committed to the St. Lawrence route, and they honestly believe that the politicians in Canada are staying up at night thinking out ways and means to help dig an ocean ship canal

from the Great Lakes to the St. Lawrence River. What the farmers want is a canal. They want either the St. Lawrence route or the New York route, and let me tell you this:

The good people of Canada are not staying up nights over the St. Lawrence route. They are in many sections opposed to the St. Lawrence route. It is the biggest unexploded myth before the country at the present time. It is subsidized by huge water-power interests, and yet the farmers out West honestly believe there is a chance for the St. Lawrence route. Why, the city of Montreal, with 1,000,000 population, has not any idea at all of giving up its position at the head of ocean traffic. The Province of Quebec, with one-third of the population of Canada, is united in its opposition to the St. Lawrence route.

What the farmers of the West want is a waterway, a ship canal to the Atlantic Ocean. They do not care whether it goes through New York or whether it goes by the St. Lawrence River. I believe I know something about the Canadian point of view because I happen to spend a part of the summer in Canada on the St. Lawrence River. I have talked with many of the officials in the Province of Quebec. I have talked with the prime minister, M. Taschereau and have had lunch with him. He is not under any illusion about the building of the St. Lawrence canal at this time or in the near future. There is no more chance of building the St. Lawrence canal than of repealing the eighteenth amendment in our time and generation. [Applause.] It is a lot of humbug that has been sold to the farmer out West. What you want is a ship canal to the Atlantic Ocean, and if you want such a canal you should vote against this resolution which will commit us before we know it to building the Nicaragua canal.

If you want $500,000,000 or $1,000,000,000 next year or five years from now to build a ship canal to help lower the freight rates, if you want to keep your promises and your pledges to the farmers back home, you have got to vote down this resolution, because this is the entering wedge and amounts to a commitment for the Nicaragua canal, and that is all there is to it. You can not have the Nicaragua canal and the St. Lawrence canal or the New York waterway. It can not be done. We can not appropriate one-half billion dollars one year for Nicaragua and another one-half billion dollars for the New York route.

Mr. O'CONNOR of Lousiana. Why does not the gentleman want the Nicaragua canal?

Mr. FISH. The gentleman asks why I do not want the Nicaragua canal. Because I am convinced that the Panama Canal has sufficient facilities to take care of the necessary traffic for the next 60 years if we put in a third lock. The governor of the canal has stated officially that we do not need more than one more lock to take care of the traffic requirements for the next 60 years.

Mr. SCHAFER. Will the gentleman yield?

Mr. FISH. I yield, yes.

Mr. SCHAFER. Is the gentleman in favor of the St. Lawrence canal?

Mr. FISH. I am certainly not, for many sound reasons, and besides Canada is against it and there is no chance of it being constructed. The Western States are for it, but the Province of Quebec with one-third of the population of Canada is strongly opposed to it and so are the big Canadian railroads.

Mr. SCHAFER. The people of the great Western States that the gentleman has referred to are for it?

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

Mr. NEWTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NEWTON. I would like to inquire of the Chair if, after having read the first section, the committee amendment is now in order or whether it will be necessary, under the rules of the House, to read every section of the Senate bill when the committee amendment will then be in order?

The CHAIRMAN. In answer to the gentleman's inquiry, the Chair would suggest that what he has stated is in order. However, the general practice of the House and the best practice is that when a bill is considered by section or paragraph, a substitute for the whole bill is properly offered after reading for amendment is concluded. Therefore, either course would be in order. The Chair recommends the latter course as being preferable.

Mr. CHALMERS. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. NEWTON. Mr. Chairman, I did not hear the last remark of the Chair.

The CHAIRMAN. The recommendation of the Chair is that the usual rule be followed and that the strickén part of the bill be read complete before the committee amendment is offered.

Mr. CHALMERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHALMERS. Since the Chair has recognized the gentleman from New York on a pro forma amendment, I ask if the Chair would recognize me for five minutes to oppose the pro forma amendment.

The CHAIRMAN. The gentleman has his rights under the rules. Does the gentleman demand recognition in opposition to the pro forma amendment?

Mr. CHALMERS. I demand recognition; yes.

The CHAIRMAN. The gentleman from Ohio [Mr. CHALMERS] is recognized for five minutes.

Mr. CHALMERS. Mr. Chairman, I admire the gentleman from New York on account of his ability, on account of what he has done and is doing, and also I admire him because of his imagination. [Laughter.] He says that the St. Lawrence canal will not be built in his day or mine. I want to say to the gentleman that in my judgment the St. Lawrence canal will be provided for in a treaty between this country and Canada within the next four years. [Applause.] I have great faith in the big chief who will take the reins of this Government at high noon on next Monday. He will bring about, with the assistance of this House and the other body, a treaty to build the Great Lakes-St. Lawrence waterway. There is not any possibility of stopping that great human necessity. We farmers of the West, 28 States landlocked, that have been praying for what is considered the birthright of humanity since the dawn of creation—an outlet to the sea.

The gentleman from New York recommends the New York route. Over and over again the New York route has been reported upon adversely by the experts as an economic impossibility. There is no such report standing against the St. Lawrence route. It is God's way to the sea from the Mid West.

We have 241,000 cubic feet of water flowing into the St. Lawrence River every second from Lake Ontario, down hill all the way, carrying our products from the West to the sea.

I know we will have some difficulty in adjusting the treaty with Canada, but the main obstacle there is New York influence. I do not see why New York is opposed to this great economic necessity. It is going to come within four years.

Do you know that New York seems to be afraid that if the farmers in the West have the right to build the St. Lawrence waterway that it will turn that great metropolitan city back into a cow pasture or a country village? That grass will again grow on Broadway. Fifth Avenue will become a sheep pasture and the lambs will go unmolested even down in Wall Street. [Laughter.]

Mr. SABATH. They are taking care of the lambs in Wall Street now. [Laughter.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the committee substitute for the Senate bill be read section by section.

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

There was no objection.

The Clerk read as follows:

That the President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, and with the aid of such civilian engineers as the President shall deem advisable, a full and complete investigation and survey for the purpose of ascertaining the practicability and the approximate cost of constructing and maintaining (1) such additional locks and other facilities at the Panama Canal as may be necessary to provide for the future needs of interoceanic shipping; and (2) any other route for a ship canal between the Atlantic and Pacific Oceans.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, if I did not believe that the people I have the honor to represent have a vital interest in this proposition I would not take the floor a second time. But, gentlemen, keep in mind that the Panama Canal was built as a military necessity, as a part of our national defense. [Applause.] Never let that escape your mind. And that canal should have been a sea-level canal. Everyone well informed in the history of that day knows that some powerful interests, political and otherwise, had frustrated every attempt to construct a sea-level canal. Everyone knows that the contracting interests were determined that it should be a dam-and-lock canal or no canal at all. Everyone knows that the great statesmen of that day and generation made it reluctantly, as an unreasonable concession, which they were powerless to refuse in view of the supreme necessity of getting a canal, lock or no lock. That canal was built, I repeat, my colleagues, for military purposes as a part of the national defenses and a forti-

ori, as the lawyers say, we need a second canal to insure that defense, which is just as pressing to-day as then, if not more so, in view of the development of airplanes, bombing planes, and airplane carriers. And keep in mind, we do not own the Panama Canal, and I rest on that proposition with all of its tremendous implications and inferences. You know that President Wilson, in language unmistakable and unforgettable, asked Congress to repeal the toll provisions in the Panama Canal act. That message indicated to many of his countrymen that he was acting under some great stress or felt a menacing attitude from some country beyond the Atlantic Ocean. We do not own the canal! President Wilson's interpretation of the Hay-Pauncefote treaty and the repeal by the Congress of the Panama Canal toll act indicate that we agree that we are not in that control which goes to ownership.

The debate has taken a wide range, but it is on the anvil of discussion, the spark of truth will fly, though some hold that too much discussion obscures if it does not entirely conceal the truth.

Therefore let us act and pass this resolution for a survey and if necessary let us dig this other canal, which will prevent war, which will not cost one-hundredth part of the cost of the World War to us, and which will bind us to Nicaragua, for be it remembered that the press carried the pleasing news when the President elect was down there on his good-will trip that the officials there indicated to him their pleasure and satisfaction at the construction of the prospective canal. And by whom will the survey be made? By the same sort of a commission that is in control of the flood works in the Mississippi Valley, which everyone knows will cost approximately $500,000,000. If that sort of a commission can undertake and execute the greatest domestic work in the history of the country, why can it not be trusted to make a survey at a cost of $150,000?

Mr. Chairman, I am for waterways. I am for the St. Lawrence project, if you can get the preliminaries settled by agreement with Canada. I am for the development of the Mississippi River and its wonderful tributaries. I am for the development of all waterways. It will expand our commerce and make for the glory and the grandeur of this country. I appeal to my southern colleagues not to turn down a proposition which makes for the development of their section, which will lead to a waterway connection that will give us in a few years vast returns and make for an opulence and a splendor that can come only with utilization of every available avenue of commerce. Do not turn your backs on your interests out of a mere fetish worship of some visionary, idealistic notion that you are hugging to your souls and remote from the practical demands of your own civilization. [Applause.]

Do not strain your vision for base purposes and sinister designs in the conduct of those who are seeking to secure the national defense and make for the acquisition of another canal if the survey and investigation show one to be necessary. The returns on the new canal, if built, would in my judgment exceed the amount expended for its construction. Do not question too searchingly the motives of those who honestly believe in a progress which may not appeal to you. There is no "bug under the chip," unless there is a bug under the chip in your opposition to a survey which will discover facts that have come into existence since the old survey and upon which we can predicate the future.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto be now closed.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 2. The President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, and with the aid of such civilian engineers as the President shall deem advisable, a full and complete investigation and survey for the purpose of revising and bringing down to date the reports of the Isthmian Canal Commission transmitted to Congress, with respect to the practicability and advantages and approximate cost of constructing a canal across Nicaragua, and for the purpose of obtaining all additional available information respecting (1) the most practical route for an interoceanic ship canal across the Republic of Nicaragua by way of the San Juan River and the Great Lake of Nicaragua, or by way of any other route over Nicaraguan territory, including suitable locations for harbors at each of the termini thereof; (2) the practicability and approximate cost of constructing and maintaining such canal; and (3) the approximate cost of acquiring all private rights, properties, privileges, and franchises, if any, included in or necessarily affected by such canal route.

Mr. BURTNESS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered to the committee amendment by Mr. BURTNESS: Page 5, line 6, strike out all of section 2.

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, I am offering this amendment in all sincerity, and yet I admit that it is done with some hesitation.

I agree thoroughly with the gentleman from Minnesota [Mr. NEWTON] that the resolution reported by way of a substitute by the House committee is a great improvement over the Senate resolution. It is because I was, with others, instrumental in greatly improving the resolution by the committee amendment that I hesitate in asking further to strike out section 2. The Senate resolution as it came to the House, it seemed to some of us at least, was an absolute commitment on the part of this country, or would have been construed as such, to the building of the Nicaraguan Canal. You will note that the amendment proposed by the committee makes the Nicaraguan survey in a way secondary, and puts provisions into the first section of the resolution for an investigation to determine what can be done at the Panama Canal by building new locks and additional facilities of any sort so as to take care of the shipping needs of the future, making the survey of the Panama Canal paramount. And yet when we come to section 2 we find in it a very definite provision with reference to the Nicaraguan Canal, which might also be construed by many as a commitment to the building thereof. Surely we can well imagine that in a year or two from now our good friend from Louisiana [Mr. O'CONNOR], who made such an excellent speech here a few minutes ago, from his viewpoint, would at least argue very specifically, in the event of the passage of this resolution, that we are committed to such purpose, if for no other reason than as a military necessity. The speech made by him would give some justification for that contention.

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

Mr. BURTNESS. I can not yield now. Let us see what my amendment would do. I submit, if you strike out section 2, you retain everything that is reasonably necessary, whether it be for investigating what may be the need for enlarging the Panama Canal, as well as what may be reasonably proper and necessary at this time in the matter of surveying routes for ship canals between the Atlantic and the Pacific Oceans, because I call your attention to subdivision 2, found on page 5, in line 4 of that page.

You still have a general provision there so that the engineers of the War Department and the civilian engineers may use this money to the limit of $150,000, as now proposed, for the general purpose of making a reasonably accurate survey and informing the people of this country as to the results thereof. Of course, that was not the intent of the survey provided by the Senate bill, and I doubt whether it is the intent of the survey provided by section 2. The Senate resolution laid its main emphasis on the Nicaraguan route, appropriated $150,000 to start with, and made the sky the limit with reference to future appropriations to complete the work. No one knows to-day whether the cost of those surveys will amount to half a million dollars or five million dollars. I think every member of the committee will agree that $150,000 can not possibly provide for the cost of the surveys contemplated by section 2, in addition to the survey of the facts with reference to the Panama Canal, contemplated by section 1, and when an attempt is made to make that limitation, it becomes more or less of a camouflage, if all of the purposes of the resolution are going to be carried out.

Remember this, also. If you vote to retain section 2 in the resolution, our adopting it will not necessarily mean it will be enacted in this way. It will have to go to conference, and you will be conferring there with the other body upon the malicious provisions that are found in the Senate resolution which would not only commit us to the building of the Nicaraguan canal but is a mandate to the President of the United States to enter into negotiations not only with Nicaragua but also with other countries, to do what?

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. PARKS. Mr. Chairman, I ask unanimous consent that the time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURTNESS. Mr. Chairman, in the Senate resolution there is a mandate to the effect that the President shall open up negotiations with Nicaragua that will absolutely decide the details under which the canal shall be operated if it is constructed.

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

Mr. BURTNESS. Yes.

Mr. DEMPSEY. Does not the gentleman think that the provision in the Senate resolution, the second paragraph on page 3, is a wise provision to include in the resolution pending here?

Mr. BURTNESS. Yes. I would not object to that at all. I think it would be a rather wise provision.

Mr. Chairman, out in the Northwest where the burden of the cost of the Panama Canal weighs more heavily on the people than anywhere else in the country, in the manner of higher transportation costs on our products, we are not opposed to providing facilities that will make it possible for our commerce and for our naval ships or for any other commerce that needs a canal to pass from the Atlantic to the Pacific. Not at all. But we do say this, that I think the entire Middle West and the Northwest are ready to give notice to the country that we are not going to entertain a proposition of actually building a second canal until we shall have found an outlet from the Great Lakes to the sea.

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

Mr. BURTNESS. Yes.

Mr. RAMSEYER. I want information. I want to know what is the present capacity of the Panama Canal to take care of the ships that want to go through there now.

Mr. BURTNESS. That has been given several times. We had no formal hearings on it in our committee, but I understand that the average number of ships going through per day is about 19 with a maximum capacity of 54. Additional facilities can be provided. We are already committed in a way to the enlargement of the facilities of the Panama Canal, for otherwise why are we spending money in the appropriation bills from year to year to build a dam across the Chagres River to impound water there to add to the water of the Panama Canal? It is believed that when that water becomes available it will take care of another set of locks. That is the information I have. One additional set of locks will practically double the capacity of the canal.

Mr. RAMSEYER. From the information before your committee, is there any commercial need for another canal at this time?

Mr. BURTNESS. Absolutely not; and there is no existing emergency. If additional facilities that might be built at Panama under a survey such as provided in section 1, it would probably take care of the needs for from 30 to 50 years. Such a survey alone will take a few months. Let us get information on that first, and upon obtaining that information let us proceed to do what ought to be done. We can then determine in a more judicial way than now possible whether we should provide for a Nicaraguan survey in addition.

Mr. RAMSEYER. Is there any information before the committee indicating the necessity of enlarging the Panama Canal?

Mr. BURTNESS. There was not a single witness that appeared before the committee on that point, and the best information I know of with reference to the subject can be found not in the hearings on this resolution, but in the hearings had before the Subcommittee on Military Affairs of the Appropriations Committee. I do know there is no emergency now existing.

Mr. RAMSEYER. What was the cost mentioned in the report of the committee on the Nicaraguan project?

Mr. BURTNESS. I do not know what the cost could or would be. I doubt whether anyone knows. Personally, in so far as dealing with the proposed Nicaraguan route is concerned, I do not believe there is any justification for it. I think, however, there is ample justification and ground for getting complete information as to the cost and practicability of providing enlarged facilities in the Panama Canal project as provided by section 1 of this bill. I think it would be a worth-while piece of legislation. If it is enacted, the Chief of Engineers and the President can proceed to determine in a scientific and engineering way just what we can accomplish at Panama in the way of providing additional facilities. They can also give to the country and to Congress their best judgment, after thorough economic surveys, of the shipping needs of the future. It will then be early enough to decide about a Nicaraguan survey.

For these reasons I urge that section 2 be stricken from the bill.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last two words of the gentleman's amendment.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. LAGUARDIA. Mr. Chairman, I find that on this occasion I regret that I am not in agreement with a great many of my colleagues with whom I generally agree and with whom I often find myself in the minority. I do not look at this resolution in the light of solely military purpose, but am attracted to it for its useful commercial purposes and its tremendous peace potentialities.

This proposition has nothing to do with any other canal, so it is only confusing the issue to bring in a discussion of any other canal at this time. We eventually will build this canal and we will also build other great canals.

Now, gentlemen, it is stated that at the present time we do not need additional canal facilities down on the Isthmus. That may be true, but as legislators here we have more important duties than passing private bills for the relief of John Jones or John Smith, and a legislator is not worth his salt unless he has sufficient vision to look 50, 75, or even 100 years into the future. [Applause.] The very opposition here to-day indicates that even after the survey is completed it will take many years before we will be able to start the actual digging of this canal. There is nothing in the argument that we will not have sufficient funds with which to undertake this project and another canal project for the reason that if there is one thing this country has too much of it is money. I would sooner see our enormous surplus expended in such useful projects beneficial to all humanity than in a race of competitive armaments.

I want to say that in addition to the so-called military necessity I look at this project as another great agency of peace. It can not be said that the Panama Canal, which brought us nearer to the Orient, has in any way stimulated war. The Panama Canal brought peace, and the nearer we can get to the people of other nations the greater will be the hope for permanent peace.

I want to say to my colleagues in the Democratic Party that when the history of the world is written by the next generation, if there is one man who will have a glorious page in that history for his sincere efforts toward world peace it is your own William Jennings Bryan [applause], and he initiated this very project. That being so it is quite consistent that some of us, who are bending every effort to keep our country from engaging in the race for armament and keeping our country from becoming a militaristic nation, should indorse this project. We see in it not a threatened danger of war but a real agency for bringing the people of the world closer together and, therefore, being a greater agency of peace.

This is the age of great undertakings. After all to what better purpose can we devote our enormous resources than to apply the ingenuity of man of this enlightened day to correcting the defects of nature and thus bringing the people of the world not only closer to each other but also to a better understanding of each other. If the Nicaragua canal will be needed 60 years from now it is our duty to pass this resolution to-day. [Applause.]

Mr. MAPES rose.

The CHAIRMAN. For what purpose does the gentleman from Michigan, a member of the committee, rise?

Mr. MAPES. I desire to oppose the amendment.

The CHAIRMAN. The gentleman from Michigan is recognized for five minutes in opposition to the amendment.

Mr. SABATH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SABATH. There was one speech in favor of the amendment and two gentlemen have already spoken against the amendment. I am for the amendment, and I am not entitled to be recognized now?

The CHAIRMAN. The gentleman from Michigan, as the Chair understands, rises in opposition to the pro forma amendment offered by the gentleman from New York [Mr. LAGUARDIA] and is recognized for five minutes.

Mr. SABATH. I was under the impression that the gentleman desired to speak against the original amendment.

The CHAIRMAN. The gentleman from Michigan will proceed in order.

Mr. MAPES. Mr. Chairman, I rose to oppose the amendment offered by the gentleman from North Dakota [Mr. BURTNESS] to strike out the paragraph.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan for that purpose.

Mr. MAPES. Mr. Chairman, ladies, and gentlemen of the committee, I am in favor of the St. Lawrence waterway, but for the life of me I can not see what that has to do with the resolution before the committee to-day. The gentleman from North Dakota [Mr. BURTNESS], who made the motion to strike out section 2, says that the passage of this resolution will commit Congress to the proposition of building a Nicaraguan canal. In that he differs from the author of the resolution, Senator EDGE, who says that the only purpose of the resolution is to obtain information.

A great many Members seem to think there is something sinister back of this resolution. If there is it does not appear on

its face. The gentleman from Iowa [Mr. RAMSEYER] asked the gentleman from North Dakota what is the cause of it, and the gentleman from North Dakota [Mr. BURTNESS] and others seem to attempt to convey the impression that there is something back of it. The cause of it, the reason for it, is to seek information. Members are justified in scrutinizing every piece of legislation that comes before the House to find out what, if anything, there is back of it. No one can take any exception to that policy; but at the same time they ought not to see things where there is nothing to be seen. This resolution simply provides that Army and civilian engineers shall examine these two routes and make a report back to Congress of what they find. That is all there is to it. No stretch of the imagination can find anything else in it. The author of the resolution in the Senate, Senator EDGE, says:

The joint resolution provides simply and alone for information. It does not establish any policy at all.

In that statement he differs from the gentleman from North Dakota [Mr. BURTNESS]:

It provides that Congress and the country shall be informed through an investigation to be made by the Board of Engineers as to the practicability and feasibility of taking advantage of the right of way which we purchased from the Government of Nicaragua to construct an interoceanic canal across the Isthmus at that point; likewise, to be given all information as to the feasibility and practicability of increasing the facilities of the Panama Canal. It has been suggested that it might be possible to install a third set of locks at Panama and thus increase the facilities of the Panama Canal approximately one-third.

Now, dismissing these bugaboos that some people have in their minds, all the resolution proposes to do is to authorize the engineers to survey the situation and make a report so that the Congress and the country will know what the situation is.

Mr. RAMSEYER and Mr. SABATH rose.

Mr. MAPES. I am sorry, but I have not the time to yield.

Mr. RAMSEYER. I want to ask a pertinent question for information.

Mr. MAPES. I am sorry, but I have not the time to yield.

The question has been asked, What is the need of this survey; what is the need of additional canal facilities at the Isthmus? And there have been some answers here to the effect that it will be 60 years before there will be any necessity for additional canal facilities at the Isthmus.

Gentlemen who make such statements are undoubtedly sincere. They make them in good faith and believe them to be true, but such statements should be understood for what they are. They are merely expressions of opinion and not statements of fact. There are great differences of opinion about the present facilities of the canal being sufficient even 10 years from now. As Senator EDGE well said in his speech on this resolution in the Senate, "Estimates, of course, are nothing but guesswork," and the traffic in the Panama Canal has doubled in every 5-year cycle since it was opened.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MAPES. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MAPES. For the first 5 years it was a certain amount, the next 5 years it was twice as much as it was the first 5, the next 5 years it was twice what it was the preceding 5, and so on.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. MAPES. I am sorry, but I have not the time.

Mr. HUDDLESTON. It is right on that point.

Mr. MAPES. I quote from the speech of Senator EDGE. I am sorry I have not the time to yield, I will say to the gentleman.

We can not visualize commercial traffic for 5 or 10 or 15 or 20 years—

Said Senator EDGE.

What sounder proposition was ever made?

We can not visualize commercial traffic for 5 or 10 or 15 or 20 years. The fact remains that in each cycle of five years since the canal has been operating, the traffic has more than doubled. * * * It is coming along with such rapidity that surely there can not be any reasonable objection to getting all the information in order to be prepared for a final decision on the part of Congress as to our future canal policy. That is all this joint resolution does.

That is the statement of the proponent of the resolution, Senator EDGE. Let me quote the Senator from Tennessee, Senator MCKELLAR, who refers to a statement by his colleague, Senator KENDRICK, of Wyoming. Senator MCKELLAR, speaking of the conditions and about the need of this survey and of additional canal facilities, says:

The Senator from Wyoming, Mr. KENDRICK, is exactly right when he says that the Panama Canal will be used to its utmost limit of capacity in six or seven years.

See how widely opinions differ as to the capacity of the canal at present to take care of the future needs? Senator MCKELLAR and Senator KENDRICK say that it will be used to its utmost capacity in six or seven years. Senator MCKELLAR continued:

It will be but a very short time until that happens; and it is absolutely necessary that something should be done at once to provide increased canal facilities.

Now that is the situation. This resolution simply provides for a survey and for a report on the two propositions.

Mr. PARKER. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

Mr. HUDDLESTON. I trust the gentleman will not make that motion until I have an opportunity to be heard.

Mr. HOWARD of Nebraska. I may want to talk some myself.

Mr. PARKER. I will amend the motion in order to allow the gentleman to have five minutes.

Mr. HUDDLESTON. Mr. Chairman, I shall claim recognition in opposition to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. PARKER] moves that all debate on this section and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I expressed my views on this bill last night and had not intended to say anything more.

The gentleman from Michigan [Mr. MAPES] has fallen into a gross error with reference to the rate of increase in the use of the Panama Canal. I hold in my hand the report of the Senate committee on this bill. It carries a table on the use of the canal which I assume comes from some reliable source, and I read it, as follows:

| Fiscal year ending June 30— | Number of transits | Panama Canal net tonnage | Tolls | Tons of cargo |
|---|---|---|---|---|
| 1915 | 1,075 | 3,792,572 | $4,367,550.19 | 4,888,454 |
| 1916 | 758 | 2,396,162 | 2,408,089.62 | 3,094,114 |
| 1917 | 1,803 | 5,798,557 | 5,627,463.05 | 7,058,563 |
| 1918 | 2,069 | 6,574,073 | 6,438,853.15 | 7,582,031 |
| 1919 | 2,024 | 6,124,990 | 6,172,828.59 | 6,916,621 |
| 1920 | 2,478 | 8,546,044 | 8,513,933.15 | 9,374,499 |
| 1921 | 2,892 | 11,415,876 | 11,276,889.91 | 11,599,214 |
| 1922 | 2,736 | 11,417,459 | 11,197,832.41 | 10,884,910 |
| 1923 | 3,967 | 18,605,786 | 17,508,414.85 | 19,567,875 |
| 1924 | 5,230 | 26,148,878 | 24,290,963.54 | 26,994,710 |
| 1925 | 4,673 | 22,855,151 | 21,400,523.51 | 23,958,836 |
| 1926 | 5,197 | 24,774,591 | 22,931,055.98 | 26,037,448 |
| 1927 | 5,475 | 26,227,815 | 24,228,830.11 | 27,748,215 |

It purports to give us the business of the canal for every year since 1915. It plainly shows that there has been little increase in the use of the canal since 1924. There was a falling off in 1925 and 1926 below the amount of 1924. In 1927 the use of the canal again came up until it slightly exceeded the use of 1924.

Now, I want to say further, this: We do not object to any investigation gentlemen may want to make with reference to the Panama Canal, and its enlargement. The amendment of the gentleman from North Dakota [Mr. BURTNESS] contemplates merely striking out the reference to the Nicaragua end of the proposition. That is what we want to eliminate.

Let us consider the matter like sensible men. We are appropriating here $150,000 and have provided that with that sum an investigation shall be made of the Nicaraguan route, of the San Blas route, and also of the Panama route. That sum is probably not sufficient to pay more than one-tenth of the cost of all that work. It is not sufficient to do what is required to be done at Panama alone. It will take a matter of five years and probably more to complete the entire three investigations included in this bill. If we should confine this bill to Panama alone, that money and more could be spent in the Panama investigation, and yet the investigation will not have been completed by the time Congress assembles again and probably not for a year or two thereafter. There will be plenty of time in which to pass a measure and to make new appropriations for the San Blas and the Nicaraguan routes.

These two projects are an unnecessary part and do not belong in the bill. Therefore I say as I stated last night that we can not escape the conclusion that there is "a bug under the chip," and that the full purpose of the bill has not been

disclosed. The gentleman from Illinois [Mr. DENISON] twitted me that I was "too suspicious," that I was looking for something sinister in everything. Let me say to him that "a burnt child dreads the fire." I was not born yesterday. I have been misled before, and therefore I am afraid. I advise every Member of the House if they want to act advisedly on this measure to get more information before they act. Ask some one to tell you why the Nicaraguan route was put into this bill. I asked it last night. I challenged the chairman of the committee, and every Member who advocated the bill to give a single reason for the haste with which they were pressing it forward. I got no answer, nothing but silence. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired; all time has expired, and the question is on the amendment of the gentleman from North Dakota.

The question was taken; and on a division (demanded by Mr. BURTNESS) there were 50 ayes and 110 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 5. The President is hereby requested to report to the Congress not later than two years from the approval of this resolution the results of the investigations and surveys hereby authorized, together with such recommendations in connection therewith as he may deem advisable.

Mr. FISH. Mr. Chairman, I move to strike out the last word. The proponents of this resolution have placed it before you, but have refused to give you any information. I took the trouble to send a radiogram to the American Governor of the Panama Canal Zone, and I would appreciate the attention of the House to the reading of his reply. The following is the radiogram received a few minutes ago from the Governor of the Panama Canal Zone. It is addressed to me; in reply to a radiogram I sent yesterday for information as to the facilities of the Panama Canal. This radiogram was received at 2 p. m. to-day, and was sent from Balboa Heights, Panama Canal, March 1, 1929:

Making all allowances such as for locks overhaul periods, present capacity of the Panama Canal is 60,000,000 tons per year. Traffic last year was something less than 30,000,000 tons. According to best estimate that is now possible the growth of traffic will not exceed 10,000,000 tons per decade, which indicates third set of locks will be required in about 30 years, but to construct in such manner as to cause minimum interference with traffic their construction should be undertaken at least 10 years before actually required. I have stated that constant study should be made by the canal administration of growth of traffic in order that Congress may be informed in ample time to provide for construction of third set of locks. The present water supply is sufficient to operate existing locks, although for more satisfactory navigation Alhajuela Reservoir should be completed as soon as possible. Congress has already authorized beginning of this work, but appropriations have been small. Subsequent to completion of this reservoir water supply will be ample for third set of locks, giving Panama Canal traffic capacity of 100,000,000 tons per year.

BURGESS.

FRIDAY—11 a. m.

One hundred million tons is over three times the traffic needs at the present time, and, further, in spite of all that Senator EDGE has said, according to the reading of the CONGRESSIONAL RECORD here to-day, the Governor of the Canal Zone says that with three locks the facilities of the Panama Canal will be sufficient for 70 years to come. I join with the others who are asking and demanding without response why should this legislation be rushed in at the eleventh hour, and why should we be asked to authorize a survey of the Nicaraguan canal, when the Governor of the Panama Canal Zone, a man who has been the chief engineer there for four years, says that the Panama Canal can take care of all requirements for 30 years and with an additional lock for 30 more years?

Mr. JOHNSON of Washington. Who is that signed by?

Mr. FISH. It is signed by Burgess, who is the Governor of the Panama Canal Zone, and who was formerly chief engineer for years on the Panama Canal.

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

The question is on the committee substitute for the Senate resolution.

The committee substitute was agreed to.

The CHAIRMAN. Under the rule the committee will now rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate Joint Resolution 117, pursuant to House Resolution 345, and he reported the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the resolution as amended be agreed to.

The SPEAKER. Under the rule the previous question is ordered. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate joint resolution.

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

Mr. RAYBURN. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. RAYBURN moves to recommit S. J. Res. 117 to the Committee on Interstate and Foreign Commerce with instructions to report the same back with the following amendment:

Strike out all of section 2, and "for the operation of a canal across Nicaragua or elsewhere and," on lines 5 and 6 of page 6.

The SPEAKER. The question is on the motion to recommit.

Mr. BURTNESS. On that I demand the yeas and nays.

The SPEAKER. As many as favor ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-seven Members have risen, not a sufficient number, and the yeas and nays are refused. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. RAYBURN) there were—ayes 56, noes 185.

So the motion to recommit was rejected.

The SPEAKER. The question is, Shall the resolution pass?

The question was taken, and the resolution was agreed to.

The title was amended.

ORDER OF BUSINESS

Mr. MICHENER. Mr. Speaker, will the gentleman from Connecticut yield?

Mr. TILSON. Yes.

Mr. MICHENER. I understand that we are about to take a recess until 8 o'clock. What business will be taken up at the night session?

Mr. TILSON. Conference reports and other privileged matters.

Mr. JOHNSON of Washington. Mr. Speaker, I think the House ought to be informed that I shall endeavor to call up the conference report upon H. R. 349, the naturalization bill.

Mr. BEEDY. Do I understand that bridge bills are going to be brought up this evening?

The SPEAKER. The session to-night will be a regular business session of the House.

RECESS

Mr. TILSON. Mr. Speaker, I move that the House stand in recess until 8 o'clock this evening.

The motion was agreed to; and accordingly (at 4 o'clock and 32 minutes p. m.) the House stood in recess.

## EVENING SESSION

The recess having expired, the House was called to order by the Speaker.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the House of Representatives is respectfully requested to return to the Senate the bill (S. 5715) entitled "An act for the relief of J. H. B. Wilder."

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 16436. An act to provide for the repatriation of certain insane American citizens.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9285. An act to provide for the settlement of claims against the United States on account of property damage, personal injury, or death.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red

Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

The message also announced that the House of Representatives is respectfully requested to return to the Senate the bill (S. 2127) entitled "An act for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., Joliet, Ill., bankrupt."

The message also announced that the Senate agrees to the amendments of the House to the joint resolution (S. J. Res. 117) entitled "Joint resolution authorizing an investigation and survey for the purpose of ascertaining the practicability and the approximate cost of constructing and maintaining additional locks and other facilities at the Panama Canal, and for the purpose of ascertaining the practicability and probable cost of constructing and maintaining an interoceanic ship canal across the Republic of Nicaragua.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1625. An act to carry into effect the findings of the court of claims in favor of Myron C. Bond, Guy M. Caflin, and Edwin A. Wells;

H. R. 2137. An act for the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. S. Heydeck;

H. R. 2659. An act for the relief of Annie M. Lizenby;

H. R. 3044. An act for the relief of Leon Freidman;

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

H. R. 3677. An act for the relief of F. M. Gray, Jr., Co.;

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

H. R. 4029. An act for the relief of Maude A. Sanger;

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

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

H. R. 4440. An act for the relief of Frederick O. Goldsmith;

H. R. 4611. An act for the relief of Marion M. Clark;

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

H. R. 5264. An act for the relief of James P. Cornes;

H. R. 5338. An act for the relief of Roland M. Baker;

H. R. 5341. An act for the relief of Staunton Brick Co.;

H. R. 5399. An act for the relief of George Heitkamp;

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River, and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers, and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested;

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested;

H. R. 7173. An act granting compensation to the daughters of James P. Gallivan;

H. R. 7230. An act for the relief of Charles L. Dewey;

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

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

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

H. R. 7930. An act to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve";

H. R. 7976. An act for the relief of Mrs. Moore L. Henry;

H. R. 8223. An act to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md.;

H. R. 8423. An act for the relief of Timothy Hanlon;

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

H. R. 8886. An act for the relief of Luc Mathias;

H. R. 8987. An act for the relief of John R. Butler;

H. R. 9530. An act for the relief of W. L. Inabnit;

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

H. R. 9862. An act for the relief of M. T. Nilan;

H. R. 9972. An act for the relief of Charles Silverman;

H. R. 10045. An act for the relief of Robert S. Ament;

H. R. 10178. An act for the relief of the H. J. Heinz Co., Atlantic City, N. J.;

H. R. 10417. An act for the relief of George Simpson and R. C. Dunbar;

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

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

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

H. R. 11500. An act for the relief of Ella Mae Rinks.

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

H. R. 11698. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes;

H. R. 12189. An act for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti;

H. R. 12198. An act to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.;

H. R. 12359. An act for the relief of the widow of Edwin D. Morgan;

H. R. 12548. An act for the relief of Margaret Vaughn;

H. R. 12650. An act for the relief of John F. Fleming;

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

H. R. 13132. An act for the relief of J. D. Baldwin, and for other purposes;

H. R. 13258. An act for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office;

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

H. R. 13430. An act for the relief of Arthur E. Rump;

H. R. 13521. An act for the relief of Minnie A. Travers;

H. R. 13573. An act for the relief of Pedro P. Alvarez;

H. R. 13593. An act to legalize a bridge across the Fox River at East Dundee, Ill.;

H. R. 13869. An act for the relief of John Wesley Clark;

H. R. 13888. An act for the relief of Charles McCoombe;

H. R. 13992. An act for the relief of N. P. Nelson & Co.;

H. R. 14242. An act for the relief of Everett A. Dougherty;

H. R. 14663. An act directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate;

H. R. 14823. An act for the relief of the Meadow Brook Club;

H. R. 14850. An act for the relief of Leo Byrne;

H. R. 14873. An act for the relief of Chesley P. Key;

H. R. 14897. An act for the relief of Matthias R. Munson;

H. R. 14975. An act for the relief of Capt. William Cassidy;

H. R. 15220. An act for the relief of Francis X. Callahan;

H. R. 15292. An act for the relief of the First National Bank of Porter, Okla.;

H. R. 15293. An act for the relief of Lieut. John J. Powers, Quartermaster Corps;

H. R. 15421. An act for the relief of D. B. Heiner;

H. R. 15570. An act authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.;

H. R. 15717. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.;

H. R. 15718. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to re-

construct, maintain, and operate a free highway bridge across the Grand Calumet River at or near Lake Street, in the city of Gary, county of Lake, Ind.;

H. R. 15723. An act authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes;

H. R. 15916. An act to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal;

H. R. 16126. An act granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.;

H. R. 16131. An act to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries;

H. R. 16169. An act to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind.;

H. R. 16170. An act authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.;

H. R. 16205. An act authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.;

H. R. 16345. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

H. R. 16382. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16383. An act to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.;

H. R. 16384. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

H. R. 16385. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 16386. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 16387. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 16388. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

H. R. 16389. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 16393. An act to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes;

H. R. 16406. An act to repeal the provision of law granting a pension to Annie E. Springer;

H. R. 16407. An act to repeal the provision of law granting a pension to Lottie A. Bowhall;

H. R. 16423. An act to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.;

H. R. 16425. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16426. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.;

H. R. 16427. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky.;

H. R. 16430. An act extending the time for constructing a bridge across the Kanawha River at a point in or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.;

H. R. 16431. An act extending the times for commencing and completing the construction of a bridge to be built across the Kanawha River at or near Henderson, W. Va., to a point opposite thereto at or near Point Pleasant, W. Va.;

H. R. 16432. An act granting the consent of Congress to the Highway Department of the County of Etowah, State of Alabama, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry;

H. R. 16433. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 16436. An act to provide for the repatriation of certain insane American citizens;

H. R. 16448. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 16499. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.;

H. R. 16531. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.;

H. R. 16533. An act to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J.;

H. R. 16603. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.;

H. R. 16604. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.;

H. R. 16605. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.;

H. R. 16606. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.;

H. R. 16609. An act extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

H. R. 16610. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.;

H. R. 16640. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 16641. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.;

H. R. 16645. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.;

H. R. 16659. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River in the State of South Dakota;

H. R. 16660. An act to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota;

H. R. 16701. An act to provide for the payment of rental to the Board of Commissioners for the Port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.;

H. R. 16714. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16719. An act granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River, at or near Chattanooga, Hamilton County, Tenn.;

H. R. 16725. An act authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La.;

H. R. 16791. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 16818. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.;

H. R. 16824. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 16867. An act for the relief of H. E. Jones;

H. R. 16985. An act 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;

H. R. 16988. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

H. R. 17001. An act for the relief of Capt. Walter R. Gherardi, United States Navy;

H. R. 17020. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 17023. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.;

H. R. 17079. An act to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools;

H. J. Res. 377. Joint resolution authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus;

H. J. Res. 399. Joint resolution providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia and supplements; and

H. J. Res. 431. Joint resolution providing for an investigation of Grover M. Moscowitz, United States district judge for the eastern district of New York.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1781. An act to establish load lines for American vessels, and for other purposes;

S. 2366. An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions;

S. 2410. An act to amend section 1440 of the Revised Statutes of the United States;

S. 2901. An act to amend the national prohibition act, as amended and supplemented;

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

S. 4039. An act to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended;

S. 5544. An act to increase the membership of the National Advisory Committee for Aeronautics;

S. 5706. An act authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.;

S. 5847. An act authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.;

S. 5746. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

S. 5880. An act to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes; and

S. J. Res. 117. Joint resolution authorizing an investigation and survey for the purpose of ascertaining the practicability and the approximate cost of constructing and maintaining additional locks and other facilities at the Panama Canal, and for the purpose of ascertaining the practicability and probable cost of constructing and maintaining an interoceanic ship canal across the Republic of Nicaragua.

BRIDGE ACROSS THE LITTLE CALUMET RIVER, ILL.

Mr. DENISON. Mr. Speaker, I call up from the Speaker's table the bill S. 5824, an identical bill being on the House Calendar.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5824) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Little Calumet River, at a point suitable to the interests of navigation, at or near Ashland Avenue in said county and State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

Mr. SABATH. Mr. Speaker, may I ask the gentleman from Illinois where is that bridge? Is it on Michigan Avenue?

Mr. DENISON. It is on Ashland Avenue.

Mr. SABATH. That is outside of my district. I thought it was in my district.

The SPEAKER. Is there objection?

There was no objection.

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

The motion to reconsider the last vote was laid on the table.

On motion of Mr. DENISON a similar House bill was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER, MO.

Mr. DENISON. Mr. Speaker, I also call up the Senate bill 5835.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 5835) authorizing the construction of a bridge across the Missouri River near St. Charles, Mo.

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the St. Louis-Kansas City Short Line Railroad Co., a corporation of the State of Missouri, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point about four miles south of west of the city of St. Charles, in the county of St. Charles, Mo., to a point in St. Louis County in said State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The SPEAKER. Is there objection?

There was no objection.

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

A motion to reconsider the last vote was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT MIAMI, MO.

Mr. DENISON. Mr. Speaker, I call up Senate bill 5837, on the Speaker's table.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 5837) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo.

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Saline County, Mo., authorized to be built by Frank M. Burruss, his heirs, legal representatives, and assigns, by an act of Congress approved February 28, 1928, are hereby extended one and three years, respectively, from February 28, 1929.

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

The SPEAKER. Is there objection?

There was no objection.

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

A motion to reconsider the last vote was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT ARROW ROCK, MO.

Mr. DENISON. Mr. Speaker, I also call up Senate bill 5836, an identical House bill being on the calendar.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 5836) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo., authorized to be built by F. C. Barnhill, his heirs, legal representatives, and assigns, by an act of Congress approved February 28, 1928, are hereby extended one and three years, respectively, from February 28, 1929.

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

The SPEAKER. Is there objection?

There was no objection.

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

The motion to reconsider the last vote was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT ARKANSAS CITY, ARK.

Mr. DENISON. Mr. Speaker, I also call up the bill S. 5825, a similar bill being on the House Calendar.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 5825) extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark.

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark., authorized to be built by Henry Thane, his heirs, legal representatives, and assigns, by the act of Congress approved March 29, 1928, are hereby extended one and three years, respectively, from March 29, 1929.

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

The SPEAKER. Is there objection?

There was no objection.

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

A motion to reconsider the last vote was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT BETTENDORF, IOWA

Mr. DENISON. Mr. Speaker, I call up from the Speaker's table the bill S. 5844, an identical bill being on the House Calendar.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 5844) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa, authorized to be built by B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, by the act of Congress approved May 26, 1928, are hereby extended one and three years, respectively, from May 26, 1929.

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

The SPEAKER. Is there objection?

There was no objection.

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

A motion to reconsider the last vote was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT KANSAS CITY, MO.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 5758. I am authorized by the Committee on Interstate and Foreign Commerce to call it up.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5758) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans., authorized to be built by the Interstate Bridge Co., its successors and assigns, by act of Congress approved May 22, 1928, are hereby extended one and three years, respectively, from May 22, 1929.

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

The SPEAKER. Is there objection?

There was no objection.

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

A motion to reconsider the last vote was laid on the table.

RAILROAD BRIDGE ACROSS THE OHIO RIVER

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 5845, granting the consent of Congress to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Ohio River near Cincinnati, Ohio, and ask for its immediate consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the Kentucky & Ohio Terminal Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, above Cincinnati, Ohio, near Coney Island, to a point above Newport, Ky., opposite the Ohio terminal, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Kentucky & Ohio Terminal Co., its successors and assigns; and any party to whom such rights, powers, and privileges may be sold, assigned, transferred, or who shall acquire the same by mortgage or foreclosure or otherwise, is hereby authorized to excercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER NEAR ARROW ROCK, MO.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 5834, authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo., and ask for its immediate consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the St. Louis-Kansas City Short Line Railroad Co., a corporation of the State of Missouri, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near the town of Arrow Rock, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS LAKE CHAMPLAIN

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 5045, authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt., and ask for its immediate consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, Jed P. Ladd, of Burlington, Vt., his heirs, legal representatives, and assigns, be, and he is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Lake Champlain, at a point suitable to the interests of navigation, between a point at or near East Alburg, Vt., and a point at or near West Swanton, Vt., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Jed P. Ladd, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the pro-

ceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Jed P. Ladd, his heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Vermont, any public agency or political subdivision of such State within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the State or public agencies or political subdivision thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjudged as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. Jed P. Ladd, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Department of the State of Vermont a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of such State shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of cost so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Jed P. Ladd, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Jed P. Ladd, his heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or persons.

SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS PERDIDO BAY, FLA.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 5677, to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla., and ask for its immediate consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla.," be, and the same is hereby, amended so as to read as follows:

"SEC. 2. If the rights and privileges granted by said act approved June 22, 1916, shall be acquired by any one or more of the counties or States designated in section 1 of this act, it or they are authorized to transfer and assign all such rights and privileges to either or both of the counties or either or both of the States mentioned in said section 1, or to the highway commissioners or departments or other public agency of either or both of said States, but any bridge constructed or reconstructed under authority of said act of June 22, 1916, shall be maintained and operated in accordance with all the terms, provisions, and conditions of said act."

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

CONFERENCE REPORTS

The SPEAKER. The Chair desires to know whether any gentleman wishes to present conference reports at this time which are uncontested?

T. L. YOUNG AND C. T. COLE—CONFERENCE REPORT

Mr. IRWIN. Mr. Speaker, I present a conference report on the bill S. 4848, for the relief of T. L. Young and C. T. Cole.

The SPEAKER. The gentleman from Illinois presents a conference report, which the Clerk will report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4848) entitled "An act for the relief of T. L. Young and C. T. Cole" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment, strike out all the language in said bill after the numerals "1924," in line 1, page 2, except the period at the end thereof; and the House agree to the same.

ED. M. IRWIN,
U. S. GUYER,
*Managers on the part of the House.*

ARTHUR CAPPER,
GERALD P. NYE,
*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 4848) for the relief of T. L. Young and C. T. Cole submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The House amendment to the Senate bill (S. 4848) provided that the defendants, T. L. Young and C. T. Cole, pay the costs in case No. 2613, and in the Senate amendment to the House amendment the claimants, T. L. Young and C. T. Cole, are relieved from liability.

ED. M. IRWIN,
U. S. GUYER,
*Managers on the part of the House.*

The conference report was agreed to.

HOUSE OFFICE BUILDING COMMISSION

The SPEAKER. The Chair desires to announce an appointment. Under authority of section 175 of title 40 of the United States Code the Speaker appoints to succeed the gentleman from Tennessee [Mr. GARRETT], upon the expiration of his term on March 4, 1929, the Hon. JOHN N. GARNER, of Texas. [Applause.]

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES ON ACCOUNT OF PROPERTY DAMAGE, PERSONAL INJURY, OR DEATH

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 9285, to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table House bill 9285, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. UNDERHILL, IRWIN, and BULWINKLE.

ENTRY OF ALIENS INTO THE UNITED STATES

Mr. JOHNSON of Washington. Mr. Speaker, I present a conference report upon the bill (S. 5094), making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law, for printing under the rule.

Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. I would like to ask whether during the last three days it is necessary that a conference report be printed.

The SPEAKER. It is not.

Mr. JOHNSON of Washington. Then it can be called up when opportunity affords?

The SPEAKER. Yes.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. WOOD. Mr. Speaker, I call up the conference report on the bill H. R. 17223, making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

The SPEAKER. The gentleman from Indiana [Mr. WOOD] calls up the conference report on the bill H. R. 17223, which the Clerk will report.

Mr. WOOD. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 33, 36, 37, 43, 44, 56, 69, 70, and 92.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 35, 38, 39, 40, 41, 42, 46, 47, 48, 49, 50, 51, 52, 54, 55, 57, 59, 60, 62, 63, 64, 65, 66, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 93, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lines 10 and 11 of the matter inserted by said amendment strike out the following: "by contract or otherwise as the President" and insert in lieu thereof the following: ", in the discretion of the President, by contract or otherwise as he"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"CIVIL SERVICE COMMISSION

"Salaries: For an additional amount for personal services in the District of Columbia and in the field, fiscal years 1929 and 1930, $161,000.

"Traveling expenses: For an additional amount for traveling expenses, including the same objects specified under this head in the independent offices appropriation act for the fiscal year 1929, fiscal years 1929 and 1930, $34,500.

"Contingent expenses: For an additional amount for contingent expenses, including the same objects specified under this head in the independent offices appropriation act for the fiscal year 1929, fiscal years 1929 and 1930, $4,500."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided*, That in the expenditure of any appropriations made under such public resolution, the commission is authorized to delegate to a board of alternates, designated by the commission for that purpose, any of the powers and duties vested in the commission by such public resolution, and the acts of such board of alternates shall have the same force and effect as though performed by the commission. The commission or the board of alternates may authorize the disbursement of funds, approved for disbursement by either of them, directly through a disbursing agent appointed or designated by the commission for that purpose, or may authorize such disbursing agent to advance funds to the insular treasury for effecting approved disbursements"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: After the word "Congress)," where it appears in such amendment, insert the following: "fiscal years 1929 and 1930," and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$100,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum "$12,000,000," in said amendment, insert the following: "$7,400,000, to be allocated in equal amounts to each vessel and"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"BUREAU OF PROHIBITION

"Narcotic enforcement: For an additional amount for the enforcement of the acts relating to narcotics, including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1930, $200,000."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line

3 of the matter inserted by said amendment, strike out "$185,000" and insert "$150,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In line 13 of the matter inserted by said amendment, after the article "a," insert the following: "laboratory and"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, strike out the period and insert the following: ": *Provided*, That no part of this appropriation shall be available for demonstration work in rural sanitation in any community unless the State, county, or municipality in which the community is located agrees to pay one-half the expenses of such demonstration work"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Strike out all of lines 14 and 15 of the matter inserted by said amendment after the syllable "ary" and insert in lieu thereof the following: "25, 1929"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"CORPS OF ENGINEERS

"Interoceanic canals: For every expenditure requisite for and incident to the investigation and survey to determine the practicability and cost of enlarging the Panama Canal to the extent which may be necessary to meet the future needs of shipping, and the practicability, necessity, and cost of an interoceanic ship canal over Nicaraguan territory, $150,000, to remain available until expended."

And the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"SHORT TITLE

"This act may be cited as the 'second deficiency act, fiscal year 1929.'"

And the Senate agree to the same.

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

F. E. WARREN,
HENRY W. KEYES,
LEE S. OVERMAN,
CARTER GLASS,
*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On Nos. 1, 2, and 3, relating to the Senate: Appropriates $1,800 for payment to two persons for services rendered the Senate or committees thereof, as proposed by the Senate.

On Nos. 4 and 5, relating to the House of Representatives: Appropriates $422.33, as proposed by the Senate, for payment to Everett Kent for expenses in connection with the contested-election case of James M. Beck.

On No. 6: Appropriates $5,000, as proposed by the Senate, for printing and binding, Library of Congress.

On No. 7: Appropriates $48,000 for improvements and maintenance at Mount Weather, Va., as proposed by the Senate, modified by placing the expenditure at the discretion of the President.

On No. 8: Eliminates the appropriation of $250,000 proposed by the House primarily for an inquiry into the problem of law enforcement, as proposed by the Senate, and restores the appropriations proposed by the House under the Civil Service Commission of $161,000 for salaries, $34,500 for traveling expenses, and $4,500 for contingent expenses.

On No. 9: Appropriates $15,000, as proposed by the Senate, for cooperative vocational rehabilitation of disabled residents of the District of Columbia.

On No. 10: Appropriates $100,000 and authorizes contractual obligations to the extent of $150,000, as proposed by the Senate, in consequence of the act creating the Mount Rushmore National Memorial Commission.

On No. 11: Modifies the proviso inserted by the Senate with respect to disbursement of funds appropriated for the relief of Porto Ricans by providing for a board of alternates to act in the place of the commission when designated by the commission for that purpose and authorizes the use of the insular treasury for making disbursements of appropriations when approved by the commission or the alternates.

On Nos. 12 and 13, relating to the District of Columbia: Appropriates $15,000, as proposed by the Senate, on account of vocational rehabilitation of disabled residents of the District of Columbia, and strikes out the appropriation of $1,000, proposed by the Senate, on account of additional accommodations for the Home for Aged and Infirm.

On Nos. 14 to 19, both inclusive, relating to the Department of Agriculture: Transfers $10,000 of the appropriation "Salaries and expenses, Weather Bureau, 1930," to the Coast Guard appropriation "for compensation of civilian employees in the field, and so forth," 1930, as proposed by the Senate; appropriates $25,000 for improvements at the dry land field station, Tucumcari, N. M., as proposed by the Senate; appropriates for fertilizer investigations $17,000 for the fiscal year 1929 and $25,000 for the fiscal year 1930, as proposed by the Senate; appropriates $80,000 for carrying into effect the provisions of the migratory bird conservation act, as proposed by the Senate; appropriates, as proposed by the Senate, $6,000,000 for the relief of farmers in the storm and flood-stricken areas of Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama; appropriates $25,000, as proposed by the Senate, for the expense of an exhibit at the World's Fourth Poultry Congress.

On Nos. 20 to 24, both inclusive, relating to the Department of Commerce: Appropriates $50,000, as proposed by the Senate, for enforcement of wireless communication laws; corrects the text of the appropriation proposed by the House for testing structural materials; appropriates $190,000 for aids to navigation, Bureau of Lighthouses, and appropriates for mining experiment stations under the Bureau of Mines for the recovery of potash from domestic deposits $33,000 for the fiscal year 1929 and $25,000 for the fiscal year 1930, all as proposed by the Senate.

On Nos. 25 to 35, both inclusive, relating to the Interior Department: Appropriates $1,067.35 for the payment of damage claims, as proposed by the Senate, instead of $67.35, as proposed by the House; authorizes and directs the Federal Power Commission to waive payment of the usual administrative fees or commissions in the issuance of permits or licenses for the development of power or power sites in the Flathead Indian Reservation, Mont., as proposed by the Senate; authorizes the use of $2,000 of the tribal funds of the Wichita and affiliated bands of Indians of Oklahoma for the payment of expenses of attorneys for such Indians in prosecuting claims pending in the Court of Claims, as proposed by the Senate; inserts a title for the appropriation for Lake Andes, S. Dak., spillway and drainage ditch, as proposed by the Senate; makes the appropriation for per capita payment to members of the Menominee Tribe of Indians, Wisconsin, available for the fiscal years 1929 and 1930, as proposed by the Senate, instead of for the fiscal year 1929 only, as proposed by the House; appropriates $91,000 on account of additional hospital facilities at the Kiowa Indian Hospital, Oklahoma, as proposed by the Senate; appropriates $100,000 of tribal funds for payment to the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma instead of $200,000, as proposed by the Senate; restores the provision proposed by the House denying the use of available funds for the enlargement of the Avalon Reservoir until the Director of the Geological Survey shall have reported favorably on the foundation of the Avalon Dam and on the depth to which water may be stored in the proposed enlarged reservoir; inserts a title to the authorization making 1930 appropriations for the Yellowstone National Park available for expenses incident to the adjustment of the boundaries of such park, as proposed by the Senate; and authorizes, as proposed by the Senate, the Secretary of the Interior to dispose of the surplus elk from the Yellowstone National Park herd.

On Nos. 36 and 37, relating to the Department of Justice: Restores the appropriation of $121,600, proposed by the House, on account of special assistant attorneys, and restores the ap-

propriation of $28,800, proposed by the House, for miscellaneous expenses of United States courts and their officers.

On Nos. 38 to 45, both inclusive, relating to the Navy Department: Appropriates $16,484.78, as proposed by the Senate, instead of $14,228.78, as proposed by the House, for claims for damages by naval vessels; appropriates $4,253.50, as proposed by the Senate, instead of $3,995, as proposed by the House, for damage claims, private property; makes $10.61 of the Navy pension fund available for payment of claim of Floyd A. Newell, as proposed by the Senate; strikes out the appropriations of $140,000 and $110,000 under the Bureaus of Engineering and Construction and Repair, respectively, proposed by the Senate; appropriates $7,400,000 for modernizing the U. S. S. *Pennsylvania* and *Arizona*, to be allocated in equal amounts to each vessel, instead of $12,000,000 without restriction as to allocation, as proposed by the Senate.

On Nos. 46 and 47: Appropriates $27,475.03, as proposed by the Senate, instead of $26,477.27, as proposed by the House, for the payment of damage claims, Post Office Department.

On Nos. 48 to 52, both inclusive, relating to the Department of State: Appropriates $4,500 for payment to widow of George M. Hanson, late American consul at Colon, Panama, as proposed by the Senate; appropriates $875 for the payment to the Chinese Government as full indemnity for the death of Wang Erh-Ko, as proposed by the Senate; corrects the text of the appropriation proposed by the House for the waterways treaty, United States and Great Britain, International Joint Commission, United States and Great Britain; appropriates $300 for each of the fiscal years 1929 and 1930, as proposed by the Senate, to pay the annual contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship; and appropriates $10,000, as proposed by the Senate, to assist in meeting the expenses of the American group of the Interparliamentary Union during the fiscal year 1930.

On Nos. 53 to 64, both inclusive, relating to the Treasury Department: Appropriates $200,000 for the enforcement of acts relating to narcotics, instead of $1,719,654 proposed by the House for the enforcement of the narcotic and national prohibition acts, proposed by the Senate to be eliminated; appropriates $1,201.82, as proposed by the Senate, instead of $1,016.82, as proposed by the House, to pay damage claims; restores the appropriation of $707,860 proposed by the House for collecting the revenue from customs; appropriates $10,000, as proposed by the Senate, on account of the Coast Guard Academy; appropriates $130,500 for studies in rural sanitation, as proposed by the Senate, amended to require that Federal funds be matched by State or county funds in advance of expenditure; changes the phraseology of the appropriation for the Clovis (N. Mex.) post office, as proposed by the Senate; makes a technical construction in the appropriation for the La Fayette (Ind.) post office, as proposed by the Senate; appropriates $50,000 on account of the Salisbury (N. C.) post office, as proposed by the Senate, amended by establishing the total estimated cost at $150,000, instead of $185,000, as proposed by the Senate; appropriates $25,000 to reimburse the Economics Building Co., Washington, D. C., for expenditures made by it in the erection of the Economics Building, as proposed by the Senate; and appropriates $30,000, as proposed by the Senate, on account of Nogales (Ariz.) International Street.

On Nos. 65 to 77, both inclusive, relating to the War Department: Appropriates $1,834.87, as proposed by the Senate, instead of $1,824.62, as proposed by the House, for settlement of damage claims; appropriates $1,103,000 for construction at military posts and makes available for various construction projects at Camp Devens, Mass., $300,000 previously appropriated for the construction of a hospital at Camp Devens, Mass., as proposed by the Senate; makes $347,536 of sums previously appropriated for technical construction for the Army Air Corps available for various construction projects at Army air fields, as authorized by the act of February 25, 1929, as proposed by the Senate; appropriates $1,050,403, as proposed by the House, instead of $1,402,344, as proposed by the Senate, for ammunition-storage facilities, Army; strikes out the authorization proposed by the Senate for a modification of the plans for storing ammunition in Hawaii; makes a technical correction; continues the availability of the unexpended balance of the appropriation in the second deficiency act, fiscal year 1928, on account of Fort Donelson National Military Park, as proposed by the Senate; makes a technical correction in the appropriation for the battlefields of Brices Cross Roads and Tupelo, Miss.; appropriates $150,000 for survey of the Panama Canal and the Nicaraguan route, as proposed by the Senate, rephrased so as to include investigation of the cost and necessity of the Nicaraguan route as well as the practicability; modifies the river and harbor project at Bayboro Harbor, St. Petersburg, Fla., as proposed by the Senate; and appropriates $500,000, as proposed by the Senate, for the Bath Home, Bath, N. Y., leased to the National Home for Disabled Volunteer Soldiers.

On Nos. 78 to 83, inclusive, relating to judgments, United States courts: Appropriates $7,712.40 as proposed by the Senate, instead of $6,679.80, as proposed by the House, and appropriates $756,758.60, as proposed by the Senate, instead of $47,659.82, as proposed by the House.

On Nos. 84 to 87, inclusive, relating to judgments, Court of Claims: Appropriates $3,697,611.75, as proposed by the Senate, instead of $3,509,891.58, as proposed by the House.

On No. 88: Appropriates $115,896.71 for audited claims, as proposed by the Senate.

On No. 89: Makes a technical correction.

On No. 90: Appropriates $5,000 for payment to John F. and Mary L. White, as proposed by the Senate.

On No. 91: Strikes out the matter proposed by the House with respect to the Personnel Classification Board.

On No. 92: Strikes out the matter inserted by the Senate with respect to the reclassification of Federal employees.

On No. 93: Strikes out Title III of the bill, as proposed by the Senate.

On No. 94: Corrects the short title of the act.

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

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve a point of order on the conference report. Will the gentleman yield to me?

Mr. WOOD. I yield.

Mr. GARRETT of Tennessee. Of course, we do not have the report before us and all we can get is from the reading of the statement. Is there any instance in which the conferees have put into this report or dealt with anything in this report that was not in dispute between the two bodies?

Mr. WOOD. There is not.

Mr. GARRETT of Tennessee. I think it is well for that statement to go in the RECORD. I withdraw the reservation of a point of order.

Mr. WOOD. Mr. Speaker and gentlemen of the House, I wish to say to the House that the conferees having under consideration the first and second deficiency bills are in complete agreement, for which we are very thankful and I presume every Member of this House is very grateful.

The statement that has just been read to you is with reference to the second deficiency act.

There are no items in dispute in so far as the first deficiency bill is concerned. The first deficiency bill, under the parliamentary situation in which we find ourselves, has to be presented first to the Senate, while on the other hand we are to present the conference report on the second deficiency bill first to the House.

There are three or four important items that attracted more or less attention while these measures were under consideration in the House. Foremost, I expect, was the prohibition item.

I am glad to inform you that we are in complete agreement with reference to this item and I am pleased that the conferees on behalf of the Senate receded and accepted the proposition proposed by the House. [Applause.]

This is divided, however, in the first and second deficiency bills. In the first deficiency bill we have placed all that we put in the second bill for prohibition enforcement amounting to one million and some odd hundred thousand dollars. The other items with reference to an increase for the Department of Justice, for the Customs Service, and for the civil service are in the second deficiency bill or the one that has just been reported. In all, we have appropriated for prohibition enforcement in round numbers $2,750,000.

I wish to say in this connection that an item of $200,000 was proposed in the Senate, and adopted, for the enforcement of the narcotic law. This was agreed to by the conferees on behalf of the House.

Thus you will see how we have divided the amount of money that was suggested by the estimates that came from the Treasury Department with reference to prohibition enforcement.

There is another item that I wish to call to your attention where we found ourselves absolutely unable to reach an agreement and that was with reference to the limitation that was put upon the second deficiency bill concerning the salaries of the civil service employees in the District of Columbia.

The conferees representing the Senate would not yield and would not recede in the opposition of the Senate to the limitation placed on the bill as it passed the House and went over to the Senate. The so-called Brookhart amendment that was substituted in the Senate on the second deficiency bill was absolutely impossible so far as the conferees on behalf of the House were concerned, and the Senate having knocked out the House proposition, we together knocked out the Senate proposition and the matter is just as it was before either the Senate or the House acted upon it; and while it is unfortunate that there has been no legislation at this session of the Congress curing the ills that are manifest in the civil-service salaries of the District, I believe we have done the best thing possible in rejecting not only the proposal of the Senate but perhaps in not agreeing to the proposal of the House, because this will eventuate, I trust, in a just and equitable salary law coming as a matter of legislation from the committee whose business it is to propose such a law.

I can not agree to the proposal in the Brookhart amendment. I do not believe there is anyone acquainted with the facts that can subscribe to it. I do not believe there is any Member of this House or of the Senate, knowing the facts as they exist and can be made plain to everyone who wishes to inform himself, who believes that this Congress ever intended that any employee of this Government should jump two or three grades at once, raising in many instances, if you please, their salaries as much as $2,000 and some as high as $2,500. More than 2,800 of the civil-service employees have been benefited in the higher grades, while those in the lower grades have been benefited but a trifle.

We all believed, as was stated here time and time again, when the so-called Welch bill was passed, that we were enacting it for the purpose of helping the members of the clerical forces who were illy paid and none of us believed and none of us ever intended that instead of helping them but a trifle that we should increase by one-third, in many instances, the salaries of those in the higher brackets.

So that I say in regard to those who have the ill-gotten gains—and I measure my words—that legislation should be had to reduce the status in which they have been placed to that the Congress intended they should occupy, and at the same time those may receive the benefit intended for them, and I hope this legislation may be had at the earliest opportunity.

This committee has been assailed, has been besieged by those who were recipients of the large salaries. We have been told that unless they are allowed to remain we will lose in various departments many scientific, learned, and highly paid gentlemen who will go out into other fields. It is a wonder that they did not lose many of them from heart failure when they became conscious that the increase was made under this interpretation. [Laughter.] We are now in the condition that we were before your committee attempted to do anything with reference to the salary list of the civil service.

These are the two most important items in the report. There is another item that many are interested in, and that is the reconstruction of the two vessels—*Virginia* and *Pennsylvania*. An authorization was had a short time ago for the reconditioning of these two vessels, carrying an authorized appropriation of $14,800,000. No estimates came in. It appeared that it was the part of economy to the United States to recondition these vessels immediately. We have conditioned six heretofore, and in order that they might recondition them economically and not make too great a strain on the Treasury at one time we have appropriated one-half of the allocation.

In this case we have provided that the allocation should be equal between the two vessels in reconditioning. These are among the prime items of importance in this bill that will come over to-night.

Mr. EDWARDS. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. EDWARDS. The $6,000,000 for the storm sufferers is included in the bill?

Mr. WOOD. Yes.

Mr. McKEOWN. You have not reached any agreement as to the increase in salaries—that is still in controversy?

Mr. WOOD. No; it is not, as far as we are concerned. The Senate knocked out the proposal made by the House, and the conferees rejected the proposal made by the Senate. So neither is in either bill.

Mr. DOUGLASS of Massachusetts. How much is the amount for reconditioning the vessels?

Mr. WOOD. $7,400,000.

Mr. DOUGLASS of Massachusetts. How soon is the reconditioning to begin?

Mr. WOOD. As soon as the vessels now on the ways are taken off; about the 1st of July next.

Mr. LINTHICUM. What became of my little item for Lucy Knox?

Mr. WOOD. That went the way of the whangdoodle. [Laughter.]

Mr. RAMSEYER. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. RAMSEYER. The gentleman stated how much was in the bill for prohibition enforcement?

Mr. WOOD. You will see that the item carried in the joint bill provided for $250,000 for the survey to be made. As proposed in the Senate it was to inquire into the violation of the prohibition laws and stopped at that. But in order that there might be a full and intelligent survey, made not only of the violation of the prohibition law but the violation of all laws, we enlarged the language so as to make it apply to the investigation of all law violations.

Mr. VINSON of Kentucky. The item in regard to the rural sanitation is in the bill?

Mr. WOOD. Yes. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Speaker, ladies, and gentlemen of the House, I take the floor to comment briefly on that portion of this conference report which has eliminated all prospect of any correction of the glaring defects and inequalities that the Congress about a year ago forced upon the Government employees. If any Member of the House thought that we were passing legislation that would benefit the poorer-paid employees when we passed the Welch bill, then he just deliberately and blindly shut his eyes and stopped up his ears, and did not carefully consider what he was voting on. The Welch bill as originally introduced by the gentleman from California [Mr. WELCH] was designed to aid the lower-paid employees, and it would have cost the Government around $90,000,000 a year.

We all remember very well that great army of clerks and employees who came to Capitol Hill to evince their interest in this legislation, and many of us were enthusiastic because we hoped the time had come when we would be able to do something in a material way for this great army of underpaid clerks and employees of the Government. But what happened? The legislation was submitted not to the legislative branch of the Government, but to the executive branch of the Government, and the Director of the Budget started in to cut off some of the necessary funds to pay for this legislation. Of course, instead of cutting it off from the higher-paid employees, he cut if off from the lower-salaried employees, and we passed a legislative monstrosity, under which, after the Comptroller General had put the finishing touches on it, we found we had increased the salaries of a group of higher-paid Government officials anywhere from $1,500 a year to $2,500 a year, and the clerks receiving around $1,100 or $1,200 or $1,500 were given $120 a year increase, or sometimes only $60 a year.

This Congress was importuned to pass corrective legislation, and the gentleman from New Jersey, the chairman of the Civil Service Committee, Mr. LELHBACH, introduced a very splendid bill, known as the Lehlbach bill. In the first place, the Lehlbach bill undertook to call upon the Personnel Classification Board to reallocate those higher-paid salaries, and to take the money out of the pockets of those officials who had appropriated the fund illegally, and unlawfully to their own salaries, and reallocate it and give the lower-paid employees an increase. That was a righteous provision, and the House incorporated that provision in the deficiency appropriation bill when we passed it the other day. In the next place, the gentleman from New Jersey incorporated in his bill certain provisions which would have insured additional raises in salaries of the lower-paid employees.

But again the executive branch of the Government stepped in and showed its hand, and the gentleman from New Jersey reintroduced his bill, and when the new bill was reintroduced he cut out all reference to a reduction of the higher-paid employees, and the ultimatum came down to this end of Pennsylvania Avenue from other end of Pennsylvania Avenue that there would be no pay legislation if Congress undertook to reduce the salaries of any of the higher-paid employees, and the House of Representatives, doing in this instance just as it has done in the instance of the retirement legislation, hauled down its flag and abdicated in favor of the executive branch of the Government. And there will be no legislation this Congress in the interest of the lower-paid Federal employees.

What has happened in this bill? In the deficiency appropriation bill the House has incorporated a provision demanding that these higher-paid employees disgorge, that they give up these salaries that they have unlawfully appropriated to themselves and that this money be parcelled out to the lower-paid employees. The Senate at the other end of the Capitol incorporated a provision that would have given a raise to the lower-paid employees.

I do not criticize our conferees. I am sure that they had a tremendous task to perform, and there were many important and necessary items in this bill that could not be prejudiced. However, the conferees on the part of the Senate and House got into a room and had a boxing match, and the House kicked out the Senate provisions and the Senate kicked out the House provision, and now we come down to the end, and the gavel will fall on the 4th of March with the same confusion and chaos in the ranks of the Goverment employees that existed a year ago, and it will keep on doing that until the House of Representatives stops long enough in the earlier days of one of its sessions to give sane, careful consideration to this great problem. And what must we do? We must have a complete survey of the whole Federal pay roll and take the time to sit down and work it out, and stop legislating for groups and classes.

We raise this group and the next group comes in for a raise, and then another group comes in for a raise. Some of you may be astounded when I tell you to-night that there is not a Federal department now that can tell you within 10,000 or 15,000 or 20,000 how many employees there are of this Federal Government. There is not a department that knows that. Everybody has guessed about it and Congress has been guessing about it.

I know it is too late in the session to pass any kind of constructive legislation on this point. My only thought in taking your time to-night when you are busy and want to get to other affairs is to register a protest in order that when we come back again in another legislative session we may give to this matter of readjusting Federal salaries careful consideration, and take time and have patience and try to mete out some measure of justice to the men and women in the departments who are working on small salaries, and, if you please, who are the warp and woof of this Government. [Applause.]

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

The SPEAKER. The gentleman from Maryland is recognized for five minutes.

Mr. LINTHICUM. Mr. Speaker and Members of the House, I asked the chairman of the Appropriations Committee in charge of the bill [Mr. WOOD], what had become of the little item for Mrs. Lucy B. Knox. He said it had gone the way of the whangdoodle. I do not know what a whangdoodle is, but I want to take the time to protest against the fact that this item was not included in either the first nor second deficiency bill by the House Appropriations Committee.

It is a matter which I think should be considered at this time. Mrs. Lucy B. Knox is the widow of Lieut. Commander Forney Moore Knox, who died in the interim between the time the law was supposed to be repealed by the war risk insurance act and its reenactment June 4, 1920. If Commander Knox had lived four months longer his widow would have received at once a half year's salary of $2,370.

I brought the matter before the Committee on Naval Affairs of the Sixty-ninth Congress. They reported the bill favorably. It was passed by this House. It went to the Senate, but was lost in committee. I went before the Committee on Naval Affairs again at the last session. It was reported favorably again, and passed this House April 20, 1928. It went over to the Senate and passed the Senate, and was signed by the President. An estimate was sent down to the Appropriations Committee at this session. And yet in spite of the fact that the bill had passed this House on two occasions and had passed the Senate and was signed by the President and an estimate had been sent down to the Committee on Appropriations the Committee on Appropriations of the House has absolutely ignored it. In the Senate they put it in the first deficiency bill, and they put it in the second deficiency bill, and yet the conference committee on this side opposed the Senate amendment, so it was omitted.

Now, the question I want to bring before you is just this: Has this House no voice in the appropriation of the people's money when such appropriation has been considered and authorized by Congress? Has the Appropriation Committee grown so great that it can so ignore legislation? Are we to sit idly by and have the Committee on Appropriations ignore us? Was it not their duty to appropriate?

I asked the chairman of the Committee on Appropriations—the gentleman and I are perfectly good friends—why it was, and he said he did not know, but that he did not believe in it. I said to him, "The Senate and the House have both passed it." He said, "Yes; we have even to correct the actions of the House of Representatives on some occasions."

As I understand, it was tacitly understood that this Committee on Appropriations when created, as I understood and when I voted for its establishment, would appropriate for the things we authorized to be paid. Yet the committee by its act says concerning this little widow (who is working for her living), while other widows of men who died in the naval service are receiving their money, that she can not get her half-year salary because her husband died before a certain day of the reenactment. I asked the chairman why not insert the appropriation? He replied, "Because it would set a dangerous precedent." I wrote to the chairman of the committee and also the conferees and quoted them four separate precedents on all-fours with this, and yet they refused.

I think this is a matter worthy of being called to the attention of the House, and I am going to insist that Mrs. Lucy B. Knox be given the money to which she is entitled. I have just begun to fight. [Applause.]

[Extract from Naval Affairs Committee report]

Commander Forney Moore Knox died during a lapse in the law; that is, between the time that it was held to have been repealed by the war risk insurance act and the time it was reenacted, June 4, 1920.

The purpose of this bill is to authorize payment to Lucy B. Knox of six months' pay at the rate received by her husband, the late Lieut. Commander Forney Moore Knox, United States Navy, at the time of his death. The records show that this officer died at Annapolis, Md., on February 16, 1920, as the result of pneumonia.

The act approved May 13, 1908, which was repealed by the act of October 6, 1917, provided for the payment to the beneficiary of an officer or enlisted man of the Navy or Marine Corps, who died as the result of wounds or disease contracted in the line of duty, of an amount equal to six months' pay at the rate received by the officer or enlisted man concerned at the date of his death. This provision of law was reenacted under the act of June 4, 1920, but at the time of Lieutenant Commander Knox's death, there was no law in effect which authorized the payment of the gratuity in question to his widow.

Had Lieutenant Commander Knox's death occurred on or after June 4, 1920, his widow would have been entitled to six months' pay at the rate received by her late husband at the time of his death. However, the date of this officer's death precludes payment of the gratuity to his widow under the law.

The Navy Department has consistently recommended general legislation, but the committee is of the opinion that these cases should be taken care of as they are presented by the individuals. In the Sixty-seventh Congress legislation was enacted granting six months' pay to the following persons: Harriet B. Castle, private law 273; Alice P. Dewey, private law 255; Josephine Barin, private law 242; Ellen McNamara, private law 222.

* * * * * * *

The Committee on Naval Affairs of the House of Representatives, to whom was referred the bill (H. R. 1406) granting six months' pay to Lucy B. Knox, having had the same under consideration, report favorably thereon, without amendment, and with the recommendation that the bill do pass.

When the war risk insurance act was passed it was held that the act granting six months' pay to the widow of an officer who died in the service was repealed. This seemingly was not the intent of the Congress as they again in the act of June 4, 1920, reenacted in substance the former law which gave to the widow six months' pay upon the death of her husband. That law is as follows:

"That hereafter, immediately upon official notification of the death from wounds or disease, not the result of his own or her own misconduct, of any officer, enlisted man, or nurse on the active list of the regular Navy or regular Marine Corps, or on the retired list when on active duty, the Paymaster General of the Navy shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child, to any other dependent relative of said officer, enlisted man, or nurse previously designated by him or her an amount equal to six months' pay at the rate received by such officer, enlisted man, or nurse at the date of his or her death. The Secretary of the Navy shall establish regulations requiring each officer and enlisted man or nurse having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his or her death. Said amount shall be paid from funds appropriated for the "Pay of the Navy" and "Pay of the Marine Corps," respectively.

Mr. WOOD. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

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

The conference report was agreed to.

RESIGNATION OF A MEMBER FROM A COMMITTEE

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will report.

The Clerk read as follows:

MANKATO, KANS., *February 25, 1929.*

Hon. NICHOLAS LONGWORTH,

*Speaker of the House of Representatives, Washington, D. C.*

DEAR MR. SPEAKER: Believing that it might be convenient to the committee and to its chairman and to the Republican organization in the Congress, I hereby hand you my resignation, effective immediately, from the Committee on Immigration and Naturalization in the Seventieth Congress.

This letter is your authority to that effect.

Most respectfully yours,

HAYS B. WHITE,

*Member of Congress, Sixth Kansas District.*

The SPEAKER. Without objection, the resignation is accepted. There was no objection.

ALFRED L. DIEBOLT, SR., AND ALBERT L. DIEBOLT, JR.

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12475, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 12475, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill by title and the Senate amendments.

The Clerk read as follows:

A bill (H. R. 12475) for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.

The Senate amendments were read.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

Mr. SCHAFER. Mr. Speaker, will the gentleman from Illinois inform us what is the aggregate amount appropriated by the Senate amendments?

Mr. IRWIN. They knock out about $2,500 and add $5,000.

The SPEAKER. The Chair desires to say that he is prepared to recognize, and recognize only for a short time, gentlemen who desire to take up House bills with Senate amendments and ask to concur in the Senate amendments.

EASTERN JUDICIAL DISTRICT OF OKLAHOMA

Mr. GRAHAM. Mr. Speaker, I desire to take from the Speaker's table the bill H. R. 10431, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill by title and the Senate amendment.

The Clerk read as follows:

A bill (H. R. 10431) to amend section 101 of the Judicial Code, as amended.

The Senate amendment was read.

The Senate amendment was agreed to.

FEDERAL INDUSTRIAL INSTITUTION FOR WOMEN AT ALDERSON, W. VA.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5493, relating to the construction of a chapel at the Federal Industrial Institution for Women at Alderson, W. Va., now on the Speaker's table and which is the same as the House bill reported on favorably by the Judiciary Committee.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of Senate bill 5493, which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Attorney General is hereby authorized to accept for and on behalf of the United States funds raised or to be raised by popular subscription for the construction of a suitable chapel upon the premises occupied and used by and for the Federal Industrial Institution for Women at Alderson, W. Va. The funds so donated shall be expended under the direction of the Attorney General for the construction of such chapel and, after construction, the chapel shall be maintained at the expense of the United States: *Provided*, That the Attorney General is authorized to procure by contract preliminary sketches for the chapel, and after approval thereof by the Attorney General, to procure by contract working drawings, full-size details, specifications, etc., for the construction of the chapel and supervision of the construction: *Provided further*, That the Secretary of the Treasury is hereby authorized, if requested of the Attorney General, to cause the plans, drawings, specifications, and estimates for the construction of the chapel to be prepared in the Office of the Supervising Architect of the Treasury Department, and the work of constructing said chapel to be supervised by the field force of said office if practicable: *And provided further*, That the proper appropriation for the support and maintenance of the Office of the Supervising Architect be reimbursed from said donated funds for the cost of repairing such plans, drawings, specifications, and estimates for the aforesaid work and the supervision of the construction of said chapel.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, have all the names of the women's societies been stricken from this bill?

Mr. GRAHAM. That was the action of the Senate and approved by our committee.

Mr. LAGUARDIA. What check-up will there be?

Mr. GRAHAM. I do not know. This bill was amended in the Senate and was adopted by our committee.

The SPEAKER. Is there objection?

There was no objection.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

REGISTRATION OF NURSES IN THE DISTRICT OF COLUMBIA

Mr. FISH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 15387, to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," with Senate amendments, and concur in the same.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table House bill 15387, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments.

The Senate amendments were agreed to.

UNPLATTED PORTIONS OF GOVERNMENT TOWN SITES ON IRRIGATION PROJECTS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 16082, to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table House bill 16082, with a Senate amendment, and concur in the Senate amendment.

The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection?

Mr. BANKHEAD. Mr. Speaker, we realize the press of business to-night, but when gentlemen on the other side ask unanimous consent to take up bills on the Speaker's table we think they should at least predicate their request by the statement that they have conferred with the Members on the minority side, or that the request is at the direction of the committee involved.

The SPEAKER. The Chair thinks the gentleman is correct, and the Chair hopes hereafter chairmen of committees will announce, in calling up these House bills with Senate amendments and to concur in the Senate amendments, that they are authorized by their committees to do so. The Chair assumes that is the fact.

Mr. BANKHEAD. We trust that will not be a violent assumption to-night.

The SPEAKER. The Chair hopes so, too. Is there objection?

There was no objection.

The Senate amendment was agreed to.

J. A. SMITH

Mr. UNDERHILL. Mr. Speaker, by direction of the Committee on Claims, I ask unanimous consent to take from the Speaker's table H. R. 14728, for the relief of J. A. Smith, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table House bill 14728, with a Senate amendment, and concur in the Senate amendment. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

FEDERAL BUILDING SITE AT SAVANNAH, GA.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 17026, granting a part of the Federal building site at Savannah, Ga., to the city of

Savannah for street purposes, with a Senate amendment, and concur in the Senate amendment. This is a bill which belongs to the minority side. I have conferred with them, and they are satisfied with it.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table House bill 17026, with a Senate amendment, and concur in the Senate amendment. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

COMMANDER FRANCIS JAMES CLEARY, UNITED STATES NAVY

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10274) for the relief of Commander Francis James Cleary, United States Navy, and concur in the Senate amendment. I will state, Mr. Speaker, I have conferred with the other members of the committee, particularly the ranking members on the Democratic side of the committee, and they agree that this action should be taken.

The Clerk read the title of the bill and the Senate amendment.

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

There was no objection.

The Senate amendment was agreed to.

RELIEF OF CERTAIN OFFICERS AND FORMER OFFICERS OF THE ARMY OF THE UNITED STATES

Mr. STRONG of Kansas. Mr. Speaker, by direction of the members of the War Claims Committee I ask unanimous consent to take from the Speaker's table the bill (H. R. 4265) for the relief of certain officers and former officers of the Army of the United States and for other individual claims approved by the War Department, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill and the Senate amendments.

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

There was no objection.

The Senate amendments were agreed to.

ANNIE M'COLGAN

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2425) for the relief of Annie McColgan, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill and the Senate amendment.

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

There was no objection.

The Senate amendment was agreed to.

NATURALIZATION

Mr. JOHNSON of Washington. Mr. Speaker, I call up the conference report on the bill (H. R. 349) to supplement the naturalization laws, and for other purposes.

Mr. PARKS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER (after counting). Two hundred and eighty-seven Members present, a quorum.

The gentleman from Washington calls up the conference report, which the Clerk will report.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 349) to supplement the naturalization laws, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments as follows:

On page 1 of the Senate engrossed amendment, line 11, strike out "July 1, 1924," and insert "July 3, 1921";

On page 3 of the Senate engrossed amendment, lines 4 and 5, strike out "After the expiration of 60 days after the enactment of this act no" and in lieu thereof insert "No";

On page 3 of the Senate engrossed amendment, line 7, after "valid," insert a comma;

On page 5 of the Senate engrossed amendment, line 2, before the period, insert a comma and the following: "in addition to the affidavits required by this act to be included in the petition";

On page 8 of the Senate engrossed amendment, line 22, strike out "or under section 1993 of the Revised Statutes,";

On page 9 of the Senate engrossed amendment, lines 16 and 17, strike out "be conclusive evidence of the citizenship of the individual named therein" and insert "have the same effect as a certificate of citizenship issued by a court having naturalization jurisdiction";

One page 11 of the Senate engrossed amendment, line 4, after the semicolon, insert "any political subdivision of a State not included within any county" and a semicolon; and

On page 12 of the Senate engrossed amendment, after line 5, insert the following:

"SEC. 12. Sections 1 to 10, inclusive, of this act shall take effect on July 1, 1929. The remainder of the act shall take effect upon its enactment."

And the Senate agree to the same.

ALBERT JOHNSON,
BIRD J. VINCENT,
GEO. J. SCHNEIDER,
*Managers on the part of the House.*

HIRAM W. JOHNSON,
DAVID A. REED,
ROYAL S. COPELAND,
*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 349) to supplement the naturalization laws, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill changes the method of making proof of residence and good moral character by petitioners for naturalization. The Senate amendment strikes out the House text and inserts a number of provisions relating to naturalization. These are:

(1) The provisions of the House bill are substantially reinserted with a few clerical amendments. To these clerical amendments the House agrees with further clerical amendments.

(2) It is provided, in the case of petitions heard after the enactment of the act, that the five years' continuous residence required for naturalization purposes shall be presumed to have been broken by return to the country of the alien's allegiance, and remaining there for more than six months but less than one year, such presumption to be overcome on showing of reasonable cause for not returning sooner. Absence for a continued period of one year or more conclusively breaks the continuity of residence. The House agrees to this provision.

(3) Another provision extends the privilege of naturalization of alien seamen serving three years on board merchant or fishing vessels of the United States of more than 20 tons burden, so as to include service on all vessels of more than 20 tons burden which are not foreign vessels, the principal classes thus included being yachts and certain harbor boats. The Senate amendment also adds a clarifying provision to the existing law relating to the naturalization of members of the military and naval forces and seamen. The House agrees to these provisions.

(4) The Senate amendment also authorizes the making, upon payment of a fee of $20, of a record at ports of entry in the case of an alien in whose case there is no record of admission for permanent residence, if the alien shows to the satisfaction of the Commissioner General of Immigration that he entered the United States prior to July 1, 1924, has resided here continuously since the date of his entry, is a person of good moral character, and is not subject to deportation. The record thus made may be used as a basis for issuance of the certificate of arrival required by the naturalization laws to be attached to the petition for citizenship. For the purposes of the immigration and naturalization laws, an alien for whom a record of registry has been made is deemed to have been lawfully admitted to the United States for permanent residence as of the date of his entry. The House agrees to these provisions, with an amendment limiting their application to aliens who entered the United States prior to June 3, 1921.

(5) The Senate amendment also provides that declarations of intention made after 60 days after the passage of the act shall not be valid until a certificate of arrival has been issued

and the lawful entry of the alien for permanent residence has been established. The House agrees to this provision with an amendment making the effective date July 1, 1929.

(6) The House also agrees to the provisions of the Senate amendment establishing a fee of $5 for all certificates of arrival, raising the fee for declarations of intention from $1 to $5, and the fee for certificates of citizenship from $4 to $10, and to a provision relating to the method of accounting for fees received by clerks of Federal courts in naturalization proceedings.

(7) The Senate amendment also provides for the issuance by the Commissioner of Naturalization of duplicate certificates of citizenship and declarations of intention where the original is lost, mutilated, or destroyed. A fee of $10 is provided. The House agrees to this provision.

(8) The House also agrees to a Senate provision authorizing the Commissioner of Naturalization to issue, upon payment of a fee of $10, to any naturalized citizen a special certificate of citizenship for use by the citizen only for the purpose of obtaining recognition as a United States citizen by the country of his former allegiance.

(9) The Senate amendment also authorizes the Commissioner of Naturalization to issue a certificate of citizenship to any individual over 21 years of age claiming to have derived United States citizenship through the naturalization of a parent or husband, or by birth in a foreign country of an American father, upon payment of a fee of $10 and the taking of an oath of allegiance. The certificate can not be granted unless the individual is within the United States. The amendment further provides that the certificate of citizenship thus issued shall be conclusive evidence of citizenship, and provides for penalties for offenses in connection with the certificate and its issuance. The House agrees to these provisions with two amendments, first taking out the language which authorized the issuance of certificates to persons deriving citizenship by birth in a foreign country of an American father, and, secondly, providing that the certificate instead of being conclusive evidence, shall have the same effect as a certificate of citizenship issued by a court having naturalization jurisdiction.

(10) The House agrees to provisions of the Senate amendment requiring an applicant for first or final citizenship papers to furnish two photographs of himself for identification purposes, and directing the Commissioner of Naturalization to make studies and furnish statistical information that will show the relation by nationalities of aliens heretofore seeking citizenship to the numbers of annually arriving aliens and to the census of foreign-born populations.

The action of the House conferees as above indicated is subject to the further condition that the taking effect of the act shall be postponed to July 1, 1929, except the section of the Senate amendment authorizing appropriation of the sums necessary to carry out the act.

ALBERT JOHNSON,
BIRD J. VINCENT,
GEO. J. SCHNEIDER,
*Managers on the part of the House.*

Mr. JOHNSON of Washington. Mr. Speaker and Members of the House——

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

Mr. JOHNSON of Washington. With pleasure.

Mr. BOX. What arrangement will the gentleman be able to make as to time?

Mr. JOHNSON of Washington. My desire is to make a statement of about 10 minutes, roughly outlining the bill and then yield to the gentleman from Texas and the gentleman from Illinois, members of the committee, between them about 25 minutes.

Mr. BOX. I thought the gentleman from Texas was to have 20 minutes.

Mr. JOHNSON of Washington. I think that is about right. I would like to make as brief a statement as I can as to the necessity for the major part of this legislation.

This has been a great problem in the naturalization office, the Department of Labor, and in Congress for many years. In the old days it was the so-called nunc pro tunc process. For years many efforts were made to put riders on bills to take care of a situation that seemed unhandleable.

If you will examine the naturalization law of June 29, 1906, made at a time when the Immigration Service was not a great bureau, you will find that the naturalization provision in the first paragraph provided that the Bureau of Naturalization, under the direction and control of the Secretary, shall have charge of all matters concerning naturalization of aliens, and that it shall be the duty of the Bureau of Immigration to do certain things. What? To provide for the use of the various immigration stations throughout the United States books and records wherein the Commissioner of Immigration shall cause a registry to be made in the case of each alien arriving in the United States, personal description, and so forth, intended place of residence, and the date of arrival of said alien, and if entered through a port, the name of vessel in which he came; and it shall be the duty of said Commissioner of Immigration to cause to be granted to such alien a certificate of such registry with the particulars thereof.

In thousands and thousands of cases this was not done.

Mr. O'CONNELL. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. O'CONNELL. Is that not now the law?

Mr. JOHNSON of Washington. That naturalization law is in effect.

Mr. O'CONNELL. Then, why bring out a new bill?

Mr. JOHNSON of Washington. I am not bringing up a new one. I am explaining why this bill (H. R. 349) is necessary, for the reason that many persons who were entitled to receive certificates of entry from the United States Government never received them. That is the whole point.

Mr. O'CONNELL. I thank the gentleman.

Mr. JOHNSON of Washington. For five years no record was made at the American points of entry along the Canadian border. Inspection of aliens was made at Montreal, Halifax, Vancouver, and other Canadian ports, but the law required a record to be made at the American ports of entry, such as Seattle, Buffalo, Detroit, Portal, N. Dak., and other places.

Probably the largest number of beneficiaries under the act we are now about to agree to will be due to this failure of recording. The parents and friends of many who came here are now dead. Children from other countries can not tell you how they came, because the United States did not keep a record, although the law I have read calls for that record.

That was, in part, the situation when the temporary quota law was passed limiting the number and making exceptions for visitors for pleasure. The quota law was passed June 3, 1921. This conference report calls for the use of that date on which the officers may on proper inquiry issue a certificate of entry to the alien domiciled prior to June 3, 1921, and who at the time of the application can show good conduct. With a certificate of entry, and then proceed to citizenship in the course of time, and must, of course, prove good conduct.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. DICKSTEIN. The gentleman is referring to the people in this country?

Mr. JOHNSON of Washington. In the United States.

Mr. DICKSTEIN. And we can not put them out on account of the statute of limitations?

Mr. JOHNSON of Washington. I should have mentioned that.

Mr. CELLER. There is nothing in the act involving compulsory registration?

Mr. JOHNSON of Washington. No; nothing at all. Persons who have been here five years can not be deported except for a few crimes. The people to which this bill refers have been here since 1921 and can not be deported. Those that came between 1921 and July, 1924, are not included in this bill. There was great pressure to bring it down to that date, but the House conferees thought otherwise. Persons who have been here, coming prior to July 1, 1924, will not be deportable after the coming 4th of July.

Mr. O'CONNELL. Can they get citizenship papers?

Mr. JOHNSON of Washington. No.

Mr. COOPER of Ohio. What proof does the applicant have to make?

Mr. JOHNSON of Washington. It will be by affidavit and inquiry, just as now.

Mr. COOPER of Ohio. If there is no record of his entry, how can he prove it?

Mr. JOHNSON of Washington. He will have to prove his actual presence by affidavit.

Now, a further feature of this report is that many paid their head tax and some did not pay their head tax. Those who receive a certificate of entry will pay $20. Many have already paid the head tax. It was smaller many years ago but is now $8.

Another feature of the bill is as soon as this goes into effect the total fees of all naturalization will be $20. The whole process for all, whether the record can not be shown to be true up to 21 or not—the whole fee is $5. I think that is quite right. In Canada the naturalization fees are $25. In England, $40; in Switzerland more than $25.

Now, the other features of the bill have to do with administration, making up the records of naturalization, which you will find highly valuable.

Mr. Speaker, I now yield 20 minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. A prominent American journal recently said of my work in this House and on this committee that I believe that "the way to restrict immigration is to restrict immigration." I accept that as a correct interpretation and a compliment. The only objection which the antirestrictionists have to this bill is that it does not go far enough in the direction in which they want to go. The objection which restrictionists have to this bill is that it is a long move in a direction backward from the restrictionist standpoint, seriously impairing the naturalization laws, making a serious breach in the immigration laws, and preparing the way for further backward movements on both these lines.

The main provisions of this bill have never been before this House. They consist of the Copeland amendment, added by the Senate to the harmless and helpful provisions of the Vincent bill (H. R. 349), correcting some minor weaknesses in naturalization procedure. The Schneider bill (H. R. 13793), reported by the House committee in the absence of the chairman by a divided vote, carried some of the provisions of this measure, but some of the safeguards which the objectionable Schneider bill carried were, of course, eliminated by the Copeland amendment, and some entirely new and bad things were embodied in the Copeland amendment not included in the Schneider bill (H. R. 13793).

The conferees are in this report handing the restrictionists of the House a "package" the like of which neither the House committee nor any conference committee have before called upon them to accept during my service in this House. While handing us this gas bomb the conferees and the other body have taken away the mask which our denatured deportation bill was designed to furnish. The history of our deportation bills will be interesting to restrictionists of this House and the country and will throw light upon the situation which presents such a proposition as this to the House and the country.

During the Sixty-ninth Congress your committee expended great labor on a deportation bill, which it reported to the House and which the House, upon mature consideration, passed by a large majority. That bill went to the Senate and was never passed.

During the first session of this, the Seventieth Congress, your committee reported a somewhat modified edition of the deportation bill, which had already passed this House during the former Congress, but that second edition remained asleep on the calendar. After the purpose to bring forth some such measure as this fully developed, the chairman hurriedly threw together some matter on deportation which the committee hastily considered and which the House hastily passed. That bill contained much that was good, but having received immature consideration was in some of its parts subject to just criticism. The bill was as a rider placed on a Senate bill and went to conference. But it is pretty safe to say that it has been or will be either emasculated or killed. What is left of it is too much out of line with this bill for both to survive. For instance, it provided that an alien who was smuggled into the country could be fined and imprisoned, while this bill proposes to give vast numbers of such people the privileges and responsibilities of American citizenship and allows them to bring in great numbers of nonquota relatives, which they can not now do.

Time will not permit me to discuss all of the bad things contained in this bill, but one of them is found in subdivisions (c), (d), and (e) of section 6, the last of which provides for the repeal of section 10 of the naturalization act of 1906, as amended, and section 2170 of the Revised Statutes. The latter section provides that—

> No alien shall be admitted to become a citizen who has not for a continued term of five years next preceding his admission resided within the United States.

The law now permits an alien seaman employed in the Navy of the United States or on any vessel of United States registry or enrollment to become naturalized after a service of three years, without proof of any residence within the territorial limits of the United States. This law was probably enacted in an effort to Americanize aliens in the Navy and merchant marine of the country, but the privilege went to none but such as were employed on vessels of United States registry. That limitation is removed by this delightful measure, so that harbor boats and yachts have to keep their alien crews only three years before they can have them become American citizens. An alien on shore among the body of the people must stay five years. Under the former law an alien in the service of our Navy or merchant marine had that time shortened to three years.

Now it is proposed that the harbor boats and private yachts of more than 20 tons burden may fill their crews with aliens and have them remain on these vessels, without contact with Americanizing influences, and yet become citizens within three years. There are several hundred rich Americans with yachts whose alien employees would come within this class. It is nice for them to hire cheap alien seamen in various capacities on their yachts, and it is very important that you restrictionists from the interior should hasten to give them that privilege

Then there are considerable numbers of rum runners which are not enrolled or registered as American vessels. It will help their business if you will give their alien seamen citizenship quicker than you do an alien who is living among you.

Besides, there are a great many harbor boats in our larger seaports which are not enrolled or registered as American vessels. Some of them are said to be engaged in the business of smuggling aliens into the United States. Of course, it will help their business for you to give their alien seamen citizenship within three years, though I have no reason to believe that it will be better for the citizenship to have that done. But you will understand that all of the alien seamen who thus get American citizenship within three years will have the privilege of bringing certain relatives into the country as non-quota immigrants. If they have filed declaration of intention they will get citizenship and bring their nonquota relatives sooner. This, of course, is exactly in line with the whole tenor and purpose of the Copeland amendment to this bill. I shall discuss some other features of it in connection with the main body of the bill.

Under the long-established policy pursuant to which our naturalization laws have been written and maintained aliens who smuggle themselves into the country in violation of the immigration laws have been denied the right to become citizens, the privilege of reentering the country upon going out, and the favor accorded to citizens and aliens lawfully in the country of having certain near relatives admitted as immigrants, either by preference within the quota or as nonquota immigrants. The Copeland amendment to H. R. 349, as presented in this conference report, proposes to reverse that policy as to all aliens who came into the country illegally prior to June 3, 1921, and as to all who, entering prior to that date, have illegally remained in the country since then in violation of their obligation to depart upon expiration of the term of their temporary admission.

It proposes that many thousands of aliens who entered the United States prior to June 3, 1921, in contempt of law and those who have unlawfully remained while under obligation to depart shall have their illegal entry or stay validated by certificate of arrival upon making some showing in an ex parte proceeding before subordinates of the Immigration Service in the field that such alien—

(1) Entered the United States prior to June 3, 1921;

(2) Has resided continuously in the United States since such entry;

(3) Is a person of good moral character; and

(4) Is not subject to deportation.

There is no requirement that he shall have entered the country without any intent to violate the law; no restriction that the immigration officers shall find that he is such a person as should now be admitted under the law, or that he could have been admitted had he properly applied for admission as an immigrant. Both of these provisions were consciously and intentionally omitted because they would have barred the hundreds of thousands of guilty aliens and their relatives now in Europe, to whom this bill caters.

The House committee bill, reported by a divided vote, required that it be shown that such person has behaved as a person of good moral character at all times since entry, but that was changed in the Copeland amendment and in the conference report so as to merely show that he is of a good moral character now. Nearly anybody can make that statement in an ex parte affidavit if no questions are to be asked about his past.

The provision that such aliens shall not be subject to deportation has little restrictive effect because deportation proceedings against nearly all such are already barred by the statutes of limitations. The conference report contains no requirement that the alien shall show that he entered the United States legally; that he has rightfully remained within the United States; or that he was admissible under the law at the time of his entry, or that his illegal entry or stay was without intent to violate the law. The policy heretofore maintained in excluding him from citizenship and from other privileges recognizes the sound principle that wrongful intent is presumed from the alien's conscious action.

The chief purpose of the Copeland amendment and this conference report is not to provide a nunc pro tunc showing of lawful entry heretofore made. Its chief purpose is to pardon and reward the illegal entry of all who smuggled themselves into

the United States prior to June 3, 1921, and all who have illegally remained after the expiration of the period of their temporary visits.

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

Mr. BOX. I can not. I am very sorry.

Another class specifically designed to receive this pardon and reward consists of deserting seamen who entered prior to the date named under obligation to depart upon expiration of their shore leave. There are many thousands of these.

This bill will have a direct and substantial effect (1) in giving the ballot to hundreds of thousands not worthy of it and not equal to its responsibilities, and (2) in heavily increasing the volume of our immigration.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. BOX. I can not yield.

To help you appreciate the situation with which you are dealing I call your attention to the fact that under our present law, unimpaired by such serious breaches as this will be, we are receiving at least three times as many aliens as the quota numbers. The present quota is about 164,000 per year, but it does not apply to all classes nor all countries, nor to temporary visitors. While we are telling the country that we have reduced the immigration quotas to 2 per cent, based on the census of 1890, and that the quotas are about 164,000 plus, we are in fact receiving of all classes about 500,000; but these large numbers do not include deserting seamen, aliens who smuggled themselves into the country, and others whom this bill will favor.

As indicating a part of this situation, I call your attention to the testimony of Assistant Secretary of Labor Robe Carl White, given January 12, 1926, as reported in Immigration Committee hearings, Sixty-ninth Congress, first session, page 172:

Mr. SABATH. What is the gentleman going to quote from?

Mr. BOX. I am going to quote from the hearings before the Committee on Immigration, the testimony of Mr. White, Assistant Secretary of Labor. Mr. Golder asked him:

Mr. GOLDER. Did I understand you to say, in your judgment there are about 250,000 aliens now in the United States deportable under the existing laws?

Mr. ROBE CARL WHITE. That is the judgment of the district directors, in all of the districts, which meets with my approval. I believe they are conservative in that.

Mr. LAGUARDIA. When was that?

Mr. BOX. That was in 1926, on the 12th of January.

We have been deporting 11,000 to 12,000 aliens per year, at which rate we are deporting about one-twentieth of those subject to deportation.

In an article in the Congressional Digest of May, 1928, at page 151, Commissioner General Hull said:

We have many aliens who are unlawfully in the United States. Various estimates have been made as to the number, some running as high as 3,000,000. Regardless of the number, the problem presented is enormous, and the danger to our institutions is real. These aliens illegally in the country are divided into several classes—those illegally here because at the time of their entry they were not entitled to enter the United States, which include those entering surreptitiously; those securing entry by means of false and misleading statements; and those who arrived as seamen and deserted their vessels or were discharged at the port of arrival and abandoned their calling; and those who were originally lawfully admitted, but have since become public charges, or have been sentenced for the commission of one or more crimes involving moral turpitude, or have done other things in violation of our hospitality.

Among many other bad things about the conference report it gives the privilege of reentering to the hosts of its beneficiaries though the majority of them have entered illegally; it gives them the privilege of becoming citizens and confers on them the privilege of bringing a host of near relatives as nonquota immigrants. The extent of the injury done, of course, depends in part upon the number to be pardoned and naturalized and the number of new immigrants to be brought in under the legislation. A little less than five years after June 3, 1921, Commissioner General Hull testified as follows:

Mr. HULL. * * * Now, you apply that on through the number of aliens that we know are in the country, and you can make a rough guess and it will run you over 1,300,000. That, probably, is too many, but it may be right. It may be less; we do not know.

The CHAIRMAN. That would apply to all the people who are here and unable to prove legal entry into the United States?

Mr. HULL. And the payment of the head tax and inspection.

Mr. BOX. That is all prior to June 3, 1921?

Mr. HULL. They came in before June 3, 1921. (Hearings January 12, 1926, p. 31; committee hearings, 69th Cong., 1st sess., p. 179.)

He further testified that the department estimated that 250,000 more had at that time entered since June 3, 1921, but they are in a separate class and if I have time I shall show you how they are benefited under this bill and the legislation which they expect to get enacted hereafter, but this bill deals directly with the 1,300,000, more or less, designated in Commissioner Hull's testimony. Nobody knows the exact number to be benefited under this particular measure, but everybody acquainted with the subject knows that the number runs into many hundreds of thousands, and the Commissioner General of Immigration has approximated it at 1,300,000.

The bulk of these have not been examined to ascertain whether or not they have criminal records; whether they are mentally, morally, and physically inferior; whether they have met the requirements of the literacy test; whether they entered as contract laborers, and whether they have met the standards of our immigration laws as set up in the act of 1917. It is known that the bulk of them came in defiance of law. I submit that a proposition to admit them to citizenship now is a ruinous impairment of our standards of immigration and naturalization.

As bearing upon the practices of the country before alien and hyphenated influence became so powerful with politicians and Congress, I quote from annual reports made by the United States Commissioner of Naturalization dealing with the subject of naturalization and citizenship:

In his annual report for the fiscal year 1923–24, at page 11, the Commissioner of Naturalization said:

The following recommendations are strongly urged:

At the present time an alien may declare his intention to become a citizen immediately upon landing in the United States, regardless of lawful entry therein or of his ability to read, speak, or write the English language. No alien who entered the United States unlawfully should be allowed to declare his intention, particularly if he entered since May 1, 1917, the date the immigration act of February 5, 1917, became operative. * * *

On page 12 of the same report the commissioner said:

Since the recent quota law became effective an applicant who is a nonimmigrant alien and not an "immigrant" as defined in section 3 of the act of May 26, 1924, can not have residence in the United States for naturalization purposes, because he can not show admission to the United States as an immigrant alien upon an immigration visa. Such an alien should not be entitled to obtain a certificate of arrival from the manifest upon which he is recorded as entering the United States nor become naturalized. * * *

In his annual report for the fiscal year 1924–25, page 7, the Commissioner of Naturalization said:

It was early revealed in connection with the investigations under this requirement that large numbers of aliens who had entered the country illegally or who were unlawfully remaining in the United States after having entered the country for temporary periods of residence only were attempting to make declarations of intention.

Under the plan adopted by the bureau, applications from aliens arriving after June 30, are compared with the immigration visas in the custody of the Bureau of Naturalization. This requirement, it is believed, laid the foundation, at least at this point in the administration of the naturalization law, for the defeat of the attempts to become citizens by those who entered the United States in defiance of the provisions of the quota and visa restrictions of the immigration law. * * *

On page 8 of the same report, in dealing with the great number of temporary visitors who have remained in the country illegally, the Commissioner of Naturalization said:

This close cooperative action has resulted in the apprehension of many aliens temporarily in the United States who have attempted to make the declaration of intention and thereby acquire seeming rights under which to maintain permanent residence in the United States. * * *

There are reported to be in the country innumerable aliens who have entered the United States since June 3, 1921, in defiance of the immigration laws. Many of the declarations of intention now in existence will be found to be in the hands of such illegally entering aliens at the time the 5-year period of residence for naturalization purposes has expired. * * *

In addition to these, alien seamen under the La Follette law were entitled to leave their ships on arrival at American ports and seek employment in their vocation, under certain restrictions, prior to July 1, 1924, when a visa became a prerequisite to permanent lawful presence in the United States. In some cases the masters of the vessels made no report to the immigration officers, but evidently permitted the seamen to leave in all respects regularly except as to the immigration requirements. In others, seamen left their vessels without any formalities being

observed. In numbers of instances these aliens shipped in pursuit of their calling, some upon foreign-bound vessels of American or foreign registry, others on coastwise vessels, while others remained permanently ashore, taking up land vocations. Some had paid the immigration head tax, others had not. These various classes represent many thousands of aliens whose status in the United States it is difficult, if not absolutely impossible, to determine.

In his annual report for the fiscal year 1925–26, at page 16, the Commissioner of Naturalization said:

* * * Evidence is conclusive of aliens arriving in the United States in disregard of law during the period of the quota law and since the operation of the immigration act of 1924. Many have declared their intention to become citizens of the United States who have no lawful right to make such declaration, because they are in this country in defiance of the immigration laws relating to the quota and immigration visa requirements.

In his annual report for the fiscal year 1926–27, at page 10, the Commissioner of Naturalization said:

The first quota restriction law became operative on June 3, 1921. From reports, official and otherwise, it is common knowledge that there have been many aliens who have entered the United States illegally since that time. Large numbers of them have declared their intention to become citizens of the United States. As a reward for their violation of the law they are now in possession of declarations of intention not possible of attainment by other aliens not admitted to the United States lawfully.

This bill, as amended by the Copeland amendment and as presented in the conference report, ignores the difference between law-abiding immigrants and bootlegged aliens, and rewards disregard of the law. It throws citizenship and its privileges, including the ballot, into the dirt at the feet of aliens who have despised the laws and are most apt to be without capacity to appreciate or use the ballot.

As to how this bill will increase immigration during the next few years, I submit that it will do it—

First through the admission of an increased number of nonquota immigrants. Beginning a few months after the passage of this bill, these hundreds of thousands of smuggled-in aliens being pardoned and rewarded by this bill will begin to become naturalized citizens. That is one of the major rewards being paid them for their contempt of the law. After becoming naturalized citizens, each one of them will be entitled to have admitted as nonquota immigrants the classes mentioned in subdivision (a) of section 4 of the immigration act of 1924, to wit, his wife and unmarried minor children. The number of such nonquota immigrants is very great, and the number of such coming to the hundreds of thousands benefiting by this bill will be large, and——

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. BOX. I regret that I can not.

Mr. COCHRAN of Missouri. The gentleman is stating his own views, and we can construe this measure in another way.

Mr. BOX. I did not yield to the gentleman, but the gentleman from Texas is not misconstruing this measure.

Second, they will be entitled to readmission under subdivision (b) of section 4 of the immigration act of 1924 when returning from a temporary visit abroad, from the very date of the beginning of the administration of this act, if passed. Every one of such who goes out can, after paying for the certificate provided for, get a permit to reenter simply because he had theretofore illegally entered. Entering thus illegally, he thereby becomes entitled to reenter; and every one who thus reenters, who could not otherwise do so, will be an addition to our alien population. Generally those favored by this bill will be the most objectionable part of the country's alien people. All of the increase thus provided under subdivisions (a) and (b) of section 4 will be nonquota, or outside the quota, immigrants and, of course, will add to the volume of our immigration to the extent of their numbers, which will be large.

In addition to the numbers that will come outside the quota will be those entitled to a preference within the quota. Under the present law the number of immigrants entitled to a preference within the quota is so large as to congest many consulates. In some countries the waiting list now extends 10 to 20 years ahead. Under the Jenkins Act, itself unobjectionable, all of the relatives of the classes named in that act of aliens lawfully admitted to the country are entitled to a preferred status within the quota. This bill will transfer some hundreds of thousands of smuggled-in aliens into the class of those legally admitted, and thus give their relatives of the classes named the preference status provided for such relatives in the Jenkins Act. This will further congest our consulates, and will be a rank injustice to naturalized citizens and aliens lawfully admitted and their relatives in thus giving to the smuggled-in aliens and their relatives a share in the privilege of having their relatives admitted, which under the present law belongs only to citizens or aliens lawfully admitted to the country. This is unwise and wrong.

Mr. Speaker, this is not an overstatement, and if you gentlemen see proper to take a view different from that I express to you, and that on this lack of information and immature consideration, I ask you to calmly examine this measure hereafter and see whether or not I am warranted in the statements that I make. I ask you at the same time to watch the immigration figures jump up after the passage of this bill, as soon as it has time to get in full operation.

It is the intention of those promoting this legislation, in and out of Congress, that this policy shall go forward. The Copeland amendment, passed by the Senate, provided that this date should be July 1, 1924, where June 3, 1921, now appears; and a majority of the conferees wanted that date fixed, but the chairman of the House committee was able to prevent the adoption of that date. It has been openly and repeatedly declared—I may safely say that it has been definitely determined—that at an early session of Congress this date will be brought forward to July 1, 1924.

Even when that date was yet in the Senate amendment alien and hyphenated influences, some chambers of commerce and others were protesting that the date should be brought down to now; so that while we were pardoning this 1,300,000, more or less, we should also pardon the several hundred thousand who came in thereafter up to the present in defiance of law.

When you pass this measure you will have no sound reason on which to base a refusal to pass future measures like it, so that under such a policy the many thousands who got into the country illegally, avoiding all of our wholesome immigration restrictions, can be received into the body of our citizenship and can forthwith bring their relatives as nonquota immigrants. Gentlemen, you should not pass this measure. It makes a serious breach in our immigration and naturalization laws and adopts a policy which will continue this hurtful course to still worse consequences.

Among other objectionable features of the Copeland amendment and this conference report is the preparation for a great increase in the Naturalization Bureau, with the furnishing of a great many new Federal jobs and the piling up of further bureau expenses. My information and my judgment are that the enactment of this law will soon require that the personnel of the present Naturalization Bureau be soon increased to twice its present number.

For years I and other members of the committee have been coming before this House and before the Committee on Appropriations asking for larger appropriations for the Immigration Service in order to better patrol the borders and to deport those for whose deportation the law provides. Again and again your committee has learned that the present force at the command of the Immigration Service is utterly inadequate. I have just called your attention to the testimony of Assistant Secretary of Labor White there were in 1926 at least 250,000 deportable aliens in the country, while our deportations rarely reached 12,000 in number, which is less than 1 in 20 of those who ought to be deported. Now, this bill proposes that these forces which have been inadequate for the work of protecting the borders against the smuggling in of immigrants and unequal to the work of deporting any considerable portion of our bad aliens, is to be diverted from that work and put to the task of making some sort of a formal field investigation of this 1,300,000, more or less, illegally in the country in order to grant them immunity and give them citizenship. They can not do such work adequately. It is a farce to pretend that they can do it. It is much like providing that the constables or other petty officers in the outlying portions of the county shall adjudicate land suits or try other important civil or criminal cases. To ask that this work be done by the field representatives of the Immigration Service is ridiculous. It means just what the whole bill means—that the law is to be cheapened and impaired and its enforcement, already deplorably bad, made much worse.

The SPEAKER pro tempore (Mrs. KAHN). The time of the gentleman from Texas has expired.

Mr. BOX. I have done the best I could. I wish I could tell you all that is in this bill and the extent to which it contradicts the professions of those who call themselves restrictionists but nevertheless join in this reversal of provisions of our naturalization laws and impairment of important restrictons of our immigraton laws. [Applause.]

Mr. JOHNSON of Washington. Madam Speaker, I hope all will understand that aliens here prior to June 3, 1921, are here and a large number of them for the reasons stated before, the failure to keep a record of entry into the United States. Now,

there was a record kept for quite a long time when applications were being made for nunc pro tunc process. In the years 1923 and 1924, after the passage of the temporary quota act, the record was between 6,000 and 7,000 alien declarants, and at that time the declarations of intention averaged 300,000 a year. To me it is a most interesting thing that in all the days following the great immigration to the United States, when it ran more than 1,000,000 a year, that the declarations of intention did not reach higher numbers, and that actual citizenship papers were issued to so few.

The present naturalization law has been in effect 23 years. In the records there are approximately 5,000,000 declarations of intention. Now, do not think I am saying that means that many are to come up. That is what we have had as to declarations of intention for 23 years, and out of that 5,000,000, 3,500,000 in the 23 years' time made petitions for naturalization and about 3,000,000 certificates of naturalization. Remember, that is in 23 years' time.

For years, as I said, efforts were made in every way possible to find some way to cure the nunc pro tunc, which is illegal, and to provide a way by law. I am not alarmed. I am as satisfied as can be, my friends, that we must have a dead line. You will remember that in the 1924 immigration restriction act the burden of proof is always on the alien, not on the United States, and if he enters surreptitiously he is deportable for all time. It is necessary to find a dead line somewhere, and that is what we are trying to do.

Madam Speaker, I move the previous question on the conference report.

The SPEAKER pro tempore. The gentleman from Washington moves the previous question on the conference report.

Mr. BOX. Madam Speaker, I demand the yeas and nays.

Mr. MAPES. Will the gentleman yield?

Mr. BOX. Yes.

Mr. MAPES. Does the gentleman want the yeas and nays on the previous question?

Mr. BOX. No; not on the previous question. I thank the gentleman for his correction.

The question was taken; and the previous question was ordered.

The SPEAKER pro tempore. The question is now on the adoption of the conference report.

Mr. BOX. On that I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Texas asks for the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Fifty-two gentlemen have arisen, not a sufficient number, 58 being the required number.

Mr. BANKHEAD. Madam Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BANKHEAD. The gentleman from Texas, as I understood it, demanded the yeas and nays and Madam Speaker counted those rising in favor of having the vote by the yeas and nays.

The SPEAKER pro tempore. Fifty-two.

Mr. BANKHEAD. And how many were present?

The SPEAKER pro tempore. Two hundred and eighty-seven Members were present at the last count. Fifty-eight would have been a sufficient number.

Mr. BANKHEAD. I make the point of order, there is not a quorum present.

Mr. CRISP. Mr. Speaker, I make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. As the Speaker well knows, the Constitution of the United States provides that one-fifth of the Members present have the right to have the yeas and nays. There has not been a roll call or any count of the House, so far as I know, since we convened at 8 o'clock. On a request here for the yeas and nays, 52 rose. The Chair stated that that was not one-fifth of those present, and when the other side was asked to be counted to see if 52 was one-fifth of those present, the Chair did not count, and, therefore, I appeal to the Speaker. Under the Constitution, one-fifth of those present in the House being entitled to the yeas and nays, I asked the Speaker to ascertain if 52 is not one-fifth of those present in the House.

The SPEAKER. The present occupant of the chair announced not very long ago, after having carefully counted, that 287 Members were present. The Chair assumes there are still 287 Members present. So there was not a sufficient number. Now, a point of order is made that a quorum is not present. The Chair will count.

Mr. BANKHEAD. Just a moment, Mr. Speaker.

The SPEAKER. Does the gentleman make the point of order there is no quorum present?

Mr. BANKHEAD. I withdraw that point and ask for the other side on the demand for the yeas and nays.

The SPEAKER. The Chair has before him this precedent:

> Such count (meaning such count as the present occupant of the chair made long since) is not subject to verification and a request for a rising vote of those opposed to the demand is not in order.

Now, if the gentleman makes the point of order there is not a quorum present, the Chair will be delighted to count.

Mr. BANKHEAD. No; I withdraw that.

Mr. BOYLAN. Regular order, Mr. Speaker.

Mr. GREEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GREEN. As much time has elapsed since the first count was taken and as the other side of the question was not put, is it not in order to request the Chair to again put the question?

The SPEAKER. The Chair, as he said before, if anybody makes a point of order there is no quorum present, will count. Now, does any body make such a point?

Mr. O'CONNOR of New York. Mr. Speaker, to relieve any question here, I make the point of order there is no quorum present.

The SPEAKER (after counting). Three hundred and ten Members present, a quorum, and the conference report is agreed to.

Mr. BOX. Has the question ever been put in any way on the conference report, Mr. Speaker?

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. What is the present parliamentary situation?

The SPEAKER. The parliamentary situation is that the conference report is agreed to so far as the Chair knows.

Mr. BANKHEAD. We ask for a division on that question.

The SPEAKER. A division is in order.

The House divided; and there were—ayes 218, noes 110.

Mr. BOX. Mr. Speaker, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. JOHNSON of Washington and Mr. Box.

The House again divided; and the tellers reported that there were—ayes 154, noes 89.

So the conference report was agreed to.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

### ENTRY OF ALIENS INTO THE UNITED STATES

Mr. JOHNSON of Washington. Mr. Speaker, I call up the conference report on the bill (S. 5094) making it a felony, with penalty, for certain aliens to enter the United States of America under certain conditions in violation of law; and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That (a) if any alien has been arrested and deported in pursuance of law, he shall be excluded from admission to the United States whether such deportation took place before or after the enactment of this act, and if he enters or attempts to enter the United States after the expiration of 60 days after the enactment of this act, he shall be guilty of a felony and upon conviction thereof shall, unless a different penalty is otherwise expressly provided by law, be punished by imprisonment for not more than two years or by a fine of not more than $1,000, or by both such fine and imprisonment.

"(b) For the purposes of this section any alien ordered deported (whether before or after the enactment of this act) who has left the United States shall be considered to have been deported in pursuance of law, irrespective of the source from

which the expenses of his transportation were defrayed or of the place to which he departed.

"(c) An alien subject to exclusion from admission to the United States under this section who is employed upon a vessel arriving in the United States shall not be entitled to any of the landing privileges allowed by law to seamen.

"(d) So much of section 3 of the immigration act of 1917 (U. S. C., title 8, sec. 136(j)) as reads as follows: 'persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation unless prior to their reembarkation at a foreign port or their attempt to be admitted from foreign contiguous territory the Secretary of Labor shall have consented to their reapplying for admission' is amended to read as follows: 'persons who have been excluded from admission and deported in pursuance of law, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory the Secretary of Labor has consented to their reapplying for admission.'

"(e) So much of section 18 of the immigration act of 1917 (U. S. C., title 8, sec. 154), as reads as follows: 'or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless prior to reembarkation the Secretary of Labor has consented that such alien shall reapply for admission, as required by section 3 hereof,' is amended to read as follows: 'or knowingly to bring to the United States any alien excluded or arrested and deported under any provision of law until such time as such alien may be lawfully entitled to reapply for admission to the United States.' The amendment made by this subsection shall take effect on the expiration of 60 days after the enactment of this act, but the provision amended shall remain in force for the collection of any fine incurred before the effective date of such amendment.

"SEC. 2. Any alien who hereafter enters the United States at any time or place other than as designated by immigration officials or eludes examination or inspection by immigration officials, or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than one year or by a fine of not more than $1,000, or by both such fine and imprisonment.

"SEC. 3. An alien sentenced to imprisonment shall not be deported under any provision of law until after the termination of the imprisonment. For the purposes of this section the imprisonment shall be considered as terminated upon the release of the alien from confinement, whether or not he is subject to rearrest or further confinement in respect of the same offense.

"SEC. 4. Upon the final conviction of any alien of any offense under this act in any court of record it shall be the duty of the clerk of the court to notify the Secretary of Labor, giving the name of the alien convicted, the nature of the offense of which convicted, the sentence imposed, and, if imprisoned, the place of imprisonment, and, if known, the place of birth of such alien, his nationality, and the time when and place where he entered the United States.

"SEC. 5. Terms defined in the immigration act of 1924 shall, when used in this act, have the meaning assigned to such terms in that act."

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

ALBERT JOHNSON,
BIRD J. VINCENT,
GEORGE J. SCHNEIDER,
A. J. SABATH,
*Managers on the part of House.*

HIRAM W. JOHNSON,
WILLIAM H. KING,
DAVID A. REED,
COLE L. BLEASE,
HENRY W. KEYES,
*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate bill made it a felony for any alien who has been arrested and deported under the immigration act of 1917 or the immigration act of 1924 to enter the United States in violation of law and provided that he should be deported at the expiration of his sentence. It further provided that the clerk of the court, upon the conviction of the alien, should notify the Secretary of Labor and also notify the marshal having the prisoner in custody who should retain the prisoner for not more than five days to enable the Secretary of Labor to arrest him for deportation. The House amendment strikes out the Senate text and reinserts it with certain perfecting amendments to which the Senate agrees. Under the provisions of the bill as agreed to in conference, if an alien has been arrested and deported he is excluded from admission to the United States and hence becomes deportable under section 19 of the immigration act of 1917.

The House amendment also added nine new grounds for deportation, together with certain provisions depending upon these deportation provisions. Under the bill, as agreed to in conference, all this matter is omitted.

The House amendment also added a section making it a criminal offense for an alien to enter the United States without inspection or at any time or place other than as designated by immigration officials, or to obtain entry by willfully false or willfully misleading representations or willfully concealment of material facts. The Senate agrees to this provision.

The House amendment also added a section having the effect of permitting deportation immediately upon the release of a criminal on parole if he is otherwise deportable. The Senate agrees to this provision.

The House amendment amended the title of the Senate bill, and the House recedes from this amendment.

ALBERT JOHNSON,
BIRD J. VINCENT,
GEO. J. SCHNEIDER,
A. J. SABATH,
*Managers on the part of the House.*

Mr. JOHNSON of Washington. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, I recognize that some people feel that it is easy to criticize. I am of the opinion that most of the times it is easier to approve and praise than to be obliged to point out the shortcomings and defects as I am from time to time obliged to do on the floor of the House.

The bill under consideration, however, proves beyond doubt that honest criticism is helpful and beneficial. We have now before us a bill which I am pleased I can support and vote for, because the conferees, after I had pointed out to them the many harsh, inhumane, and retroactive provisions, agreed to eliminate them, and now we have a bill that will punish real offenders and not merely unfortunates.

I only regret that my provision and amendment which aimed for the deportation of the vicious gun gangs has not been agreed to. However, I recognize that not one in a thousand of that class is an alien; but I was desirous of securing the passage of that provision more for the purpose of closing the mouths of those who continually yell and who continually are trying to unload the crime wave upon the alien, notwithstanding that in their hearts they know that these charges are false and untrue and are being repeated by them deliberately and willfully so as to create prejudice against the immigrant or the alien in the minds of the American people.

And now, Mr. Speaker, I wish to speak on H. R. 349, the so-called naturalization relief bill, which the chairman of the committee and many others are trying to make you and the country really believe that it is a relief bill.

I concede that it will make possible for some aliens who have entered the United States before July 1, 1921, and of whom there was no record made at the ports of entry, to offer evidence to prove that they have actually entered legally and secure the rights and privileges of becoming American citizens, after, however, complying with all the naturalization laws which, however, this act materially not only strengthens but will make rather expensive.

Now what does the bill really do? It provides, in the first place, that a man who can prove that he (1) entered the United States prior to July 3, 1921, (2) has resided in the United States continuously since such entry, (3) is a person of good moral character, and (4) is not subject to deportation, will receive a registration certificate for which he will be obliged to pay $20 and that because the Government has failed to keep records of his entry.

After that, under section 4, which provides that upon payment of $5 he will receive, under section 5 of the bill, a certificate of arrival, which, under section 4, is necessary, and which will be required of all aliens in the future, before being permitted to make or file his declaration of intention, and after receiving this certificate, for which he will pay this $5, and not until then can he file his application for declaration of intention for which, instead of $1 as now, he will be obliged to pay another $5. Two years thereafter, if he proves he resided continuously for over two years in the United States, he will have the privilege to file a petition for citizenship and for which he will be charged $10 instead of $4, as under the present law, and if he is found to be entitled to be naturalized, upon payment of another $5, he will receive a certificate of naturalization.

After he has complied with all these requirements and will be naturalized and has received a certificate of naturalization, section 32 provides that, upon payment of $10, he can obtain a copy of his certificate if same is lost or destroyed.

Provision (b) of section 32 gives him the privilege of obtaining a special certificate of citizenship if he desires same to be used when traveling or going abroad, for which he is to pay an additional $10, and this, in addition to the passport that is required of him and for which a fee of $10 is charged by the State Department, but we are not through as yet with all the certificates. There are other certificates to come.

Section 33, to my mind, is the most objectionable of all. That section provides and goes much further, because it does not apply to aliens or to those who are seeking citizenship; but it also applies to approximately 3,000,000 American citizens, who became citizens by act of Congress, through the naturalization of their parents or those who became citizens by marriage before the Cable Act went into effect. And though it is not mandatory for them to obtain a certificate of their citizenship, I feel that this provision will have a tendency to force these approximately 3,000,000 American citizens to comply with this provision and obtain such certificates.

There is no doubt but that the authorities everywhere will demand and require that all naturalized citizens in the United States, including the 3,000,000 citizens made so by the law of the land, prove their citizenship by producing their certificate of citizenship, under this section, and for which they will be taxed $10, saying nothing of the annoyances that it will subject them to.

So, to make the matter clear to all, I insert section 33 and show how far-reaching it is.

SEC. 33. (a) Any individual over 21 years of age who claims to have derived United States citizenship through the naturalization of a parent, or a husband, may, upon the payment of a fee of $10, make application to the Commissioner of Naturalization, accompanied by two photographs of the applicant, for a certificate of citizenship. Upon obtaining a certificate from the Secretary of Labor showing the date, place, and manner of arrival in the United States, upon proof to the satisfaction of the commissioner that the applicant is a citizen and that the alleged citizenship was derived as claimed, and upon taking and subscribing to, before a designated representative of the Bureau of Naturalization within the United States, the oath of allegiance required by the naturalization laws of a petitioner for citizenship such individual shall be furnished a certificate of citizenship by the commissioner, but only if such individual is at the time within the United States. In all courts, tribunals, and public offices of the United States, at home and abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States, the certificate of citizenship issued under this section shall have the same effect as a certificate of citizenship issued by a court having naturalization jurisdiction.

In addition to this the bill has several other provisions, which, however, to my mind are not of great importance, unless it be section 36, as well as the provision in section 33 which provides that from now on all applicants and all naturalized citizens will be obliged to furnish two photographs of themselves when making an application for citizenship. One of these photographs is to remain part and parcel of the record in the Bureau of Naturalization, which I greatly fear will become a bureau of registration, and from all indications much more stringent than even existed in Russia under the old Czar régime.

To my mind, if this bill is entitled to be called a relief bill it is because it relieves the alien and even the American citizens of several $5 and $10 bills.

These fees, to my mind, are excessive, as now, though we charge only $1 for declarations of intention and $2 for the application and $2 for naturalization, there has been a profit or surplus in that bureau of over $260,000 last year.

Mr. Speaker, it is to be deplored that a great and rich Nation like ours should be guilty of extracting these excessive fees and placing itself in a position as a profiteering Nation.

Instead of this being a relief bill it is a bill that will make in the future the naturalization not only more expensive but much harder to obtain, and notwithstanding the fact that the people responsible for this legislation criticize the immigrant or the alien that they do not become American citizens; or, in other words, first, they make naturalization nearly impossible, and then they charge that they do not care to be naturalized.

Mr. JOHNSON of Washington. Mr. Speaker, I will take three or four minutes to explain this deportation bill, which is a Senate bill. The Senate bill undertook to make it a violation if the person who had been deported returned, and also if certain persons stopped at the gate and attempted to come in without permission. The House by vote added a large number of items, including seven classes. On a careful examination your conferees became convinced that we had not carefully made the distinction between those who should be deported under such conditions and those who might be under other conditions. For instance, if an alien had been in this country five years and one day, and commits a foul murder, he could not be deported under any provisions of the bill passed in this or the other body.

We had certain provisions requiring a deportation for a misdemeanor, a six months' offense. That would apply to "gun toters." The conferees concluded that such things are out of balance.

Mr. HOLADAY. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. HOLADAY. What aliens can be deported under this bill that can not be deported under the present law?

Mr. JOHNSON of Washington. All those that return after they have been once deported. The United States goes to great expense in deporting them, and they can come back with another name, perhaps, or come in as sailors and get into the country. The United States stops many at the gate of entry.

Mr. HOLADAY. Any other classes that could be deported?

Mr. JOHNSON of Washington. I have not the bill before me. We eliminated the seven classes that were in the bill.

Mr. HOLADAY. I am not interested in what you dropped; but I am interested in what you have in this bill.

Mr. JOHNSON of Washington. This is a starter, and it is all we were able to get. I believe that it is important to amend the deportation clauses of the law of '17 rather than to undertake to write a new deportation bill.

Mr. CRAMTON. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. CRAMTON. It seems by the support of the gentleman from Illinois [Mr. SABATH], and the answers by the gentleman from Washington, that this is a very innocuous deportation bill. Is the House to understand that in the next session we are to get a real deportation bill? The gentleman's committee has been working on this for six or eight years, and I am surprised to hear that they did not have it in proper form; that they were not able to accomplish anything. I think it is time we had a real deportation bill.

Mr. JOHNSON of Washington. If the gentlemen will help us, we will have one.

Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Speaker and gentlemen, the history of deportation legislation during the last two or three years would be interesting to you if you stopped to consider it. During the Sixty-ninth Congress the House passed a substantial deportation bill. It went to the other body but did not pass. It was never acted upon, I think. During the first session of this Congress a milder bill, sort of denatured proposition, was reported in the hope that it might pass. It had too much vigor in it and was too much out of line with the vote here to-night, and could not get consideration in the House. Then as a kind of offset to this measure and, in my judgment, for the purpose of camouflaging the situation and diverting attention from the action on the bill that you have just voted on, a few things were thrown together very immaturely, all of them out of proportion, and brought in here as an offset against this outrageous measure that has just passed. That measure passed. I supported it because it had some good in it. But gentlemen who want deportation will have to understand that the matter must be gone about in earnest by people who want it.

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

Mr. BOX. I regret I can not yield. This last bill that you have just passed provides that it is a felony to do the very thing for which you grant citizenship in the other bill. For having committed a felony you give him the reward of citizen-

ship and the right to bring in hundreds of thousands, perhaps, of his alien kinsmen in the other bill, and say in this one that such a scoundrel shall be guilty of a felony and go to prison as such. When talking about what you are going to do with a man who shall hereafter enter the country illegally, you say you are going to treat him like the felon that he is; but when he and his hyphenated and alien sympathizers are already in the country, most of them illegally, you say he is a good man, entitled to sympathy, and should be given citizenship and the privilege of bringing in his relatives, all of whom, taken together, will amount to many thousands.

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

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

The conference report was agreed to.

J. H. B. WILDER

The SPEAKER laid before the House the following message from the Senate.

The Clerk read as follows:

THE SENATE OF THE UNITED STATES.

*Ordered*, That the House of Representatives be respectfully requested to return to the Senate the bill (S. 5715) entitled "An act for the relief of J. H. B. Wilder."

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

Mr. RUTHERFORD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Georgia objects, and the Clerk will so inform the Senate.

WILLIAM S. WELCH

The SPEAKER also laid before the House the following message from the Senate.

The Clerk read as follows:

THE SENATE OF THE UNITED STATES.

*Ordered*, That the House of Representatives be respectfully requested to return to the Senate the bill (S. 2127) entitled "An act for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., of Joliet, Ill., bankrupt."

The SPEAKER. Without objection, the request of the Senate will be complied with.

There was no objection.

PILGRIMAGE TO EUROPEAN CEMETERIES

Mr. MORIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5332), to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries, now on the Speaker's desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the bill S. 5332, which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of War is hereby authorized to arrange for pilgrimages to cemeteries in Europe by mothers and widows of members of the military or naval forces of the United States who died in the military or naval service at any time between April 5, 1917, and July 1, 1921, and whose remains are now interred in such cemeteries. Such pilgrimages shall be made at the expense of the United States under the conditions set forth in section 2.

SEC. 2. The conditions under which such pilgrimages may be made are as follows:

(a) Invitations to make the pilgrimages shall be extended in the name of the United States to the mothers and widows for whom the pilgrimages are authorized to be arranged under section 1.

(b) Upon acceptance of the invitation the mother or widow shall be entitled to make one such pilgrimage; but no mother or widow who has previous to the pilgrimage visited cemeteries described in section 1 shall be entitled to make any such pilgrimage, and no mother or widow shall be entitled to make more than one such pilgrimage.

(c) The pilgrimages shall be made at such times during the period from May 1, 1930, to October 31, 1933, as may be designated by the Secretary of War.

(d) For the purpose of the pilgrimages the Secretary of State shall (1) issue special passports, limited to the duration of the pilgrimage, to mothers and widows making the pilgrimages and to such personnel as may be selected to accompany and/or arrange for the pilgrimages, if such mothers, widows, and personnel are citizens of the United States, and (2) issue suitable travel documents, if aliens. No fee for either of such documents or for any application therefor shall be charged. Such alien mothers, widows, and personnel shall be permitted to return and be granted admission to the United States without regard to any law, convention, or treaty relating to the immigration or exclusion of aliens, if the return is made within the period covered by the pilgrimage of the particular group or, in the case of personnel, within such times as the Secretary of War shall by regulation prescribe; except that in any case of unavoidable detention the Secretary of War may extend in such case the time during which return may be made without regard to such laws, conventions, or treaties.

(e) The pilgrimages shall be by the shortest practicable route and for the shortest practicable time, to be designated by the Secretary of War. No mother or widow shall be provided for at Government expense in Europe for a longer period than two weeks from the time of disembarkation in Europe to the time of reembarkation in Europe. In the case of any mother or widow willfully failing to continue the pilgrimage of her particular group, the United States shall not incur or be subject to any expense with regard to her pilgrimage after such failure.

(f) Vessels owned or operated by the United States Government or any agency thereof shall be used for transportation at sea wherever practicable.

(g) Suitable transportation, accommodations, meals, and other necessities pertaining thereto, as prescribed by the Secretary of War, shall be furnished each mother or widow included in any pilgrimage for the entire distance at sea and on land and while sojourning in Europe and while en route in the United States from home to port and from port to home. Cabin-class accommodations shall be furnished for all transportation at sea. No mother or widow shall be entitled, by reason of any payment made by or for her, to be furnished by the Government with transportation, accommodations, meals, and other necessities pertaining thereto different in kind from those prescribed by the Secretary of War for the pilgrimage of the particular group.

(h) All pilgrimages shall be made in accordance with such regulations as the Secretary of War may from time to time prescribe as to the time, route, itineraries, composition of groups, accommodations, transportation, program, arrangements, management, and other matters pertaining to such pilgrimages.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry into effect the provisions of this act. The Secretary of War is directed to make an investigation for the purpose of determining (1) the total numbers of mothers and widows entitled to make the pilgrimages, (2) the number of such mothers and widows who desire to make the pilgrimages and the number who desire to make the pilgrimages during the calendar year 1930, and (3) the probable cost of the pilgrimages to be made. The Secretary of War shall report to the Congress not later than December 15, 1929, the results of such investigation.

SEC. 4. As used in this act—

(a) The term "mother" means mother, stepmother, mother through adoption, or any woman who stood in loco parentis to the deceased member of the military or naval forces for the year prior to the commencement of his service in such forces.

(b) The term "widow" means a widow who has not remarried since the death of the member of the military or naval forces.

The SPEAKER. Is there objection?

There was no objection.

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

JOSEPH LEE

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 4244, for the relief of Joseph Lee, with a Senate amendment thereto and concur in the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 4244, with a Senate amendment thereto and concur in the Senate amendment. The clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

PENSIONS

Mr. KNUTSON. Mr. Speaker, I call up the conference report upon the bill H. R. 16878, an omnibus pension bill, and move its adoption.

The SPEAKER. The gentleman from Minnesota calls up a conference report upon the bill H. R. 16878, an omnibus pension bill, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16878) granting pensions and increase of pensions to certain

soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the language proposed in the Senate engrossed amendment insert the following: Page 4, paragraph 3:

"The name of Mary C. Von Ezdorf, widow of Rudolph H. Von Ezdorf, late assistant surgeon, United States Public Health Service, and pay her a pension at the rate of $50 per month."

And the Senate agree to the same.

HAROLD KNUTSON,
J. M. ROBSION,
WM. C. HAMMER,
*Managers on the part of the House.*
ARTHUR R. ROBINSON,
PETER NORBECK,
DANIEL F. STECK,
*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House on H. R. 16878 show by way of explanation that 90 items were included in said bill, 61 from the House and 29 from the Senate.

The committee of conference carefully examined the merits of each individual case over which any difference of opinion existed, and mutually agreed to restore all bills of meritorious character.

HAROLD KNUTSON,
JOHN M. ROBSION,
WM. C. HAMMER,
*Managers on the part of the House.*

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

The conference report was agreed to.

TREATY BETWEEN UNITED STATES AND LOYAL SHAWNEE INDIANS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5127) to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians, proclaimed October 14, 1868, on the Speaker's table.

The SPEAKER. The gentleman from Montana asks unanimous consent for the present consideration of the bill (S. 5127) which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I understand it is agreeable to the gentleman interested in the bill to insert an amendment fixing the attorney's fee at 5 per cent instead of 10 per cent. With that understanding I do not object.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5127) to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians proclaimed October 14, 1868

*Be it enacted, etc.*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $109,746.25, and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay said sum to the Indians of the Loyal Shawnee Tribe, their heirs, or legal representatives, in accordance with the official findings, arbitration award, and report of the Secretary of the Interior to Congress made in pursuance of the twelfth article of the treaty between the United States and the Loyal Shawnee Indians, proclaimed October 14, 1868 (15 Stat. L. 513); which claims are similar to but not included with those of the Shawnee Indians for whom an appropriation was made by act of December 22, 1927 (Public, No. 2, 70th Cong., 1st sess.): *Provided*, That out of said sum there shall be paid to the duly authorized attorney for said Indians, as evidenced by contracts executed by said Indian claimants or their then living heirs, during the years 1903, 1904, and 1905, 10 per cent of the above amount in full satisfaction of such contract or contracts: *And provided further*, That before payment of the amount hereby authorized to be appropriated the Indian beneficiaries or their legal representatives entitled to said awards shall execute in writing a receipt, release, and relinquishment of any and all claims arising under the twelfth article of said treaty which they may have against the United States.

A committee of five male adult members of the Loyal Shawnee Tribe, to be selected under direction of the Commissioner of Indian Affairs, with its headquarters at Vinita, Okla., shall execute a release on behalf of all beneficiaries having no legal representatives.

With committee amendments as follows:

Page 2, line 6, after the word "*Provided*," strike out all of lines 7 to 17, inclusive, and the word "State," at the beginning of line 18, and insert in lieu thereof the following:

"That there shall be paid to the duly authorized attorneys of said respective Loyal Shawnee Indians, their duly proven and established heirs, or their attorneys in fact, 10 per cent of the amount due on the respective claims of said Indians against the Government, when said Indians' right to receive payment is established: *And provided further*, That before payment of the amount due said Loyal Shawnee Indian or his heirs or assigns or to their duly authorized attorneys, receipt shall be executed by or on behalf of said Indian claimants, or their legal representatives, acknowledging payment of their claim against the United States, which receipt shall be approved by the Commissioner of Indian Affairs."

Mr. CRAMTON. Mr. Speaker, I offer an amendment to the committee amendment: Page 2, line 20, strike out "ten" and insert "five."

The SPEAKER. The gentleman from Michigan offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the committee amendment: Page 2, line 20, strike out the figure "10" and insert in lieu thereof the figure "5."

The SPEAKER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

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

A motion to reconsider the last vote was laid on the table.

LAW CLERKS TO UNITED STATES CIRCUIT JUDGES

Mr. GRAHAM. Mr. Speaker, I move that the bill H. R. 9054 be taken up and considered by the House under suspension of the rules.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the bill H. R. 9054. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 9054) to amend section 118 of the Judicial Code to provide for the appointment of law clerks to United States circuit judges

*Be it enacted, etc.*, That the Judicial Code be, and it is hereby, amended by the addition of the following section:

"SEC. 118a. Each United States circuit judge is hereby authorized, with the approval of the Attorney General, to appoint a law clerk, whose salary shall be at a rate not in excess of $3,000 per annum; and the appropriation of such amount as is or may be necessary to pay the salaries and travel expenses of such law clerks is hereby authorized."

The SPEAKER. Is a second demanded? If not, the question is on agreeing to the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

BUILDING FOR THE NATIONAL MEMORIAL ASSOCIATION (INC.) IN THE CITY OF WASHINGTON

Mr. TAYLOR of Tennessee. Mr. Speaker, I move to suspend the rules and pass Senate Joint Resolution 132, a similar House bill being on the Union Calendar.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 132) to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc), in the city of Washington, as a tribute to the negro's contribution to the achievements of America

*Resolved, etc.*, That a commission is hereby created, composed of 15 members, of whom the Director of Public Buildings and Public Parks of the National Capital, the Supervising Architect of the Treasury, and the Architect of the Capitol shall be ex officio members, the 12 additional members to be appointed by the President, to be known as National Memorial Commission, to procure and determine upon a location, plans, and designs for a memorial building suitable for meetings of patriotic organizations, public ceremonial events, the exhibition of art and inventions, and placing statues and tablets, for the National Memorial Association (Inc.), in the city of Washington, as a tribute to the Negro's contribution to the achievements of America.

SEC. 2. That the construction of the memorial herein and hereby authorized shall be upon such site as shall be determined by the commission herein created and approved by the Commission of Fine Arts, and said construction shall be entered upon as speedily as practicable after the plan and design therefor is determined and approved by the Commission of Fine Arts, and shall be prosecuted to completion, under the direction of said commission and the supervision of the Director of Public Buildings and Public Parks of the National Capital, under a contract or contracts as may be authorized to be entered into by said commission in a total sum not less than $500,000, which sum shall be provided by voluntary contributions, under auspices of the National Memorial Association (Inc.), in accordance with plans to be authorized by said commission.

SEC. 3. That in the discharge of its duties herein said commission is hereby authorized to employ the services of such artists, sculptors, architects, and others as it shall determine to be necessary, and avail itself of the services or advice of the Commission of Fine Arts, the Office of Public Buildings and Public Parks of the National Capital, the Supervising Architect of the Treasury, and the Architect of the Capitol.

SEC. 4. That vacancies occurring in the membership of the commission shall be filled by appointment by the President of the United States.

SEC. 5. That to defray the necessary expenses of the commission herein created, and the cost of procuring plans and designs, site, and other incidentals necessary to the construction for a memorial building as herein provided, there is hereby authorized to be appropriated, out of any funds available in the United States Treasury, a sum not exceeding $50,000, to be available when the sum of $500,000 shall have been collected and paid into the hands of the National Memorial Association (Inc.), for purposes in this act provided.

SEC. 6. That said commission shall from time to time submit to Congress a detailed statement as to the progress of the work.

The SPEAKER. Is a second demanded?

Mr. BANKHEAD. I demand a second.

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. BANKHEAD. I object.

The SPEAKER. Objection is heard. The gentleman from Tennessee [Mr. TAYLOR] and the gentleman from Alabama [Mr. BANKHEAD] will please take their places as tellers.

The House divided; and the tellers reported—ayes 104, noes 62.

Mr. BANKHEAD. Mr. Speaker, I make a point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and forty-five Members are present, a quorum. The gentleman from Tennessee [Mr. TAYLOR] has 20 minutes, and the gentleman from Alabama [Mr. BANKHEAD] has 20 minutes.

Mr. TILSON. Mr. Speaker, if the gentleman from Tennessee yields the floor at this time, this will be the unfinished business when we convene to-morrow, and the gentleman from Tennessee will have the same status as he has now?

The SPEAKER. Yes.

Mr. TAYLOR of Tennessee. Mr. Speaker, from the information I have just received of the death of a colleague, I yield the floor.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 9285) entitled "An act to provide for the settlement of claims against the United States on account of property damages, personal injury, or death," 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. MCMASTER, Mr. WATERMAN, and Mr. BAYARD to be the conferees on the part of the Senate.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 4354. An act for the relief of Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, against U. S. S. *Connecticut;* to the Committee on Claims.

S. 4809. An act for the relief of John B. Meisinger and Nannie Belle Meisinger; to the Committee on Claims.

S. 5493. An act relating to the construction of a chapel at the Federal Industrial Institution for Women, at Alderson, W. Va.; to the Committee on the Judiciary.

S. 5715. An act for the relief of J. H. B. Wilder; to the Committee on Claims.

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

H. R. 12351. An act amending section 72 of the Judicial Code, as amended (U. S. C., title 28, sec. 145), by changing the boundaries of the divisions of the southern district of California and terms of court for each division;

H. R. 13752. An act to provide for the construction of a children's tuberculosis sanatorium;

H. R. 13981. An act to permit the United States to be made a party defendant in certain cases;

H. R. 16954. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C.;

H. R. 16955. An act granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C.;

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

H. R. 13593. An act to legalize a bridge across the Fox River at East Dundee, Ill.; and

H. R. 16701. An act to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.

DEATH OF REPRESENTATIVE ROYAL H. WELLER, OF NEW YORK

Mr. O'CONNOR of New York. Mr. Speaker, I regret to announce the death of a distinguished Member of this body from the city of New York, the Hon. ROYAL H. WELLER. I send to the Speaker's desk a resolution and ask that the House adjourn out of memory of our colleague, Mr. WELLER.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 346

*Resolved*, That the House has heard with profound sorrow of the death of the Hon. ROYAL H. WELLER, a Representative from the State of New York.

*Resolved*, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect, this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

Accordingly (at 10 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Saturday, March 2, 1929, at 12 o'clock noon.

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EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

872. A letter from the Secretary of the Navy, transmitting a draft of a bill modifying the terms of section 8 (relief of contractors) of an act approved March 4, 1925, and entitled "An act providing for sundry matters affecting the naval service, and for other purposes," the act directing the Secretary of the Navy to examine claims; to the Committee on Naval Affairs.

873. A letter from the governor of the Federal Reserve Board, transmitting its annual report to Congress covering operations during the year of 1928 (H. Doc. No. 383); to the Committee on Banking and Currency and ordered to be printed, with illustrations.

874. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Woodbridge Creek, N. J., for a 10-foot channel; to the Committee on Rivers and Harbors.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. S. 5493. An act relating to the construction of a chapel at the Federal Industrial Institution for Women at Alderson, W. Va.; without amendment (Rept. No. 2791). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 17293. A bill to authorize an appropriation for construction at Fort McKinley, Portland, Me.; without amendment (Rept. No. 2792). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of Commerce (Rept. No. 2796). Ordered printed.

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Veterans' Bureau (Rept. No. 2797). Ordered printed.

Mr. STALKER: Committee on the District of Columbia. H. R. 15731. A bill to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes," approved January 30, 1925; without amendment (Rept. No. 2805). 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,

Mrs. KAHN: Committee on Military Affairs. H. R. 11105. A bill to provide for appointing Robert J. Burton, a former field clerk, Quartermaster Corps, a warrant officer, United States Army; without amendment (Rept. No. 2793). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 17177. A bill for the relief of Charles N. Neal; with an amendment (Rept. No. 2794). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 4354. A bill for the relief of Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, against U. S. S. *Connecticut;* without amendment (Rept. No. 2795). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 13353. A bill to authorize the President to reinstate Guy H. B. Smith, formerly captain, Fourth United States Infantry, in the Army; with amendment (Rept. No. 2800). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 4809. An act for the relief of John B. Meisinger and Nannie Belle Meisinger; without amendment (Rept. No. 2804). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 5715. An act for the relief of J. H. B. Wilder; without amendment (Rept. No. 2806). Referred to the Committee of the Whole House.

## ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. LETTS: Committee on Indian Affairs. H. R. 10242. A bill for the relief of Lorenzo A. Bailey; adverse (Rept. No. 2798). Laid on the table.

Mr. LETTS: Committee on Indian Affairs. H. R. 10741. A bill to provide for a final settlement of the claims of J. F. McMurray and J. F. McMurray as assignee of Mansfield, McMurray & Cornish against the Choctaw and Chickasaw Nations or Tribes of Indians for legal services rendered and expenses incurred; adverse (Rept. No. 2799). 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. DENISON: A bill (H. R. 17311) to extend the time for completing the construction of a bridge across the Mississippi River at or near Cairo, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCHANAN: A bill (H. R. 17312) to authorize the Secretary of Agriculture to make surveys of representative farm areas each year in each State for the purpose of obtaining and publishing information upon the economic condition of agriculture throughout the United States, and for other purposes; to the Committee on Agriculture.

By Mr. CRAIL: A bill (H. R. 17313) authorizing those qualified for admission to the National Home for Disabled Volunteer Soldiers to receive medical care and attention at hospitals in connection with said homes without becoming a member of such home or a patient in such hospital; to the Committee on Military Affairs.

Also, a bill (H. R. 17314) to amend paragraph 6 of section 202 of the World War veterans' act of 1924, as amended; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 17315) to authorize an additional appropriation for Fort McArthur, Calif.; to the Committee on Military Affairs.

Also, a bill (H. R. 17316) to provide Fort McArthur, Calif., with 11 additional railroad heavy artillery guns; to the Committee on Military Affairs.

By Mr. WOODRUFF: A bill (H. R. 17317) to amend section 8 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," approved March 4, 1925; to the Committee on Naval Affairs.

By Mr. KELLY: Joint resolution (H. J. Res. 433) to permit the Citizens' Association of Chevy Chase, D. C., to erect a memorial in memory of Francis G. Newlands; to the Committee on the Library.

## MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State Legislature of the State of Montana, memorializing Congress for the enactment of such legislation as may be necessary to protect the livestock industry; to the Committee on Ways and Means.

Memorial of the State Legislature of the State of Montana, memorializing Congress for such legislation as may be necessary to protect the beet-sugar industry; to the Committee on Ways and Means.

Memorial of the Legislature of the State of Wisconsin, relating to the Great Lakes-St. Lawrence waterway; to the Committee on Interstate and Foreign Commerce.

Memorial of the Legislature of the State of Wisconsin, relating to the national origins clause of the Federal immigration act of 1924; to the Committee on Immigration and Naturalization.

Memorial of the State Legislature of the State of Montana, memorializing Congress to enact such legislation as will permit the owner of land in the upper Milk River irrigation districts to enter into contracts permitting payment for the St. Marys diversion charges to be made in 40 years, and to allow deduction of nonproductive land; to the Committee on Irrigation and Reclamation.

By Mr. SELVIG: Memorial of the State Legislature of the State of Minnesota, urging Congress of the United States to establish a 9-foot channel on the upper Mississippi River; to the Committee on Rivers and Harbors.

By Mr. EVANS of Montana: Memorial of the State Legislature of the State of Montana, requesting Congress of the United States for the enactment as may be necessary to protect the beet-sugar industry; to the Committee on Ways and Means.

By Mr. WINTER: Memorial of the State Legislature of the State of Wyoming, requesting Congress of the United States to increase the tariff on turkey and sugar industries of Wyoming and other States interested in such industries; to the Committee on Ways and Means.

By Mr. KVALE: Memorial of the State Legislature of the State of Minnesota, urging Congress of the United States to establish a 9-foot channel on the upper Mississippi River; to the Committee on Rivers and Harbors.

By Mr. EVANS of Montana: Memorial of the State legislature and the people of the State of Montana, expressing the desire for Congress to take into further consideration the resolution heretofore introduced in both bodies of Congress relating to an amendment to the Constitution respecting the time at which the President and Vice President and Members of Congress shall assume their official duties; to the Committee on the Judiciary.

By Mr. LEAVITT: Memorial of the State Legislature of the State of Montana, requesting Congress of the United States to enact such legislation that may be necessary to protect the livestock industry; to the Committee on Ways and Means.

Also, memorial of the State Legislature of the State of Montana, requesting Congress of the United States to enact such legislation that may be necessary to protect the beet-sugar industry; to the Committee on Ways and Means.

By Mr. EVANS of Montana: Memorial of the State Legislature of the State of Montana, urging Congress to enact such legislation as will permit the owners of land in the upper Milk River irrigation districts to enter into contracts permitting payments for the St. Marys diversion charges to be made in 40 years and to allow deduction on nonproductive land; to the Committee on Irrigation and Reclamation.

Also, memorial of the State Legislature of the State of Montana, requesting of Congress the enactment of such legislation as may be necessary to protect the livestock industry; 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. ROY G. FITZGERALD: A bill (H. R. 17318) for the relief of Luther W. Guerin; to the Committee on Claims.

By Mr. UNDERWOOD: A bill (H. R. 17319) granting an increase of pension to Henrietta M. Lewis; to the Committee on Invalid Pensions.

By Mr. SCHNEIDER: A bill (H. R. 17320) granting a pension to Samantha Vose; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 17321) granting a pension to John Gillis; 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:

13568. By Mr. BACON: Petition of the Merchants' Association of New York, in opposition to any restriction or limitation to the free movement of products between the United States and its Philippine possessions; to the Committee on Ways and Means.

13569. By Mr. COLTON: Petition of six citizens of Gunnison, Utah, 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.

13570. By Mr. CRAIL: Petition of Los Angeles County Council of the United Veterans of the Republic, favoring the cruiser bill; to the Committee on Naval Affairs.

13571. By Mr. LANKFORD: Petition of 60 members of the Women's Christian Temperance Union of Peru, Ohio, 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.

13572. Also, petition of the pastor and 100 members of the Church of the Master, Peru, Ohio, 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.

13573. Also, petition of 84 members of the Main Street Methodist Episcopal Church, Kokomo, Ind., 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.

13574. By Mr. HOWARD of Nebraska: Petition signed by Hon. Harry N. Wallace, Hartington, Nebr., and 102 other citizens of Cedar County, pleading for the passage of House bill 14676, granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes; to the Committee on Pensions.

13575. By Mr. HUDSON: Petition of citizens of Flint, Mich., urging that no change be made in the present tariff on hides and leather; to the Committee on Ways and Means.

13576. Also, petition of citizens of the sixth district of Michigan, protesting against the passage of House bill 78, known as the compulsory Sunday observance law; to the Committee on the District of Columbia.

13577. By Mr. O'CONNELL: Petition of the International Association of Machinists, Washington, D. C., favoring the passage of Senate bill 3116, the 44-hour week bill; to the Committee on the Civil Service.

13578. Also, petition of the Amalgamated Paper Co., of Brooklyn, N. Y., favoring the passage of the LaGuardia bill (H. R. 10287); to the Committee on the Judiciary.

13579. Also, petition of the Bristol-Myers Co., New York, favoring the passage of the LaGuardia bill (H. R. 10287); to the Committee on the Judiciary.

13580. Also, petition of the Toy Manufacturers of the United States of America, favoring the passage of the LaGuardia bill (H. R. 10287); to the Committee on the Judiciary.

13581. Also, petition of the Corset and Brassiere Association of New York, favoring the passage of the LaGuardia bill (H. R. 10287); to the Committee on the Judiciary.

13582. By Mr. PRATT: Memoralizing a colleague from New York, Hon. Thaddeus C. Sweet; to the Committee on the Library.

13583. By Mr. WIGGLESWORTH: Petition of Catholic Daughters of America, relating to the national-origins clause of the immigration act; to the Committee on Immigration and Naturalization.

# SENATE

## SATURDAY, *March 2, 1929*

*(Legislative day of Monday, February 25, 1929)*

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

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

Mr. BLAINE. My colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. JONES. I desire to announce that the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Colorado [Mr. PHIPPS], and the Senator from New Mexico [Mr. LARRAZOLO] are detained from the Senate by illness. I will let this announcement stand for the day.

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

### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolution of the Legislature of the State of Montana, which was referred to the Committee on Post Offices and Post Roads:

House Joint Resolution 1

A concurrent resolution memorializing Congress to pass and the President to approve at this session House Resolution 14665, by COLTON, as amended

Whereas there is now pending before the Seventieth Congress, second session, House Resolution 14665, by COLTON, as amended, entitled "A bill to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes"; and

Whereas the purpose of said House Resolution 14665 as amended, is to authorize the appropriation, out of any money in the Treasury not otherwise appropriated, for the construction of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations:

The sum of $3,500,000 for the fiscal year ending June 30, 1929;

The sum of $3,500,000 for the fiscal year ending June 30, 1930;

The sum of $3,500,000 for the fiscal year ending June 30, 1931; and

Whereas the State of Montana has 1,183 miles on 56 routes on their forest highways of which 178 miles are improved, 146 graded, and 858 miles unimproved, the estimated cost of completing the total forest highway system in Montana to a standard adequate for traffic and to compare with State and Federal aid style of construction is $13,418,892, while our present annual appropriation in Montana for forest highway construction is but $350,000; and