3794. By Mr. SPEAKS: Petition signed by 15 citizens of Columbus, Ohio, urging support of Senate bill 476 and House bill 2562, providing for increased rates of pension to men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

3795. Also, petition signed by 51 citizens of Columbus, Ohio, urging support of Senate bill 476 and House bill 2562, providing for increased rates of pension to men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

3796. By Mr. ZIHLMAN: Petition of citizens of Hancock, Md., urging immediate and favorable action on House bill 2562 and Senate bill 476, providing for increased rates of pension to Spanish-American War veterans; to the Committee on Pensions.

SENATE

THURSDAY, *January 30, 1930*

(Legislative day of Monday, January 6, 1930)

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

Mr. FESS. 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	George	Kean	Sheppard
Baird	Gillett	Kendrick	Shipstead
Barkley	Glass	Keyes	Shortridge
Bingham	Glenn	La Follette	Simmons
Black	Goff	McKellar	Smith
Blease	Goldsborough	McMaster	Smoot
Borah	Gould	McNary	Steiwer
Bratton	Greene	Metcalf	Sullivan
Brookhart	Grundy	Moses	Swanson
Broussard	Hale	Norbeck	Thomas, Idaho
Capper	Harris	Norris	Townsend
Connally	Harrison	Nye	Trammell
Copeland	Hastings	Oddie	Tydings
Couzens	Hatfield	Overman	Vandenberg
Cutting	Hawes	Patterson	Wagner
Deneen	Hebert	Phipps	Walcott
Dill	Heflin	Pine	Walsh, Mass.
Fess	Howell	Ransdell	Walsh, Mont.
Fletcher	Johnson	Robinson, Ind.	Watson
Frazier	Jones	Robsion, Ky.	Wheeler

Mr. SHEPPARD. I wish to announce that the junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also wish to announce that the Senator from Arkansas [Mr. CARAWAY] and the Senator from Wisconsin [Mr. BLAINE] are absent on business of the Senate.

Mr. HARRISON. I desire to announce that my colleague the junior Senator from Mississippi [Mr. STEPHENS] is also detained from the Senate by illness. This announcement may stand for the day.

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

Mr. COPELAND presented petitions numerously signed by sundry citizens of the State of New York, praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Brooklyn and New York City, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and widows of veterans, which were referred to the Committee on Pensions.

Mr. GOULD presented a petition of sundry citizens of Blaine and Mars Hill, in the State of Maine, praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

Mr. KEAN presented a petition of sundry citizens of Newark and vicinity, in the State of New Jersey, praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

Mr. GOLDSBOROUGH presented a memorial of members of the Brown Memorial Presbyterian Church, of Baltimore, Md., remonstrating against any revision of the existing calendar unless a proviso be included definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of blank days, which was referred to the Committee on Foreign Relations.

Mr. NYE presented 62 resolutions adopted by branches of the North Dakota Federation of the General Federation of Women's Clubs, favoring the prompt ratification of the proposed World Court protocol, which were referred to the Committee on Foreign Relations.

Mr. VANDENBERG presented a resolution adopted by the Common Council of the city of Detroit, Mich., favoring the passage of legislation designating October 11 as a memorial day for Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

He also presented resolutions adopted by Lodge No. 8, International Shipmasters' Association of the Great Lakes at Marine City, and Harbor No. 14, International Shipmasters' Association of the Great Lakes, at St. Clair, in the State of Michigan, protesting against the passage of legislation to provide for the establishment of shipping commissioners at ports on the Great Lakes, which were referred to the Committee on Commerce.

He also presented a letter in the nature of a memorial from the Chamber of Commerce, of Menominee, Mich., remonstrating against the passage of legislation to provide for the establishment of shipping commissioners at ports on the Great Lakes, which was referred to the Committee on Commerce.

FAMINE CONDITIONS IN CHINA

Mr. HARRIS. I present a telegram in the nature of a petition from Claude L. Whaley, president of the Macon (Ga.) Kiwanis Club, urging the Government to give relief to famine conditions in China, which I ask may be referred to the Committee on Foreign Relations and printed in the RECORD.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[Telegram]

MACON, GA., *January 15, 1930.*

Senator W. J. HARRIS,
Washington, D. C.:

Kiwanis Club of Macon by resolution to-day respectfully urge our Government to take immediately every possible step to assist in alleviating appalling famine conditions in China. Feel sure you will use the power of your high office at once to the end that human beings may not perish from hunger. This club stands ready to assist in any way it can.

CLAUDE L. WHALEY,
President Macon Kiwanis Club.

OIL AND COAL LANDS IN ALASKA

Mr. BINGHAM. I ask unanimous consent to present, in the nature of a petition or memorial, a resolution passed by the Commercial Club of Ketchikan, Alaska, with regard to changing the laws relating to coal and oil lands in Alaska. As it is brief and important, I ask that it may be referred to the Committee on Territories and Insular Affairs and printed at the proper place in the RECORD.

There being no objection, the matter was referred to the Committee on Territories and Insular Affairs and ordered to be printed in the RECORD, as follows:

KETCHIKAN, ALASKA, *February 8, 1929.*

CHAIRMAN SENATE COMMITTEE ON TERRITORIES,
Washington, D. C.

DEAR SIR: This club has given study to and has indorsed the following resolution which originated with and was adopted by the Cordova (Alaska) Chamber of Commerce at its regular meeting on December 7, 1928.

"*Resolved*, That it is for the greatest good of the Territory of Alaska, and it is absolutely necessary to its development, that all leasing laws relating to oil or coal lands and the act of Congress of 1912 relating to placer ground be repealed, and that the Territory of Alaska be again placed under the former laws relating to the acquisition of public lands for mining use under which the western part of the United States has been developed and made populous and prosperous."

Yours respectfully,

COMMERCIAL CLUB OF KETCHIKAN,
By FRANK S. SHELTON, *Secretary.*

REFERENCE OF CERTAIN PAPERS

Mr. GOLDSBOROUGH presented papers to accompany the bill (S. 2877) to authorize the Secretary of War to grant a right of way for street purposes upon and across the Holabird Quartermaster Depot Military Reservation, in the State of Maryland, heretofore introduced by him, which were referred to the Committee on Military Affairs.

He also presented a paper to accompany the bill (S. 2878) to authorize Brig. Gen. William S. Thayer, Auxiliary Officers' Reserve Corps, and Brig. Gen. William H. Welch, Auxiliary Officers' Reserve Corps, to accept the awards of the French Legion of Honor, heretofore introduced by him, which was referred to the Committee on Military Affairs.

REPORTS OF NOMINATIONS

Mr. PHIPPS, as in open executive session, from the Committee on Post Offices and Post Roads, reported sundry postoffice nominations, which were ordered to be placed on the Executive Calendar.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. SMOOT, as in open executive session, from the Committee on Finance, reported sundry nominations in the Customs Service, which were ordered to be placed on the Executive Calendar.

BILLS INTRODUCED

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

By Mr. CAPPER:

A bill (S. 3362) granting an increase of pension to Marion J. Ellis (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3363) to remit the duties on certain materials imported for the use of the Georgia State College for Women; to the Committee on Finance.

A bill (S. 3364) to provide for payment of the cost of pilgrimages to foreign cemeteries to certain mothers and widows of members of the military and naval forces of the United States; to the Committee on Military Affairs.

By Mr. KEAN:

A bill (S. 3365) authorizing certain importers of sugar into the United States from the Argentine Republic during the year 1920 to submit claims to the Court of Claims; and

A bill (S. 3366) directing the Court of Claims to reopen the case of the city of Cape May, N. J., against the United States, No. E-618, and readjudicate the issues therein upon the pleadings and the evidence heretofore submitted to said court in said cause; to the Committee on Claims.

By Mr. THOMAS of Oklahoma:

A bill (S. 3367) amending section 1 of "An act to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes" (Public, No. 672, 70th Cong.), approved January 19, 1929; to the Committee on the Judiciary.

By Mr. GOLDSBOROUGH:

A bill (S. 3368) granting a pension to Sarah Ida Barnes (with accompanying papers); to the Committee on Pensions.

By Mr. BARKLEY:

A bill (S. 3370) granting an increase of pension to Anna Spinner; to the Committee on Pensions.

By Mr. VANDENBERG:

A bill (S. 3371) to amend section 88 of the Judicial Code, as amended; to the Committee on the Judiciary.

ALLOWANCES OF RETIRED ENLISTED MEN

Mr. SHORTRIDGE. Mr. President, I ask leave to introduce a bill for reference to the Military Affairs Committee, to readjust the allowances of retired enlisted men of the Army, Navy, and Marine Corps. In that connection I ask also to have referred to the committee, and printed in the RECORD a letter relating to this matter.

There being no objection, the bill (S. 3369) to readjust the allowances of retired enlisted men of the Army, Navy, and Marine Corps was read twice by its title and, with the accompanying letter, referred to the Committee on Military Affairs, and the letter was ordered to be printed in the RECORD, as follows:

[The Retired Men's News, a national monthly, published by General Harrison Gray Otis Post, No. 1537, Veterans of Foreign Wars of the United States, of Los Angeles, Calif.]

ARCADIA, CALIF., *January 21, 1930.*

The Hon. SAMUEL M. SHORTRIDGE,
Washington, D. C.

DEAR SENATOR: As a friend to the ex-service man, especially the Spanish War veteran, I respectfully request your kind aid to us in connection with the following:

H. R. 2668, introduced in the House by Congressman W. FRANK JAMES, seeks to give a decent living allowance to retired enlisted men, who number approximately 10,000 that have served 30 or more years.

As we are mostly Spanish War veterans, and realizing your friendliness to this class of veteran, we feel you will more readily understand our request and favor us by introducing a similar measure in the Senate.

Kindly do not confuse this with the proposed pay adjustment for the service. Even if this proposed pay adjustment is enacted, it will benefit the lower grade enlisted man on the retired list almost next to nothing. For this reason we are especially interested in the increase in allowances.

Thanking you for your consideration, I am, very respectfully,

J. H. HOEPPEL, *Manager.*

PRESERVATION OF SARATOGA BATTLE FIELD

Mr. COPELAND submitted the following concurrent resolution (S. Con. Res. 24), which was referred to the Committee on Military Affairs:

Be it resolved by the Senate (the House of Representatives concurring), That a select committee be appointed by the President of the Senate, to act with a similar committee to be appointed by the Speaker of the House, to discuss and devise ways and means for the preservation of the Saratoga battle field, in the State of New York, as a national shrine, commemorating this famous battle of our war of independence, such committee to consist on the part of the House of five members: Be it further

Resolved, That the sum of $10,000 be hereby appropriated for the expenses of the committee, such sum to be drawn upon vouchers approved by the chairman of said committee.

REPRESENTATIVE CHARLES M. STEDMAN, OF NORTH CAROLINA

Mr. HEFLIN. Mr. President, on yesterday the Washington Star announced that Maj. CHARLES M. STEDMAN, a Member of the House of Representatives from the State of North Carolina, who is 89 years old, had made the statement that he would not be a candidate for reelection to Congress. The paper also states, which is true, that Major STEDMAN is the last ex-soldier on either side of the conflict of 1861-65 now in Congress. The last of the Union troops was Senator Warren, the last of the Confederate troops Major STEDMAN. A picture was made some time ago of these two distinguished Americans side by side. One had worn the blue and the other had worn the gray.

Sixty-five years have come and gone since the roar of musketry and the thunder of artillery died away and the War between the States was ended. Brave men on opposing sides had fought for four years for the settlement of two questions that had never been settled until that war settled them, the question of slavery and the question of secession. Doctor Elliott, a northern man, in his history of our country said that these questions were never settled until the war settled them.

Here was a remarkable situation that two men, one from the North and one from the South, fighting on opposing sides in the great war in the settlement of a question which would fix finally and forever the status of the Federal Union, later in the Capital of a great and reunited people should serve together, one from the North and one from the South, working together for the good of our common country. We all greatly respected and loved Senator Warren, a fine specimen of American manhood.

I have known Major STEDMAN for a number of years. He has been pointed out many times as the man who looked most like Robert E. Lee. General Lee was his chieftain. He followed him nobly and bravely during the War between the States. Major STEDMAN is an able man, a man of deep convictions and a man of superb courage, a product of the chivalric South when knighthood was in flower. Now, God bless him. He is approaching his ninetieth year and we all regret to see him leave the work that he has been doing so ably and well. He carries with him not only our high respect and great esteem but our love. He has grown old nobly, grandly, serenely, and joyously. He is the most cheerful and patient of men, always abounding in good cheer.

In his passing out of Congress, Mr. President, the last of those who followed Grant and the last of those who followed Lee will have gone out of the Congress of our country. What a contribution they have made to the history of their country! What strong, stalwart manhood is represented by the two of them, citizens of the greatest country in all the world! Our internal differences all settled once and for all, we are, in deed and in truth, a reunited people; and, as I have said here before, one people, one country, one flag.

Mr. President, for those who love Major STEDMAN and who hail from the section that followed Lee and Jackson, I want to say to my comrades in the service here that the South stands ready to follow faithfully wherever Old Glory bares her beauty to the breeze.

Mr. SIMMONS. Mr. President, I hope the Senate will indulge me for a moment while I express in behalf of the people of North Carolina my appreciation of the eloquent tribute the Senator from Alabama [Mr. HEFLIN] has paid to Major STEDMAN.

When first I came to this body, Mr. President, a large percentage of its membership was composed of men who had borne arms and who had participated in the Civil War upon one side or the other in that tremendous conflict. All of those have passed away. Probably neither this body nor the House of Representatives will ever again have a Member who was actively engaged in that great struggle. But few of them remain.

Major STEDMAN is one of that few. The people of North Carolina not only have taken delight in honoring him but he has enjoyed the friendship and the love of our people to a very remarkable degree. About 20 years ago he was elected to the House of Representatives. He has had no opposition in our party for his seat since that time, and, Mr. President, if he desired to do so, he could remain a Member of the House without opposition in North Carolina to the last minute of his life.

Major STEDMAN is an able man, a great man, the very embodiment of chivalry and of honor. His career during the Civil War was one which won him honor and distinction. No braver man ever walked the earth than Major STEDMAN; no more faithful, patriotic citizen ever lived in the State of North Carolina than Major STEDMAN. No citizen has been born to that State in my day and generation who was so universally loved as is Major STEDMAN to-day by every man, woman, and child in that State. The time that the Senate has spent paying tribute to this great man has not been wasted. A nation that does not cherish the memory of its great men, Mr. President, is a nation that must eventually perish from the earth.

PROHIBITION ENFORCEMENT IN THE DISTRICT OF COLUMBIA

Mr. BLEASE. Mr. President, I notice in one of the Washington newspapers this morning it is stated that the Committee on the District of Columbia is divided on the prohibition question, and the article puts me down on the side of those who are called the "wets." I thought I had previously made my position plain, but before I proceed I will say that if those who were instrumental in having me made a member of the Committee on the District of Columbia have the slightest idea that I could be classed as a wet, as is stated by this newspaper, if it is their desire, I shall take great pleasure in resigning from membership on that committee.

The article to which I refer speaks of the Howell bill. If those who are opposed to that measure expect to defeat it by my vote, either as a member of that committee or as a Member of this body, they will be very much mistaken. On the 16th day of this month I made a statement, which is recorded in the CONGRESSIONAL RECORD at page 1709, as follows:

> I hope those who have charge of the enforcement of the eighteenth amendment will get what they ask for in the way of appropriations. So far as my vote goes, I expect to vote for whatever amount of money they want, without limit. I expect to vote for whatever laws are offered to assist in the enforcement of this law, which I believe to be constitutional. Under no conditions or circumstances would I or shall I ever cast a ballot to deprive any man of the right of trial by jury. I shall not discuss that now, but at the proper time I shall give my reasons for that position. I want to see all the laws enforced.

That is my position, Mr. President, on the prohibition question.

When a man does not know how his State stands on a proposition it is his duty to do what, after careful consideration, he believes to be for the best interests of those people; but when the people of a State have expressed themselves at the ballot box in favor of a certain measure or policy a true representative carries out to the best of his ability that vote.

But, whether my State is a prohibition State or not, my people vote for prohibition, and I shall not as a Member of this body vote to amend or to repeal the eighteenth amendment or any section of the Volstead law. No matter what my individual opinion may be, that is my position as a Member of this body.

I shall vote for any bill that will help abate the vice and crime that is rampant in this city and that is being winked at by higher-up officials. I do not have to be told what I am talking about; I know what I am talking about. And when the daughter or son of one of those who dispute what I say comes home drunk—dead or worse—they will believe. If the Howell bill will remove from certain apartment houses and from other places dens of vice and corruption of the meanest and worst kind which are being operated and where vice is practiced night after night in this city, then I am for the Howell bill; and the newspaper this morning in its report is very much mistaken when it indicates to the contrary.

Mr. President, I made a statement on this floor in reference to whisky and dope being sold within the shadow of the Capitol of this Nation. I have in my hand a clipping from a newspaper stating that the old Mades Hotel, a great place in its day, was padlocked a few days ago. That old hotel is nearer the Capitol than the place where $5,000 worth of dope was taken a few days ago.

I also have in my hand another newspaper clipping stating that the law-enforcement plan in this city is called a boon by the people dealing in real estate. In that article, Mr. President, these people admit, so far as certain vices are concerned, the very thing that I charged upon this floor. I have, if you please, four other articles, which I ask permission to have printed in the RECORD, and in order to make my own position more clear, if it be possible, I ask to have published in the RECORD an interview printed yesterday in the New York Herald Tribune, which was given out by me.

The VICE PRESIDENT. Without objection, the interview and the articles referred to will be printed in the RECORD.

The interview and articles are as follows:

[From the New York Herald Tribune, Wednesday, January 29, 1930]

Senator COLE BLEASE, Democrat, of South Carolina:

"I am a great believer in the people and in the rule of the people, and I believe in submitting whenever practicable all questions to the people for their decision; and I think the eighteenth amendment and the Volstead law should have been submitted to the people. Had they so been submitted, and the majority of the white people of this country voted for them, they would be obeyed and as well enforced to-day as any other law on our statute books or in our Constitution.

"I believe in the election of judges by the people, and I believe in the election of all officers, from President of the United States to the coroner of each county, by a popular vote of the white people of this country. I have so advocated in the legislature of my State, on the floor of the Senate, and on many occasions on the rostrum.

"If a proposition should be submitted to the Senate to submit any question to the American people for settlement I shall certainly cast my vote for it.

"I will vote against the repeal of the eighteenth amendment if the proposition is submitted to the Senate, but I shall never vote to deprive the people of my country of having the privilege to decide any question by a majority of their votes, and when my State casts her vote for or against any measure I shall abide by the expression of my people through their ballot."

[From the Washington Post, January 24, 1930]

PADLOCK ORDER ASKED FOR FAMED OLD HOTEL—LIQUOR CHARGES PLACED AGAINST MADES, ONCE CAPITAL FAVORITE

The Mades Hotel at 300 Pennsylvania Avenue NW., one-time haunt of Washington's socially prominent, again came into the public eye yesterday when the Goverment filed papers in the District Supreme Court seeking to padlock the establishment for a year for alleged violation of the national prohibition act.

Pending hearing on the petition to padlock, Justice Alfred A. Wheat issued a temporary injunction restraining the owners and occupants from violating the law. Those named as defendants are Mirtello Bell, operator of the hotel; William O. Bell, Ellen Stanley, and Thomas Yarbro, employees, and Franklin D. Mades, owner.

Action of United States Attorney Leo A. Rover and Capt. Harold W. Orcutt follows a raid on the establishment several weeks ago by Sergt. Oscar Letterman and his vice squad. At that time the police alleged they found considerable liquor and made several arrests.

Shortly before the raid the hostelry received considerable publicity as the result of the death of William Sykes. The man, who died shortly after he was taken to the hospital, was discovered in an alley in the rear of the hotel, while certain articles of his clothing were found in the place. Six men are under indictment on charges of manslaughter in connection with the death of Sykes, and on Tuesday one of these, Henry King, was sentenced to 180 days in jail on a charge of having assaulted the Government's principal witness in the case.

The Mades Hotel is probably the last of those hostelries, in and about the National Capital, which date their opening to ante-bellum days. Erected in 1848 by Charles B. Mades, sr., the building has been continuously used ever since, more than 81 years, as a hotel.

For 27 years the elder Mades conducted the establishment and then in 1875 passed the management to his eldest son, Charles B., jr., who held it for 43 years, or until his death in 1918. The father died in 1915.

With the passing of Charles, jr., the heirs, two brothers and three sisters, all of whom are still living and residents of Washington, decided to place the famous old hotel on the auction block. They are Franklin D. and Nicholas A. Mades, Mrs. Minnie McDermott, Mrs. J. A. Springman, and Mrs. Louis Luh.

Mades, or, as it was more commonly known during the Harrison, Cleveland, and McKinley administrations, "Bennie's Place," a nickname given Charles Mades, jr., gained a national reputation for the excellence of its cuisine.

It was there that fowl were killed on the premises, dressed, and cooked while the epicurean waited, while frogs and fresh-water fish were taken from a fountain in the rear, skinned or scaled, and served the awaiting diner.

Men famous in the legislative, political, and financial history of the country have at one time or another made Mades Hotel their headquarters. A quorum of the Senate was not an uncommon attendance at the famous tavern.

Speaker Tom Reed, Senators Voorhees, Turpie, Blackburn, Hanna, and Penrose were frequenters of Mades. It was also a favorite haunt for members of the fourth estate.

[From the Washington Daily News, January 24, 1930]

LAW-ENFORCEMENT PLAN CALLED BOON BY REALTORS

By Martha Strayer

Washington real-estate dealers handling large rental businesses believe cooperation between the real estate board and the District attorney's office may help the local law-enforcement situation.

They also believe it may solve some of their own difficulties as regards renting properties to law violators.

The News called upon a number of prominent real-estate firms for comment on the offer of John A. Petty, secretary of the real estate board, to open the records of his office to District Attorney Rover. Here is what some of them say:

McKeever & Goss, 1415 K Street NW.: "We are heartily in sympathy with this move. We have had trouble with rentals in a number of instances, where tenants have turned out to be law violators, though when we rented to them they gave apparently satisfactory references.

"In possibly three different cases we have had notifications from the District attorney that property was being illegally used, and in each of these cases we ousted the tenants and no padlock was put on.

"It is difficult for realtors to keep track of law violators. Cooperation with the District attorney certainly should help and will have our fullest support."

Wm. S. Phillips Co., 1501 K Street NW.: "We are heartily in accord with the proposition and will cooperate 100 per cent. We have had some experiences ourselves that have been rather sad, and we think the plan now suggested should help both realtors and law-enforcement officials.

"There has been considerable difficulty in keeping track of law violators seeking to rent properties for illegal purposes."

Howenstein Bros., Seventh and H Streets NE.: "This situation has caused a lot of trouble for real-estate brokers. People renting property for illegal purposes give fictitious names and even fictitious addresses, and it is very hard to check up on them.

"Wherever we have found out that such tenants were occupying property managed or owned by us we have always tried to get them out as quickly as possible. We have turned down quite a few applications to rent property because we have been suspicious of the purpose for which the property was wanted.

"We don't know whether or not this plan will help, but we will be glad to do everything we can to cooperate."

[From the Washington Daily News, January 29, 1930]

TWELVE-MONTH LULL IN BUILDING HERE ORDERED BY WARDMAN—CONSTRUCTION LEADER FINDS CONSTRUCTION HAS PASSED DEMAND—HE IS OPTIMISTIC OVER PROSPECTS FOR 1931, AND RECOMMENDS REALTY INVESTING—BUILDING COSTS TO RISE—CAPITALIST SEES 5-DAY WEEK, WITH HIGHER RENTS AS THE RESULT; CITES TIGHT MONEY

By Alfred P. Reck

Large building construction in Washington is practically suspended and will not be resumed for at least 12 months.

This statement was made to the News to-day by Harry Wardman, one of the most extensive builders in the District, and a man who has been dominant in the construction of many of the great apartment houses, office buildings, and residential sections of Washington.

"NO DEMAND FOR YEAR

"With the present condition of the money market we can not build on expectations. We must build only to meet immediate demands, and there are no demands and there will not be for 12 months or more.

"When Washington grows enough to fill apartments and office buildings already constructed, building will start again, but not until then."

[From the Washington Star, January 19, 1930]

ARRESTS AND FINES IN DISTRICT NEARLY DOUBLE IN 10 YEARS—AUTOMOBILE LARGE CONTRIBUTING FACTOR, BUT DRY LAW HAS INFLUENCE—POPULATION AND POLICE ALSO SHOW INCREASES—COST OF FORCE JUMPS FROM $1,382,020 TO $3,141,545 IN DECADE

At the end of 10 years of prohibition the police department yesterday produced a dazzling array of statistics bearing on liquor violations in this decade, as well as the ramifications of law breaking in its varied other forms. And in the analysis the following picture was graphically drawn:

Arrests have more than doubled since the advent of prohibition, police court fines are nearly twice as great, the District jail is handling more than three times as many prisoners, the police force has been increased by more than 550 men, and the cost of operating and maintaining it has jumped $1,759,000.

Prohibition, of course, is not alone to blame, in the opinion of police officials, though it is a factor to be reckoned in present conditions. The population, it was pointed out, grew in that period from 455,400 to 550,000, and the automobile increased proportionately, both contributing to the large advance in the number of arrests.

AUTOMOBILE BIG FACTOR

The police department reports show that in the fiscal year ending June 30, 1920, which had slightly less than six months of the effect of the prohibition law, there was a total of 48,930 arrests, whereas in the 1929 fiscal year ending June 30, last, the arrests totaled 121,577. Of this 121,577, however, 57,400 were for violation of the traffic regulations, which is compared with 16,898 arrests for the same offenses in the 1920 fiscal year. Thus it was shown that the automobile has been the greatest individual contributor to the growth of the police blotter.

Despite this fact, arrests for violation of the liquor laws increased tremendously. In 1920 there were 354 arrests for violation of the Volstead Act and 3,717 for violation of the Sheppard law, which includes intoxication and drinking in public and, up to 1925, driving an automobile under the influence of liquor. In 1929, however, the arrests for violation of the Volstead law totaled 5,217, an increase of 4,863. Arrests for infractions of the Sheppard law showed an even greater gain, the number in 1929 totaling 14,056, or 10,339 more than in 1920.

The arrests for violations of the prohibition law included selling, illegal possession, manufacturing, and transporting of liquor. Police department records show there were 159 arrests for selling in 1920 compared with 1,077 in 1929; 99 for transporting in 1920 compared with 912 in 1929; 21 for illegal possession in 1920 compared with 3,126 in 1929; and 41 for manufacturing in 1920 compared with 71 in 1929.

TWENTY-EIGHT THOUSAND FOUR HUNDRED AND EIGHTY-ONE GALLONS SEIZED

As no records were kept by the police of the seizures in the early years of prohibition, quantity of liquor confiscated in 1920 is unknown. In 1924, the first year that records are available, the figures show seizures amounting to 14,341 gallons. The quantity seized in the 1929 fiscal year amounted to 28,481 gallons.

Felonies and misdemeanors not included in the liquor law violations likewise showed a gain in the 10-year period; misdemeanors, such as disorderly conduct, petit larceny, and other violations jumping from 21,082 in 1920 to 30,760 in 1929, and felonies increasing from 2,862 to 4,775 in that period.

The share of the prohibition law in this situation can not be measured, although it is regarded as a factor by the police, just as the automobile and rising standards of luxury are factors, even as the moral let down resultant from the World War is a factor.

The increased arrests, naturally, are reflected in the number of prisoners handled by the jail and other penal institutions, as well as the fines imposed in police court. Here, too, the automobile which is responsible for the growing arrests for traffic violations, has been a decided contributing factor, though liquor has played its part.

FINES NEARLY DOUBLE

In the 1920 fiscal year the police court imposed fines amounting to $247,153. The figure for the last fiscal year was $492,231.

Records of the board of public welfare show that the jail in the 1920 fiscal year handled 3,487 prisoners, while the number last year reached 12,247. Of these 12,247 prisoners 583 were charged with violation of the prohibition law and 515 with intoxication.

The police force, however, has not grown in proportion to the number of arrests. In 1920 there were 934 on the roster of the department, and in 1929 the number was slightly under 1,400. The cost of operating and maintaining the force increased in these years from $1,382,020 in 1920 to $3,141,545 in 1929.

Washington went "dry" legally three years in advance of national prohibition, the Sheppard law, which became effective November 1, 1917, making it a desert, but in this 3-year interim arrests also showed an increase, with liquor violations mounting from year to year. In 1916, the year preceding the Sheppard law, there were 9,394 arrests for intoxication, and the following year the figure was raised to 9,648. Then in 1919, before the Volstead law became effective, there was a decline to 6,650, and a further decline in 1920 to 3,565, but last year the unprecedented total of 13,942 was reached.

[From the Washington Post, Sunday, January 19, 1930]

COLD WAVE BRINGS GREATER ACTIVITY TO LIQUOR RAIDERS—LETTERMAN SQUAD RAIDS INN FOR SECOND TIME IN 4-DAY PERIOD—ELEVEN MEN TAKEN IN ANOTHER STROKE—POLICEMAN REPORTS CAPTURE OF 47 HALF GALLONS IN RAG-COVERED WAGON

Snow-covered thoroughfares and freezing temperatures halted neither rum traffickers nor raiding police yesterday and last night in a series of liquor-law arrests and seizures in various parts of the city.

For the second time within four days Sergt. Oscar J. Letterman and the members of his squad, Detective Richard J. Cox and Policeman J. A. Mostyn and G. A. McCarron, yesterday raided the Hollywood Inn on New York Avenue NW., near Thirteenth Street. They said they seized about a pint of liquor.

Harry Summers, 26 years, of Emerson Street, near Sixth Street NW., alleged proprietor of the place, was arrested charged with possession

and with maintaining a nuisance. He was taken to the first precinct station house and held for bond.

Summers was released on a $1,000 bond Thursday after being arrested by the Letterman squad.

ELEVEN TAKEN IN RAID

In a second raid last night the same officers arrested Lawrence Alexander Bell, colored, of Sixth Street, near S Street NW., on a charge of maintaining a nuisance. He and 10 men found in his place were taken to the eighth precinct police station. Ten were charged with disorderly conduct. They left $5 cash bonds each.

All the elements conspired against William Ferguson, colored, of Harvard Street NW., near Sherman Avenue, last night as his horse plodded along Nichols Avenue, near Vista Street SE.

It so happened that William had a load of rags in his wagon, and also a load of liquor all nicely covered to protect it against the cold, Policeman L. Christensen, of the eleventh precinct, said. Policeman Christensen was always curious about rags, and when they are being collected on a very cold day he is uncommonly curious. He found 47 one-half gallon jars under the pile of rags, he reported, and William was charged with transportation and possession.

DRIVER HELD BY POLICE

Because a man entering an apartment at Fourteenth and Fairmont Streets NW. at 9 o'clock last night glanced furtively behind him several times, Eighth Precinct Policeman H. M. Smith awaited the man's departure, trailed the automobile in which he said he saw the man enter, and halted the machine at Fourteenth and Swan Streets NW. on charges of failing to stop at a red light.

The driver, Joseph B. McDonnell, 26 years old, of Eighteenth Street, near T Street NW., was charged with possession and transportation of 1 pint of liquor reported found in the car.

Twelve colored men were arrested in a raid on a Sixth Street house, near S. Street NW., at 11 o'clock last night by Policemen R. J. Cox, G. C. McCarron, and J. A. Mostyn, of Sergt. O. J. Letterman's squad. Lawrence A. Bell, 30 years old, was charged with operating a disorderly house and booked at the eighth precinct station with 11 others charged with disorderly conduct. Police said Bell had been arrested twice on liquor charges during the week.

Three women and five men were booked on liquor charges at the fourth precinct as the result of raids in the southwest section yesterday and last night.

Mrs. Mary Miller, 30 years old, was arrested at her home on Four-and-a-half Street, near H Street, and charged with sale and possession. A pint of liquor was reported seized. Police stated that the woman made sales to undercover agents.

THREE DETECTIVES STAGE STROKE

In a raid on a house on Golden Street, near Ninth Street, Herman L. Wilson, colored, 22, and Arthur Buckner, colored, 53, were arrested on sale and possession charges and a half gallon of alleged liquor was seized. Josephine Barnes, 40; Clarence Cook, 40; and Richard Walfield, 54, all colored, were arrested in a raid on a house on G Street, near Third Street. Sale and possession charges were booked against Thomas L. Hall, colored, 36, following his arrest at his home on Liberty Street, near Ninth Street, while Teresa Miller, 45, also colored, was arrested and charged with possession of a half gallon of liquor at her home on M Street, near First Street. The raids were conducted by Detectives Robert J. Barrett, E. A. Truscott, and N. G. Thayer.

Charges of possession of 21 gallons of liquors were placed against Daniel Frazier, colored, 48 years old, and Maude Nash, colored, 28 years old, upon their arrest at 10.05 o'clock yesterday morning at an Eighth Street residence, near U Street NW., by Eighth Precinct Detectives W. R. Laflin and William McEwen.

John Harris, colored, 35 years old, was arrested in his Twelfth Street residence, near W Street NW., at 8.30 o'clock last night by Eighth Precinct Policeman B. F. Howze on charges of possession of 7½ gallons of liquor.

[From the Washington Post, Saturday, January 25, 1930]

PAIR SLUGS WOMAN IN ROBBING STORES—VICTIM KNOCKED UNCONSCIOUS WHEN BANDITS ENTER TO LOOT REGISTER—GROCERY SAFE IS RIFLED

Two daring hold-ups, one successful, the other frustrated for a reason unknown, but only after a young woman had been slugged into unconsciousness, and both undoubtedly perpetrated by the same pair of young desperadoes, occupied the attention of Headquarters Detectives James C. Collins and John Wise, not to mention the entire personnel of Nos. 2 and 9 precincts, last night.

While passing the Peoples Chain Store Cleaners at the corner of Sixth and H Streets NE. about 7.15 o'clock, Arthur Dreher, of Capitol Heights, glanced into the store and saw a young woman huddled in a heap in the middle of the floor.

The lights in the store were on. Opening the door, he found Miss Frances Stark, 26 years old, of 901 Twentieth Street NW., unconscious, with a bleeding abrasion under the hair line of the forehead.

Mr. Dreher notified police headquarters and then the Casualty Hospital. Detectives Collins and Wise arrived upon the scene before the ambulance, and the girl was taken to the hospital, where she regained consciousness long enough to state that she believed her assailants to be young men. She is expected to recover.

Miss Stark stated that she was in the act of closing the store for the night, and when she heard the door open back of her did not even take the trouble to turn around, taking it for granted that it was a customer. She stated that one of the young men spoke to her, and as she turned struck her over the head. How long she lay upon the floor before being discovered by Mr. Dreher she was unable to say.

The young robbers, however, had been foiled, for they left the place without the receipts of the store for the day. In fact, Miss Stark had removed the money, totaling $55, from the cash register and was still clutching it in her hand when she regained consciousness at the hospital.

Brandishing revolvers, two nattily attired young men, believed to be the same pair, boldly entered the Sanitary Grocery Co. store at Ninth and R Streets NW. a few minutes before 6 o'clock last night, brushed two negro women customers aside, held up the two employees, and rifled the cash drawer of its contents.

Headquarters police, summoned a few minutes later by Herbert Early, 50 years old, of 1358 Fairmont Street NW., manager of the store, scoured the neighborhood, but were unable to find a trace of the pair.

Two colored women had just come in the store and were being waited on by Mr. Early and his assistant, Carl Walsh, 22 years old, of 55 M Street NW., Mr. Early told police. "A moment later the two robbers walked leisurely in," Mr. Early said, "and suddenly whipped out a pistol apiece, telling Walsh and me to stick 'em up. They shoved the women out of their way, emptied my pockets of the $15 I had, and when I obeyed their commands to open the cash drawer one of the men stepped forward to take everything in the register, about $49."

[From the Washington Post, Sunday, January 12, 1930]

HIGHER TAXES SEEN IF POLICE PAY IS RAISED—SIMMONS, OF NEBRASKA, IS SURE WAGE INCREASE WILL BE COSTLY—SEVEN CENTS MORE PER HUNDRED CITED—DISTRICT KEY MAN ASKS CAPITAL RESIDENTS THEIR CHOICE—ATTENTION CALLED TO REST OF BUDGET—COMMITTEE CHAIRMAN POINTS OUT MEASURES PENDING TOTAL $25,000,000

Representative ROBERT G. SIMMONS (Republican), of Nebraska, the key man in Congress, so far as District expenditures are concerned, put a practical business proposition up to the local taxpayers yesterday, and he now is waiting for their reaction.

He asked them, in effect, whether they are willing to pay an increased real-estate tax in order that the pay of Washington police and firemen may be raised.

He estimated that to give the policemen and firemen an average raise of about $400, as has been recommended by the commissioners, would add $900,000 a year to the cost of running the District government. And in order to raise this, he said, the real-estate tax of $1.70 on every $100 of assessed value would have to be increased to $1.77.

ALTERNATIVE IS OFFERED

Either taxes will have to be raised, SIMMONS said, or the $900,000 will have to be carved from some other item or group of items in the District budget. If the taxpayers are willing to take money from the school budget or from the street-improvement budget, he said, he wants to know it.

"It is a practical business proposition," he said, "and one the citizens here should think over."

Speaking solely for himself, SIMMONS said that he didn't think the pay increase bill for policemen and firemen was necessary at this time. Compared with the pay scale in other cities, he said, the pay scale here would seem to be a fair one.

PAY BILL DISCUSSED

The Nebraskan, who is chairman of the House Appropriations subcommittee that handles the District appropriation bill, discussed the pay raise bill in the course of a general review of District legislation.

"It seems to me," he said, "that citizens' associations and other civic or trade bodies too frequently indorse projects without taking into consideration the question of who is going to pay for them."

Pending in Congress now, SIMMONS estimated, are bills for local projects the total cost of which would be something like $25,000,000.

BILLS ALREADY PENDING

Two of the most recent proposals, he said, are contained in bills introduced by Chairman CAPPER, of the Senate District Committee, and Representative BOWMAN (Republican), West Virginia, a member of the House District Committee.

CAPPER's bill, which was introduced yesterday, authorizes an appropriation of $1,300,000 for a new Center Market, while BOWMAN's bill authorizes $1,000,000 for the purchase of the Washington Auditorium for the use of the National Guard.

"Congress can appropriate only so much as the District gets in revenue," Mr. SIMMONS said. "When more is needed, the law requires that the commissioners levy additional taxes. For every $645,000 that is added to the District budget, the tax rate must be increased by 5 cents.

"The fair thing for citizens' associations and other groups to do in the future, when they adopt resolutions indorsing this or that subject, would be to add a clause saying they are willing to pay for it through increased taxes."

[From the Washington Post, January 19, 1930]

PISTOL PERMITS

The commissioners having expressed their formal approval of the Zihlman measure to regulate the sale and use of firearms in the District it remains to be seen whether or not the bill will be enacted by Congress. The absence of suitable regulatory measures governing the purchase and use of firearms in Washington has handicapped the police department in its war against crime. Anyone can purchase a pistol and revolver; the penalties for carrying concealed weapons are not sufficiently severe. Nevertheless, fault invariably has been found with the measures heretofore introduced to regulate the sale and use of firearms.

The Zihlman bill would authorize the commissioners to license dealers in firearms, prohibiting any except licensed dealers from engaging in their sale. It would compel prospective purchasers of firearms to file an application with the dealer, which would be sent to the superintendent of police by registered mail. The transaction could not be completed until 48 hours had elapsed following the filing of the application, thus giving the superintendent of police ample time to step in to prevent the sale of a weapon to a criminal. The bill would provide that firearms might be carried only by those licensed to do so by the police department, and would impose severe penalties upon those persons committing crimes while carrying arms.

There is no reason to suppose that pistol permits would be denied to law-abiding householders. For the sake of making it more difficult for criminals to obtain weapons it seems advisable to place this matter under the jurisdiction of the superintendent of police.

FREE TEXTBOOKS IN DISTRICT OF COLUMBIA SCHOOLS

Mr. McMASTER. Mr. President, it appeared yesterday that a bill had passed providing for free textbooks in the schools of Washington. Of course, that was a forward step in educational matters here in the Nation's Capital.

It seems that a Mrs. Leila Pier King, a former resident of South Dakota, now residing in Washington, had written an article upon the school situation in Washington, showing that there are in use here 75 portable school buildings—dark, dingy, cold, insanitary, and unsafe. Her article on the subject was published in the Evening Star. In that article she described the conditions as they prevail here in regard to these schools, and she also graphically described the great efforts which have been put forward to provide commodious buildings for the snakes and other reptiles in the Zoological Park in this city; how those buildings have been electrically heated and steam heated; how expensive glass has been purchased for the purpose of giving to these reptiles violet rays; and then she contrasts that treatment of the snakes and other reptiles with the treatment that has been accorded to the school children in Washington. She appropriately heads this article "Luxurious Snake Houses and Portable Schools."

I ask unanimous consent that this article be published in the RECORD, as well as an editorial taken from the Evening Star, which comments upon the article.

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

The matter referred to is as follows:

[From the Evening Star, Washington, D. C.]

LUXURIOUS SNAKE HOUSES AND PORTABLE SCHOOLS

To the EDITOR OF THE STAR:

To one who came to Washington two years ago, and has marveled ever since at the use of portable schoolhouses in the District, the announcement recently of the "world's best zoo" as a Capital project was incongruous indeed.

Seventy-five portables are now in use, built 12 years ago for temporary use. They are dark, cold in winter, hot in summer, unhealthful, unsafe. And yet to them we send 2,000 of our most precious and best loved possessions—our boys and girls.

Men of ability and experience are being sent to foreign countries and to various cities of our own country to learn the best construction for animal houses at the Zoo. When and where have men been sent to learn better types of housing for our school children?

Special attention was given to reptile houses—that they might be the best in the world. Does not some one covet for Washington the same reputation for schoolhouses?

Plans are being made for electric installation for heating, lighting, and ventilation for these reptile houses. It is even intended to equip some with vitra-glass to admit violet sun rays.

Children in the portables sit in dark rooms on a cloudy day, straining their eyes or not seeing at all—simply make a guess at their work, for there is no artificial light. On cold days they huddle around a stove, being sent home on the coldest days to avoid actual suffering. In one group of portables, where the roof was torn off by a strong wind, children became hysterical at any sign of wind. All toilets are outside, uncomfortable, and difficult to keep in a sanitary condition. Before the Home and School Association purchased benches, the children sat on the floor for class recitations.

They would burn like a cracker box, be mere playthings for a strong wind, and are sieves in a heavy rain.

Mothers are not "dogs in a manger." They want the Zoo animals well cared for, their houses warm and light and ventilated. They want the snakes—the beautiful, slimy, crawling things—to be comfortable. But have they not a right to expect as much for their boys and girls?

LEILA PIER KING.

[Editorial from the Evening Star, Washington, D. C.]

SNAKE HOUSES AND SCHOOLS

The interesting letter appearing on this page to-day from a lady who writes with rare discernment of the relative importance to the community of a new mansion for snakes at the Zoo and adequate housing for our school children is a self-sufficient document that speaks for itself. Little wonder that she is mystified over a situation that finds a city embarking on a building program for the National Zoological Park before it has been able to get rid of the portable schools so eloquently described! But she has merely discovered one of the illogical inconsistencies of the present system of financing the Nation's Capital. There are many more.

The Star's correspondent concludes her letter with the admission that here in the Capital we are anxious that the snakes—"the beautiful, crawling, slimy things"—be comfortable. But she asks whether we have not a right to expect as much for our children. She might have asked, in addition, if the community were given its choice between building houses for snakes and birds at the Zoo and eliminating the portables, which would be done first? And further, if the community were forced to do without the snakes or the school buildings so much needed, what would the decision be then?

As a matter of fact the community has no choice as to where its money goes. It contributes to the National Zoological Park, in relation to the Federal contribution, in exactly the same proportion that it contributes to the schools. It contributes to other seminational projects in the Capital, over which it has no more control than it has over the National Zoological Park, just as it contributes to its own municipal institutions.

The Zoo is popular in Washington. Washingtonians are delighted with the fine new bird house just being completed, and they are, no doubt, enthusiastic over the prospect of knowing that in addition there is to be a house for reptiles and amphibians, with a wing for insects. They will be no less keen for the whole Zoo building program, which contemplates a small mammal house with a wing for apes, a pachyderm house, a remodeled and improved carnivore house, a greenhouse to provide potted plants for buildings and greens for animals and birds, an antelope, buffalo, and wild-cattle house, an open, barless pit for polar bears, a monkey pit, three ornamental arches to the Zoo entrances, and a fence around the park, the whole to cost about a million and a quarter dollars.

But the community is even more interested in the facts relating to the portable schools, which were recently laid before the Board of Education by Doctor Ballou. These facts point out that in 1927 a small tornado tore the roof off a portable, from which the children had just been removed by a teacher who had the presence of mind to get them into the main building; that in March of this year portables on Grant Road near Connecticut Avenue and those in Wesley Heights were similarly damaged by a storm, which providentially came along when the children were at lunch; that the school officials and the Board of Education have individually and collectively sought appropriations to build the permanent schoolhouses and eliminate portables, and that had the 5-year school building program been carried out by Congress, nearly, if not all the portables would have been discontinued. Failure of that building program continues the flimsy and dangerous portables in use, badly lighted, badly heated, poorly ventilated, and in some cases with outside, unheated lavatories. And, in addition to occupying portables, the school children must be content with part-time classes in the elementary grades.

In Washington we are told that we must support the Zoo because Washingtonians visit it. We are told that it should be the finest zoo in the world, as it is maintained as a governmental institution. We are told that it has the third largest collection of animals and birds in the country, but lags far behind the zoos of New York, Philadelphia, Chicago, and St. Louis in buildings, and a building program is begun to catch up. Meanwhile we are told that we must have the finest parks in the world, the finest municipal buildings in the world, the finest streets in the world, because this is the finest capital in the world. Which explains, perhaps, but of course does not excuse, the continued use of the portables.

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regu-

late commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. BLEASE. Mr. President, I should like to ask the Senator from Utah [Mr. SMOOT] if, so far as he knows, there is going to be any amendment offered to strike out of the bill now pending the amendment known as the Steiwer amendment, which practically invites steamboat people to bring dope into this country?

On page 4703 of the CONGRESSIONAL RECORD of October 21 last, the Senator from Oregon [Mr. STEIWER] offered the amendment to which I refer; the Senator from Arkansas [Mr. ROBINSON] made a speech in favor of the amendment, on which I shall not comment in his absence, and the Senator from Utah [Mr. SMOOT] said:

Mr. President, I have no objection to the amendment. The Senator from Arkansas has explained it in detail.

If there is not going to be an amendment offered here to the effect I have indicated, I want to prepare one and offer it, because if the Senator from Utah has been watching the papers, he will know that within the last few weeks several million dollars worth of dope has been smuggled into this country, and, not only that but it has been bought and sold, and is to-day, or was last night, being bought and sold in the city of Washington, again almost within the shadow of the Capitol.

Mr. SMOOT. Mr. President, I will say to the Senator that when the bill gets into the Senate he can offer any amendment which he may desire to offer. There is nothing to foreclose him or any other Senator from offering an amendment to that provision.

Mr. BLEASE. I thank the Senator. I had hoped that he or his committee would offer it, so that it would be sure to be adopted; and I desire to call the Senator's attention once more to the dope traffic in this country.

You gentlemen know as well as anybody knows that that amount of dope could not be brought into this country on one ship unless somebody connected with the ship knew it was there; and the Steiwer amendment is an invitation by the Senate to the dope smugglers to go ahead. It practically says to them, "You shall not be punished unless we can bring the matter to the attention of the jury and show to the jury that you knew it," which you know, Senators, is almost an impossibility. If it is their duty to know it, and it is, we should not be made to prove that they knew it; they should prove that they did not know it.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from New York?

Mr. BLEASE. I do.

Mr. COPELAND. I should like to have the attention of the Senator from Utah to what I say. Does not the provision referred to by the Senator from South Carolina propose to place on the master or owner of the vessel responsibility for the carrying of drugs by a member of the crew?

Mr. SMOOT. I have not the amendment before me.

Mr. BLEASE. If the Senator will permit me to read it, I will do so. It is very short.

Mr. COPELAND. That is to say, the amendment of the Senator from Oregon proposes to relieve the master.

Mr. BLEASE. I will read the amendment:

Except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalty, and the vessel shall not be held subject to the lien.

In case of whisky—if it is found in one's possession, in his car, in his home, or on his premises he is made to prove that he did not know it was there, but with big and powerful shipowners, we reverse the rule of law and the Government must show that they knew it was there. Why the difference in favor of dope?

Mr. COPELAND. Mr. President, if the Senator will bear with me, as the Senator knows, I have had personally a very considerable contact and experience in this narcotic-drug business. Let me say to the Senator that it is almost impossible to prevent the bootlegging, the smuggling into our country of derivatives of opium.

A man will go down to the Mexican border, put on a light woolen suit, go across the border into Mexico, buy an ounce of morphine and dissolve it in a pail of water, dip his suit in that solution, hang it on the line to dry, put it back on, come back into the United States, put the suit in a pail of water, wring out into the pail the water containing the morphine which was in the meshes of the garment, evaporate the water, and recover an ounce of morphine.

I contend, if I may say so to the Senator from South Carolina, that it would be utterly unfair to hold the master or owner of the vessel responsible for what a member of the crew might do.

If I had my way, as I said a day or two ago, I would have the hot desert wind sweep across the poppy fields and destroy every poppy plant in the world. In my judgment, the harm done by morphine and by other narcotic drugs far outweighs any good that those drugs ever did; but let me say to my friend from South Carolina that in my judgment it is unfair to place upon the master or owner of the vessel responsibility for what a member of the crew may do.

Mr. SMOOT. Mr. President, if the Senator will yield, the only reason why I consented to the amendment at all was because of the exceptions that were made to the amendment that was finally agreed to; and this is what the exceptions were: It is provided that they shall not be liable—

If it appears to the satisfaction of the court that neither the master nor the owner knew, and could not by the exercise of reasonable care and diligence have known, that such smoking opium or opium prepared for smoking was on board.

In other words, before they could be punished they must know it, be a party to it, be guilty of connivance in it. To be punished, the man must be one who knew beforehand that the opium was on the vessel. If he did not know it, and had no possible way of knowing it, and had used due diligence, then, of course, the amendment relieves him.

Mr. SIMMONS. Mr. President, I desire to ask the chairman of the committee if that matter has been reached yet. I thought there was another matter before the Senate. If so, had we not better go on with that matter?

Mr. SMOOT. Why, certainly; but the Senator from South Carolina [Mr. BLEASE] brought up the question.

Mr. SIMMONS. I do not suppose the Senator expected us to enter into a discussion of the subject right now and act upon it. He simply brought it to the attention of the Senate, very properly. Now that it has been brought to the attention of the Senate, I think we might go on with the work immediately before us.

Mr. SMOOT. I think so.

Mr. JOHNSON. Mr. President, it has been very difficult, if not quite impossible, to hear what was transpiring a moment ago in reference to this amendment.

Is not this the matter upon which there was a considerable debate when the bill was pending, where there was a contest first between the House amendment and the Senate Finance Committee amendment, where, upon debate, it was first determined that the House amendment should prevail; and thereafter the Senator from Oregon [Mr. STEIWER] presented an amendment which he thought softened the provisions of the House amendment, which was wholly unsatisfactory to men like myself, who would prefer to stop in every conceivable fashion—and this, I take it, is the design of the Senator from South Carolina—the narcotic evil that now exists so far as ships are concerned? Is not that the situation?

Mr. SMOOT. That is the situation.

Mr. SIMMONS. That is the situation, Mr. President. I am entirely in sympathy with the Senator from South Carolina, but I thought this was not the time to discuss that subject.

Mr. JOHNSON. The matter will come up when the bill comes into the Senate?

Mr. SIMMONS. Yes.

Mr. SMOOT. That is what I stated.

Mr. FLETCHER. Mr. President, I ask to have the amendment stated.

Mr. BARKLEY. Mr. President, in just a word, for the benefit of those who were not here yesterday, I desire to explain the amendment now pending.

In the tariff act of 1922, sewed hats made of the various materials described here, whether straw, chip, grass, or any other substance, bore a 60 per cent ad valorem rate. On the application of the manufacturers in this country, the Tariff Commission made an investigation and reported that the difference in cost of production between the American-made hat and the foreign-made hat was 88 per cent ad valorem.

Based upon that report, the President by proclamation raised the rate from 60 per cent to 88 per cent. He could have raised it to 90 per cent, because he had the right to raise it 50 per cent, which, if it had been carried out fully, would have made a 90 per cent ad valorem rate; but the Tariff Commission did not find that such a rate was necessary, so the President raised it only to 88 per cent.

The amendment I have offered is to restore the rate of 88 per cent, as carried in the present law under the President's procla-

mation, in lieu of the $4 per dozen and 60 per cent carried in the bill.

That is all I care to say about the matter.

Mr. COPELAND. Mr. President, the amendment proposed by the Senator from Kentucky is a mere gesture so far as doing any good to the hat industry is concerned.

Yesterday I pointed out that under this section of the bill—subsection (4), page 204—millions upon millions of chip hats made out of shavings under the sweatshop conditions of Italian labor are being brought in here and sold at so low a price that no straw hat made by American manufacturers comparable to the Italian hat in price and use could be made and sold. Now the Senator proposes an amendment which will not help these American hat manufacturers enough to make it possible for them to manufacture more hats.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. BARKLEY. The Senator from New York realizes that the effect of the increase from 60 per cent to 88 per cent proclaimed by the President was to reduce the importation of hats covered under that proclamation by nearly a million a year.

Mr. COPELAND. I know it—of the hats that are covered.

Mr. BARKLEY. I will say to the Senator that it covers chip hats if they are sewed; and if the sample submitted yesterday is a fair sample of the hats, then they are covered by this rate of 88 per cent, because that was a sewed hat.

Mr. COPELAND. Why, certainly. The amendment proposed by the Senator from Kentucky covers that sort of hat. There is not any doubt about that. That is its purpose, of course; but my argument is that if the amendment offered by the Senator from Kentucky is adopted and written into the law it will not help the industry. Now, see why it will not.

The net foreign selling price of the chip hat which I showed here yesterday is $3.58 per dozen. The total landed cost, according to the plan proposed by the Senator, would be how much? I will ask somebody to figure that out for me—88 per cent of $3.58. Under the present rate of duty, 60 per cent, the landed cost is $6.39 per dozen.

Mr. TRAMMELL. It would be about 6½ cents.

Mr. COPELAND. About 6½ cents on each hat. It would be about 80 cents on a dozen.

Mr. BARKLEY. The total is $3.15 per dozen. That is the tariff at 88 per cent, based on the valuation of $3.58.

Mr. SMOOT. That is correct.

Mr. COPELAND. Three dollars and fifty-eight cents, plus $3.15?

Mr. BARKLEY. Yes.

Mr. COPELAND. That makes $6.73. Is that right?

Mr. BARKLEY. If the Senator has added the figures correctly it is.

Mr. COPELAND. I think that is right. The Senator proposes what no doubt he considers a very generous increase of $3.15, making the total landed cost $6.73.

Mr. BARKLEY. That does not make the total landed cost that amount. Three dollars and fifty-eight cents is the foreign invoice price, which does not include transportation charges, insurance charges, handling charges in New York, profit, and other incidental expenses which go to make up the wholesale price of the hat when it is put on the market in the United States. That is, the tariff is based on the foreign selling price, which is $3.58, and when we add the transportation and the insurance charges, the profits, and the charges for handling the product after it reaches this country, we have a considerably increased figure.

Mr. COPELAND. How much does the Senator figure those costs to be?

Mr. BARKLEY. I have that information here, and if the Senator will proceed, I will look it up.

Mr. COPELAND. The point is, as far as I am concerned, that I want to have a rate which will make it possible to make in the United States a straw hat comparable with the one to which I have referred in uses and appearance, which can be sold in actual competition with this cheap sweatshop-produced Italian hat.

I want to be fair about the matter. I said yesterday very frankly that I was not prepared to state what would be the proper specific rate.

Mr. SIMMONS. Mr. President, will the Senator tell me the selling price of the hat he is now discussing, the invoice price of which is $3.58 per dozen?

Mr. COPELAND. One dollar and ninety-five cents per hat in Philadelphia.

Mr. SIMMONS. For one?

Mr. COPELAND. For one, $1.95.

Mr. SIMMONS. Is it the Senator's idea that we ought to put a tax on the imported article that will enable these manufacturers to maintain the high price they are now charging?

Mr. COPELAND. I want them to have a tax which will permit them to compete in the market with that foreign-made hat, and I want no more than that. I want a tax sufficient to permit the American manufacturers to go into that market.

Mr. SIMMONS. When this foreign hat is brought into this country, and this duty of 88 cents is paid, does the Senator expect that hat to be sold in the American market for the price these Philadelphia hats are selling for now?

Mr. COPELAND. The price obtained in Philadelphia for the hat, about which I am now talking, is the price of the Italian hat.

Mr. SIMMONS. That is what the Italian hat pays?

Mr. COPELAND. No; that is what they sell for.

Mr. SIMMONS. That is what they sell for here and that is also the price of the domestic-produced hat?

Mr. COPELAND. Yes.

Mr. SIMMONS. Then the profit based on that price is enormous.

Mr. COPELAND. I think it is excessive.

Mr. SIMMONS. Who is making that profit? Is it the importer who buys these foreign hats at $3.58 per dozen and sells them at $1.95 per hat who is making the profit?

Mr. COPELAND. No; I do not think so.

Mr. SIMMONS. Who raises the price up to $1.98?

Mr. COPELAND. The retailer.

Mr. SIMMONS. Is that price of $1.98 based upon the invoice price of the product?

Mr. COPELAND. With the invoice price so low, I do not think that retail price is justified at all. I think it is excessive.

Mr. SIMMONS. The retail price of the foreign hat is fixed by the retail price of the domestic hat, and both the American producer and the importer of the foreign hat are thus exploiting the American people through these excessive prices. The importer in fixing his price follows the price of the American product, taking the full benefit of the high American market prices.

Mr. COPELAND. I think so.

Mr. SIMMONS. And after the foreigner receives for it what he demands?

Mr. COPELAND. No doubt.

Mr. SIMMONS. The Senator now wants to impose a higher duty upon these foreign-made hats.

Mr. COPELAND. What the Senator desires to do——

Mr. SIMMONS. What the Senator would do if he could accomplish his purpose would be to establish in this country the exorbitant prices which the consumers are now having to pay for those hats.

Mr. COPELAND. Surely the Senator does not think it is possible for the Senate of the United States to determine what a retailer is going to charge for a hat?

Mr. SIMMONS. The Senate of the United States ought not to help these people to exploit the American people.

Mr. COPELAND. Will the Senator go so far as to say——

Mr. SIMMONS. The consumers of this country have rights in this matter. I recognize the rights of the manufacturer, I recognize that he ought to have a competitive rate to protect him against foreign competition to the point of enabling him reasonably to meet that competition, but I recognize that consumers also have rights, and we are not justified in imposing a tariff here that will be passed on to the consumer, the effect of which will be to maintain and safeguard the present exorbitant domestic prices the wearers of these hats have to pay.

Mr. COPELAND. Does the Senator hold the same view with reference to tobacco?

Mr. SIMMONS. That is the very reason why we see such strenuous efforts here on the part of these beneficiaries of protection to get sometimes two and three hundred per cent rates, so as to enable them to exclude the foreign products, and therefore have the American market absolutely under their control, to enable them, by price-fixing combinations and trusts here in this country, to fix the price of their product, and charge the American people all that the traffic will bear. Does the Senator believe that if there were only a reasonable duty upon these hats, the manufacturers and the jobbers in this country would be able to maintain those exorbitant prices?

Mr. COPELAND. Before I answer that question—and I want to answer it—does the same argument apply to tobacco?

Mr. SIMMONS. To what kind of tobacco does the Senator refer?

Mr. COPELAND. We were having a debate the other day about wrappers.

Mr. SIMMONS. Yes. In that debate I sought to reduce rates on certain tobaccos involved in discussion.

Mr. COPELAND. The Senator was in favor of a tariff sufficient to take care of the American tobacco raisers.

Mr. SIMMONS. I have not objected to a tariff sufficient to take care of the manufacturers, but I have never voted for these high rates in favor of tobacco. On the contrary, I have insisted—and do insist—upon the reduction of these high tobacco taxes, both tariff and internal revenue. When there was an effort to raise the duty upon Connecticut hothouse-grown tobacco, I opposed that strenuously, and if the Senator can show me a single rate upon tobacco that is unreasonable, or that is more than is necessary to bring about a parity between the foreign and the domestic producer, I will vote against it.

Mr. COPELAND. Mr. President, may I ask the Senator whether he is willing——

Mr. SIMMONS. Pardon me; the Senator is asking for a tariff rate that will almost equal the entire cost of this foreign article landed at the port of New York.

Mr. COPELAND. Yes, sir.

Mr. SIMMONS. I can not resist the temptation, if the Senator can resist it, of believing that that doubling of the price of the foreign hat will mean the imposition of an additional heavy burden upon the American wearer of these hats.

I will say to the Senator from New York that, of course, Congress can not regulate retail prices. But that is not the question here. The question here is, What is the wholesale selling price in this country, and what is the wholesale selling price in the foreign country? We are not concerned so much with the retail price, because whatever is added to the price of an article in the process of distribution and of final sale the tariff has nothing to do with. That is a matter that is regulated here, though it ought not to be, by trusts and combines to a very large and to a very disastrous extent so far as the consumer is concerned.

Mr. COPELAND. Mr. President, is there never a time, may I ask the Senator from North Carolina, when the American workman must be given any protection?

Mr. SIMMONS. Certainly there is a time. There are 4,000 people engaged in making these hats in this country.

Mr. COPELAND. Five thousand.

Mr. SIMMONS. The figures furnished me show a little over 4,000. The Senator wants to double the price of these hats by a tariff. The American people wear them, probably millions of American citizens wear these hats, or hats of a similar kind, and the Senator wants to make them pay double the price in order to enable 4,000 people to find employment in the city of New York, or the other big cities of this country.

Mr. COPELAND. I want to say to the Senator that the Senator from New York does not want to do anything of the kind.

Mr. SIMMONS. The Senator is interested in his city, and he must protect it. I am willing to join the Senator in voting for a reasonable rate. I think the rate proposed by the Senator from Kentucky, namely, an ad valorem duty of 88 per cent, is a very high rate. It was admitted by both parties in the United States that the tariff rates in the act of 1922 were very high, that they were made high in order to meet an emergency situation which existed at the time that bill was enacted, because of post-war conditions. The rates were very high, but the rate on straw hats was only 60 per cent, and that applied to most of these hats. The other hat producers were satisfied with that rate, but the domestic producers of this cheap hat were not satisfied with it, and they went to the President and asked him to exercise his powers under the law and increase by 50 per cent the rate which Congress had imposed, and he did it; he increased the rate by adding to it 50 per cent.

The rate is now nearly equal to the original foreign cost of that article. It lacks only 12 cents of being equal to the original foreign cost. I say that a thing of common use, a necessity of life—and clothing and hats are necessaries of life—should not be burdened with too high a tax. When the tax is sufficient to meet the difference in the costs of production here and abroad, very well; it is justified then upon the principle of a competitive tariff—which means a parity of opportunity in the American market. We think this rate is too high, but that is the rate of the present law as fixed by Congress and the President; and the amendment of the Senator from Kentucky accepts that rate; the Senator from New York [Mr. COPELAND] desires to increase it further.

Mr. COPELAND. Now, Mr. President, does the Senator believe that if we have a tariff on American-made straw hats that will equalize the difference in costs between that hat and this sweatshop Italian hat, it is necessary to increase the price to the American public?

Mr. SIMMONS. Not if you could get the accurate figures as to the costs here and the costs there; but I am not willing to compare fictitious costs of the American producer with probably inaccurate figures of the costs of the foreign producer. Therefore, I greatly favor this new theory of having a Tariff Commission that will confine itself absolutely to the duty of determining and ascertaining the costs abroad and the costs in the United States of products seeking protection.

Mr. COPELAND. I agree fully with what the Senator said about the Tariff Commission.

Mr. SIMMONS. I have very serious doubt about the accuracy of the figures given by these seekers after tariff favors, figures given to show the cost of production here and the cost of production abroad. I know that for a long time we could not get them to admit that labor in Japan or in China or any part of Asia was obtaining as much as 10 cents an hour. I have known some of them to come before me and contend that the scale of wages in Russia at this time was less than 10 cents an hour. The commission tried to ascertain in this case accurate figures, I presume.

Mr. COPELAND. They did.

Mr. SIMMONS. They reported to the President and only recommended the 88 per cent.

Mr. COPELAND. On other styles of hats, and not this hat at all.

Mr. BARKLEY. Oh, yes. The sewed hat comes under the rate of 88 per cent and is now bearing 88 per cent.

Mr. COPELAND. The chip hat was not even invented at that time and was not on the market at all.

I want to say to the Senator from North Carolina that we have the statement of the Tariff Commission on this matter. The Tariff Commission found that, including all bonuses and perquisites, the Italian workingmen making these hats receive less than 14 cents an hour, while the American workmen doing exactly the same kind of work receive $1 an hour. Those are the figures of the Tariff Commission.

Mr. BARKLEY. Of course, the 14 cents per hour applied to all hats made in Italy and, based upon that cost, the Tariff Commission recommended an increase to 88 per cent. The fact that they make the hat out of chip instead of straw does not change the relative situation in Italy. The Tariff Commission recommendation applies just the same.

Mr. COPELAND. But my dear friend from Kentucky must remember that the rate on chip hats is not 88 per cent.

Mr. BARKLEY. It is now if they are sewed hats.

Mr. COPELAND. All right; but the commission said, and I quote the exact language:

> The most skilled Italian worker, including bonuses and other perquisites, earns less than 14 cents an hour, which must be compared with the base rate of $1 an hour for the skilled American hat maker.

Mr. SIMMONS. The statement made by the commission is that the wages in the making of this hat range from $15 to $40 per week.

Mr. BARKLEY. The cost of ocean transportation, insurance, and so forth, is $1.10 per dozen, which is added to the $6.73.

Mr. COPELAND. That makes $7.83.

Mr. BARKLEY. That does not include handling charges after they reach the United States. It does not include overhead in New York or in the port of entry. It does not include net profits on the part of the importer, all of which are figured at about 25 per cent. Add 25 per cent to $7.83 and we get $9.78, which is the cost of the hats before they ever reach the jobber, the wholesaler, or the retailer. When we multiply this figure by the profits obtained by all the various hands through which the hat goes, we find that $3.58 has been multiplied four or five times.

Mr. COPELAND. The Senator has stated that we start with $3.58 and we add $3.15 tariff, making $6.73. Then we add transportation and insurance $1.10, making $7.83. Then adding 25 per cent more for profits, and so forth, makes $9.78.

Mr. BARKLEY. Yes. Of course, at that point the hat has not left the importer's hands.

Mr. COPELAND. The hat in the importer's hands would be comparable with the American hat in the factory, would it not?

Mr. BARKLEY. Which the Tariff Commission found, based upon American wages for workmen making the same hat, if it were made in this country, would cost about $12.50.

Mr. COPELAND. That makes $9.78. A comparable hat made in American factories, a hat comparable in shape and appearance and use and to be sold to the same class of customers as the Italian hat, would cost $10.86. With the figures given by the Senator, we are still $1.08 under the American cost. The Senator from Kentucky should modify his proposal and make it possible to place the American hat maker on exactly the same plane as the Italian imported hat.

Mr. BARKLEY. The Tariff Commission report does that very thing, makes a comparison between the American and Italian hat makers and fixes the rate at 88 per cent, taking into consideration all of those things. After a comparison between the American hat maker and the English hat maker their recommendation is that only 55 per cent is necessary to cover the difference in the cost of production. Of course, that does not have any application to chip hats at all.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

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

Mr. HARRISON. Is it the impression of the Senator from New York that the present tariff on chip hats under the President's proclamation is 88 per cent?

Mr. BARKLEY. The President's proclamation covers all sewed hats. If the hats are sewed they carry a rate of 88 per cent.

Mr. HARRISON. I think the Senator from Kentucky is wrong about that. The President's proclamation, as I have read it and as I have ascertained from the experts by talking with them, had application to men's sewed straw hats. It raises the rate on them to 88 per cent.

Mr. BARKLEY. If that is correct, the rate which I have offered would be an increase from 50 per cent to 88 per cent.

Mr. HARRISON. Absolutely.

Mr. BARKLEY. If the President's proclamation does not cover sewed chip hats, then they are coming in now at 50 per cent ad valorem.

Mr. HARRISON. No; 60 per cent.

Mr. SMOOT. I understood the Senator from New York asked me whether it was 88 per cent for sewed hats as provided for in subsection 4.

Mr. BARKLEY. The amendment which I have offered would be an increase from 60 per cent to 88 per cent on chip hats if they are sewed. If they are unsewed then they come in at 60 per cent.

Mr. COPELAND. Let me say in all fairness that what the Senator proposes would not relieve the situation. If the Senator would add to the 88 per cent a rate of $1 specific, he would then practically equalize the difference in cost of production between the American hat and the foreign hat.

Mr. BARKLEY. Of course, that would add an average of 25 per cent additional ad valorem to the tariff on these hats, which would make it more than 100 per cent, which, on an article of necessity and common use, is an outrageously high rate.

Mr. COPELAND. If the Senator does what he proposes, it will not save the American straw hat industry and it will not aid the American consumer 10 cents' worth. I do not want anybody within the sound of my voice or influence to believe that the adoption of the amendment proposed by the Senator from Kentucky would improve the manufacturing situation or the selling situation one single bit, because it would not.

Mr. HARRISON. Then why are the manufacturers kicking up all this row if it would not affect them in the slightest either in the production or sale of hats? If that is true, why all this row?

Mr. COPELAND. We are trying to help the manufacturer and make it possible for him to manufacture.

Mr. HARRISON. But the Senator said this would not affect his situation at all.

Mr. COPELAND. Certainly it will not improve it. That is what I said, that it will not improve their situation a bit. The situation as regards the American straw-hat industry is such that the adoption of the amendment proposed by the Senator from Kentucky would not produce one more hat in America than are produced under the present law. It would not reduce or change the selling price. It is merely a gesture that means nothing. That is all there is to it. If I were given to slang I would say it is pure "bunk." It is nothing else. It is absolutely meaningless. If we really want to help the straw-hat industry of America to continue 5,000 families with a means of support, we will make a rate high enough to compensate for the difference between the American cost of manufacture and the foreign cost of manufacture. I do not ask for anything more than that. I ask for a duty so that the American manufacturer will be on exactly the same plane with the foreign importer, then we will have in the markets of America competition between the sweatshop production of Italy and the American straw hats made under the standards of American labor. There is no reason that I can see why the selling cost to the public should be increased a single penny.

Mr. ROBSION of Kentucky. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. ROBSION of Kentucky. If I have understood the Senator from New York correctly, the proposal of the Senator from Kentucky would not prevent this continued and enlarged importation of hats from Italy?

Mr. COPELAND. The Senator is correct.

Mr. ROBSION of Kentucky. The Senator's proposal is to have such a duty as will merely equalize the difference in the cost of production in Italy and the United States.

Mr. COPELAND. The Senator has stated exactly what is in my mind. I have nothing else in mind.

Mr. ROBSION of Kentucky. If such a rate is adopted, the Senator believes it will enable our straw-hat makers to operate and give employment to American labor?

Mr. COPELAND. The costs of the American manufacturer would then be on exactly the same plane as the landed cost, plus the various expenses, of the Italian importer. Then the two kinds of hats will go into the American market on the same plane as regards cost. I do not believe when that time comes the consumer will be paying in Philadelphia $1.95 for a hat such as this. It will be less.

Mr. ROBSION of Kentucky. What is the opinion of the Senator from New York as to what would be the cost of such hats to the consumer?

Mr. COPELAND. I will say this as to the cost in the manufacture of these hats: We will now accept the figures given by the senior Senator from Kentucky [Mr. BARKLEY]. He states that with the arrangement he proposes the cost, ready for the market, would be $9.78. That is the way he has figured it out—$3.58 plus $3.15 plus $1.10, plus 25 per cent, making the total $9.78. The American cost for that comparable hat is $10.80; so there is a difference of about $1.02 between the two. Therefore, what the industry needs to place it upon the same plane exactly with the imported Italian hat would be about $1 specific duty added to the rate the Senator from Kentucky has proposed of 88 per cent.

Mr. ROBSION of Kentucky. As I understand, the Senator from New York does not propose to levy such a duty as will give preference to the American manufacturers or sellers of straw hats, but merely to put the American makers of such hats on an equal plane with the producers of hats in foreign countries?

Mr. COPELAND. That is exactly what I have in mind. Anything else than that would be an embargo upon the Italian hats; it would then build up what the Senator from North Carolina spoke of so eloquently—the trust and the combination; but if we shall have the American manufacturer placed on exactly the same economic plane as the Italian importer, then competition will give us a cheaper hat, in my judgment, than we get to-day. I do not ask anything more. I am not asking for an embargo upon foreign hats.

Mr. BARKLEY. Mr. President, of course, the Senator from New York is substituting his figures for the figures of the Tariff Commission as to the difference in the cost between the manufacture of American hats and the manufacture of Italian hats.

Mr. COPELAND. Has the Senator from Kentucky the Tariff Commission report there?

Mr. BARKLEY. I have the Tariff Commission report, but it is not based on that hat, because the hat costing $3.58, referred to by the Senator from New York, is the cheapest hat that he can imagine. A great many hats come into the country that are more expensive than $3.58.

Take a $6 hat, which we might consider the average cost of hats coming into this country from Italy. The hats that come in from Italy are not all chip hats, costing only $3.88. Let us take a $6 hat and see how that figures out. On a $6 hat bearing an 88 per cent duty the tariff is $5.28, which, added to $6, makes $11.28; adding $1.10 for transportation and insurance makes $12.38, and 25 per cent on that as a profit to the importer and his handling charges and overhead in New York, makes $15.47 for the hat before it ever starts from the importer in New York to the wholesaler or the jobber or the retailer. It is not fair to take the cheapest hat that comes into the country and base one's figures on that hat rather than on what might be regarded as an average hat coming into this country. Based on the cost of production of these average hats, the Tariff Commission has fixed 88 per cent as the proper duty. Because the Tariff Commission has made no investigation as to chip hats gives the Senator from New York, it seems to me, no reason to work out, according to his own mathematical methods, the difference in the cost of producing chip hats in Italy and the United States, when we are not producing any of them in the United States. Based upon the investigation of the price of comparable hats, not the cheaper straw hats, made in Italy and the United States, the Tariff Commission fixes 88 per cent as the proper duty.

Mr. COPELAND. Mr. President, I regret that I have no figures in my possession as to higher priced hats. I wish I had.

Mr. BARKLEY. It is easy to make the calculation on the basis of a $6 hat instead of a $3.58 hat.

Mr. COPELAND. I do not know the comparable American cost. That is where my difficulty is. I can figure out the cost of the Italian hat, but I have no figures to show what the American costs are.

Mr. BARKLEY. Probably the only difference in cost would be in the difference in the price of the material. The labor is the same, the overhead is the same, and the transportation is the same, because a dozen straw hats of one kind weigh about the same as a dozen straw hats of another; so that, outside of the cost of the material, there would be practically no difference.

Mr. COPELAND. The Senator concedes, of course, that on the type of hat which I have discussed, and which I know about from the figures presented to me, that his proposal would not make it possible for the American manufacturer to compete any more than he can compete at present.

Mr. BARKLEY. I do not know, of course, the source of the Senator's figures. I presume they have been furnished him by makers of American hats; but I assume that they are not impartial figures gathered by any impartial, responsible Government agency.

Mr. COPELAND. I should like to say to the Senator that I had a long conference—a day's conference—in my office in New York with the leading hat men of that city. Many of those men I know very intimately, and I have no reason in the world to doubt their integrity or the statements they make. There were present representatives of the Knox Hat Co., a concern known to everybody, and representatives of other hatmakers, gentlemen of my acquaintance whom I respect. So I have no reason to doubt these figures. I told those men, "I do not want you to give me any false statements; I do not want to be put in the position of making misstatements to the Senate of the United States; I want the absolute facts." Such, Mr. President, is the source of the figures which I have presented to the Senate. I am not going to stand up here and admit for a moment, even though these men be interested in the industry, that they are liars, or that they would seek to give me erroneous information or put me in a wrong position.

Mr. BARKLEY. I hope the Senator does not mean to assume that I imagine for a moment that they are liars. I merely assume that they are putting their best foot forward as most people undertake to do when they come here asking for increased duties.

Mr. COPELAND. I am convinced that is the only way they can ever get anything here; they must put their best foot forward. But I did not want them and I did not expect them to furnish me anything but facts, and I would not tolerate, as the Senator very well knows, any imposition of any kind, and I know they would not undertake to deceive me. The fact remains—and the Senator I am sure by reason of the fact that he has now taken the $6 hat as the average, is convinced that his argument as to the $3.58 hat is a very bad one; and, of course, I think that is so.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from New York yield to the Senator from Montana?

Mr. COPELAND. I yield.

Mr. WHEELER. I thought perhaps the Senator might have information as to whether or not the hat industry has decreased in this country during the last 10 or 15 years.

Mr. COPELAND. The straw-hat industry?

Mr. WHEELER. Yes.

Mr. COPELAND. Oh, my; we used to have in my State—let me go a little further—there used to be in the United States 48 straw-hat manufacturers. That number has greatly declined. For instance, in 1922 when the tariff brief was presented to the Tariff Commission it was signed by 23 straw-hat manufacturers——

Mr. WHEELER. I am interested not in the number of manufacturers but primarily in the number of straw hats that are turned out. Does the Senator have any figures bearing on that question?

Mr. COPELAND. The production has very much decreased. That was referred to in the debate yesterday. Let me show the Senator what has happened. The imports have increased very rapidly each year since 1922. For instance, while in 1923—I think that year is used as a basis in the estimate—only 6 per cent of the straw hats worn in the United States came from abroad, in 1927 the number had increased to 40 per cent; in 1928, to 50 per cent; and in 1929, to 60 per cent. In other words, where we used to wear straw hats 94 per cent of which were made in the United States, to-day we are wearing straw hats only 40 per cent of which are made in the United States.

Mr. WHEELER. Let me ask the Senator a further question. During all this period of time there has been a high tariff upon straw hats, has there not?

Mr. COPELAND. Upon straw hats, but not on chip hats.

Mr. WHEELER. I am referring to straw hats. They have had a high tariff.

Mr. COPELAND. Yes.

Mr. WHEELER. The imports of straw hats have increased very materially, notwithstanding the fact that there has been a high duty upon straw hats?

Mr. COPELAND. That is true.

Mr. WHEELER. And now there has been discovered a process by which chip hats can be made, which will very materially decrease the price of hats to the American consumers. Is that true?

Mr. COPELAND. That is correct.

Mr. WHEELER. And because of the fact that a new discovery has been made by which a different kind of hat can be manufactured and furnished the American consumers at a very low price, the Senator feels, does he, that we ought, even at the expense of the people of this country, still further protect American hat manufacturers, who need to have this exceedingly high rate in order that they may remain in business?

Mr. COPELAND. I will answer the Senator very frankly. I am not interested in a tariff on a luxury. But here is a matter which has to do not with a luxury but with the great bulk of the importations. The increase in the importations has been in this type of hats.

Mr. WHEELER. Mr. President, let me say——

Mr. COPELAND. Just a moment. The Senator, I think, was not here a moment ago when I said that I did not seek a tariff which would give the American manufacturer an advantage over the foreign manufacturer so as to result in an embargo.

I merely want to have such a tariff as will put the American manufacturer on exactly the same plane as the foreign manufacturer. Then my feeling is—and this goes to the heart of the question the Senator asked me—that we will have honest-to-goodness competition in this country between the imported Italian hat and the American-made hat, and the result, in my opinion, will be that the price to the consumer will be lessened because of the competition. Of course, that would not be the case if we put up the rate so high as actually to amount to an embargo.

Mr. WHEELER. If the chip hat costs, as I think I understood some Senator to say, about 30 cents, laid down in this country——

Mr. COPELAND. That is right.

Mr. WHEELER. If it costs 30 cents, and it costs about $3.50 per dozen for the straw hat—what are the correct figures as to straw hats, I will ask the Senator?

Mr. COPELAND. This is the situation. The senior Senator from Kentucky [Mr. BARKLEY]—and I am taking his figures now on the $3.58 hat, which is the hat he discussed here yesterday.

Mr. WHEELER. The foreign cost is $3.58.

Mr. COPELAND. That is the foreign cost. Then if the tariff is added, as proposed by the Senator from Kentucky, 88 per cent——

Mr. BARKLEY. If the Senator will yield right there, I find in the Tariff Commission report that the average value of hats imported from Italy in 1923 was $6.01; in 1924, $5.96; and in 1925, $5.46; so that the $3.58 hat which the Senator selects out as an example does not represent the average price.

Mr. COPELAND. Oh, no; but, of course, the higher-priced hats would blanket the cheaper ones. That stands to reason.

Mr. WHEELER. What I want to get at—and I think perhaps I have not made myself clear to the Senator—is this: If we wanted to shut out this 30-cent chip hat and put it upon a basis where it would cost the American consumer approximately as much as the straw hat would cost, we would have to raise the tariff on chip hats several hundred per cent, would we not?

Mr. COPELAND. Not quite that amount is necessary to accomplish what the Senator says.

Mr. WHEELER. Is not that what the straw-hat manufacturers want done with reference to chip hats;

Mr. COPELAND. I presume they do; but I do not.

Mr. WHEELER. Now let me say to the Senator that it seems to me they are taking identically the same position with reference to the cheap chip hats that an apple grower out in my State took with reference to bananas. He wanted me to vote for an extremely high tariff upon bananas so that the

people of this country would eat more apples. It seems to me that his argument with reference to bananas was just as logical as the argument that has been made by a lot of people here on the floor of the Senate in regard to the tariff upon chip hats and the tariff upon a lot of other articles, because we are talking about the great number of imports that are coming in. A tremendously large number of bananas are coming into this country, and there are no exports. If we take bananas and put a high enough tariff upon them, we are going to force the American people to eat American-grown fruit; and that is what those who are seeking special favors in the way of a tariff are seeking to do to the American people.

Mr. COPELAND. Exactly. The Senator is entirely right. Those who sought to place a tariff upon bananas desired to place an embargo upon bananas. They wanted to put the tariff so high that no bananas could be brought in, and therefore the people would eat apples.

Mr. WHEELER. Not entirely that; but they wanted to make them so high that the people would eat more apples than they would bananas.

Mr. COPELAND. Let me say to the Senator why I am not making that sort of argument. I am going to take the figures of the Senator from Kentucky.

These hats cost abroad $3.58 per dozen. Now, the Senator from Kentucky is proposing an 88 per cent tariff. That adds $3.15, making a total of $6.73. Then he said that transportation and insurance would add $1.10, making $7.83. Then he added 25 per cent for the profits of the importer, and that sort of thing, which he said was fair, making a total of $9.78. That is what it costs to put the Italian sweat-shop hat in the same position to reach the public as the American-manufactured hat. The comparable American hat—comparable, as I have said, in shape and appearance, and use—would cost $10.86. In other words, there is about a dollar difference per dozen between the imported hat, ready for sale, and the American-made hat.

All I ask is this: I do not ask that we put $4 or $3 or some other large sum on top of that, so as to put the Italian hat out of business; but I suggest to the Senator that he add a dollar specific duty to the rate he proposes, and then that would make $10.78, as against the cost of American hats of $10.86—practically the same.

Mr. WHEELER. Mr. President, if the Senator will yield, I do not want to be facetious about this matter; but it does seem to me that if the Senator would apply to sugar the same method of reasoning that he is applying to hats, and if he would apply the same reasoning that some of the Democrats applied to sugar and applied to rayon, they would have voted differently on both hats and rayon. I am surprised that the Senator from Utah, who is so much interested in a tariff upon sugar, and who has fought so hard for it on the floor of the Senate, does not point out that if the same kind of logic that the Senator is applying to hats were applied to sugar, he would have to reverse his vote upon sugar and upon some other articles.

Mr. BARKLEY. Mr. President, if the Senator will yield there, the difference is that they make hats in New York, and not in Louisiana and Utah; but in Louisiana and Utah they make sugar and not hats.

Mr. COPELAND. There is quite some further difference than that. We could not make enough sugar in the United States to supply the public, anyhow. We could make enough hats to supply them if we were put on the same plane of equality. I do not think the Senator's example is comparable.

Mr. SMOOT. Mr. President, I want to say to the Senator from Montana that as far as a tariff on sugar is concerned, I have not used any figures in any way, shape, or form but just exactly what the facts are demonstrated to be beyond a question of a doubt.

Mr. WHEELER. I was not implying that.

Mr. SMOOT. I know the Senator was not; but I thought, from what the Senator from New York said following that, that he took it for granted that that was the case. There is no analogy at all between the manufacture of a straw hat and the manufacture of sugar in the United States.

Mr. WHEELER. There is this analogy—the difference in cost of production abroad and at home.

Mr. SMOOT. The chip hat is not manufactured here at all.

Mr. WHEELER. Neither are bananas raised here.

Mr. SMOOT. Of course, the Senator knows very well that no Senator in this body is going to vote to put a duty upon bananas.

Mr. WHEELER. It is just as logical to put a tariff upon bananas as it is to put a tariff upon chip hats, because no chip hats are produced in this country; and consequently Senators are simply trying to shut out of this country something that is not produced here at all. If we were producing chip hats in this country, and they cost a certain figure, there would be an analogy; but they are not produced here.

Mr. COPELAND. Let us suppose that the banana and the apple are absolutely interchangeable. Of course, I shall not concede that; but let us suppose they are. It would be only fair to place a tariff upon the banana which would make it possible for the American apple grower to sell in the market, assuming that they were comparable.

That is all I ask here. All I ask is a rate sufficient to equalize the difference in cost between the American manufacturer and the manufacturer abroad.

Mr. WHEELER. But in the case of chip hats, we do not manufacture chip hats at all.

Mr. COPELAND. No.

Mr. WHEELER. But the Senator is trying to take a new invention—a new discovery, practically—of manufacturing chip hats, in comparison with straw hats.

Mr. COPELAND. All right; I will use another figure. Does anybody ever eat a banana and think it is an apple?

Mr. WHEELER. I do not think anybody wears a chip hat and thinks it is a straw hat.

Mr. COPELAND. Oh, yes, they do.

Mr. WHEELER. They do not in my State. They may in New York.

Mr. COPELAND. They do in my State.

Mr. WHEELER. That is probably because they have a lower average intelligence.

Mr. COPELAND. Of course, the Senator may take that view if he wants to. I would not reflect upon his State.

Mr. WHEELER. I am not reflecting upon them. The Senator was reflecting on them when he says that they buy chip hats for straw hats.

Mr. COPELAND. All right; I will say to the Senator that nine-tenths of the people who go into stores in Montana and buy an imported Italian sweatshop hat think they are buying a straw hat; and even the bright, intelligent, alert, and able Senator from Montana would not know the difference.

Now, Mr. President, I shall offer an argument which will appeal to the Senator from Montana. Heretofore, apparently, I have not offered one; and I should like to have his attention for a moment.

Let me say to the Senator from Montana and to everybody else who is interested that there are 19 straw-hat manufacturing establishments in New York State in the figures that I am going to give. In 1927 these 19 establishments employed 1,182 persons.

Mr. WHEELER. One thousand one hundred and eighty-two?

Mr. COPELAND. In the 19 establishments. There are other factories. In those factories and in the Baltimore factories they employ less than half of the wage earners now that they employed in 1922. They say:

> We are now compelled to work in Baltimore only five days per week.

And if the Senator and I had our way, we would not have them work any longer than that anyhow and would give them full pay; but the employers can give their help only about 36 weeks' work per year, when in 1922 they were giving them 6 days' work per week and 48 weeks per year. The point is that to-day we have not one-third of the employees in this industry that we had in 1922 and they are on part time.

Mr. WHEELER. I am glad the Senator gave me those figures, because what he is arguing for is this: He is arguing, I am sure, because he is interested in these 1,182 people, rather than in the 19 manufacturers up in his State.

Mr. COPELAND. I do not care anything about the manufacturers.

Mr. WHEELER. No; I say the Senator is arguing because he is interested in these 1,182 people and not in the 19 manufacturers; but think of what he is doing to the rest of the people in my State who have to buy hats, and not only the people in my State but the people all over this country. He is arguing that they should pay more for hats in order to benefit 1,182 employees.

If we are going to go on that basis in making tariffs all over the country, then, of course, those who are not engaged in any industry that is benefited by the tariff are simply going to pay exorbitant rates in order to keep a few men employed in the hat factories.

Mr. COPELAND. Mr. President, may I say to the Senator from Montana that he is entirely mistaken. If I were proposing something here that meant an embargo on Italian hats, made by persons working for less than 14 cents an hour; if I were proposing an embargo on Italian hats so that they could not come in, then the Italian hat makers would be in exactly the same

position as the American hat maker is to-day. They would be out of business; and then the thing that the Senator talks about would happen. An American monopoly would be created, and could charge anything they liked.

But let me say to the Senator that when I am talking about a hat that costs 30 cents in Italy, he need not think that that is sold to the people in Montana for 35 cents. I do not know what the price is in Montana, but that hat sells in Philadelphia for $1.95. There is something wrong with State control, let me say to my friend, if there can not be found some way to regulate exorbitant profits upon hats and other necessities. But all I am asking is that enough tariff be placed upon this foreign hat so that it shall sell on the same plane in America with a hat manufactured here.

That is all I ask. I can not see by what process of reasoning that could possibly mean a greater price to the man who buys the hat. More than that, I am sincere in stating that in my opinion it would mean that there would be competition between the American-made hat and the Italian hat, and probably the Senator's constituents would buy their hats for less money than they pay to-day. I can not see any escape from that logic, I think it is the fact, at least I believe it; and that is the reason why I stand for the proposal which I have made.

May I ask the Senator from Utah whether he thinks I am right in this statement, that if we accept the figures of the Senator from Kentucky, this 88 per cent plus $1 specific would just about equalize the difference?

Mr. SMOOT. Of course, there are no chip hats made in the United States.

Mr. COPELAND. I understand; but I am speaking about a comparable hat.

Mr. SMOOT. I do not know whether a duty of a dollar would protect the sewed hats that are made in the United States from straw. I think perhaps there is more than that difference. The chip hat was not taken into consideration in 1925 when the President made that proclamation. It is hard to say what would equalize the difference, because we do not make that kind of a hat.

Mr. BARKLEY. Mr. President, there was not a scintilla of evidence before the committee or there is not before the Senate to show that it costs any less to make these chip hats in Italy than it costs to make cheap straw hats that do come under the President's proclamation. We have no evidence upon which to base the conclusion that these chip hats are being made more cheaply than the cheaper grade straw hats.

Mr. SMOOT. We have the evidence as to their import value.

Mr. BARKLEY. I understand, the cost of production, but we have no evidence on the difference. The man who makes straw hats in Italy gets the same as the one who makes chip hats. The only difference would be in the cost of the raw material, and I have been unable to find any evidence showing that chips cost less than straw. They are certainly more difficult to obtain in this country.

Mr. WALSH of Massachusetts. Mr. President——

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

Mr. COPELAND. I yield.

Mr. WALSH of Massachusetts. Mr. President, let me try if possible to get the exact facts in regard to straw hats before the Senate.

In 1925 the straw-hat manufacturers invoked the flexible provisions of the tariff law and petitioned the President for an investigation into the straw-hat industry for the purpose of increasing the then existing duties upon straw hats if sewed. An investigation was held by the Tariff Commission. At that time, under the law of 1922, straw hats, if sewed, carried a duty of 60 per cent.

The investigation by the Tariff Commission led to a recommendation to the President and a proclamation by the President providing for an increase in the duty to 88 per cent on straw hats if sewed, and if valued at or less than $9.50 per dozen.

The Tariff Commission found there was no tariff problem in regard to straw hats valued in excess of $9.50 per dozen. All straw hats, if sewed, other than those valued at less than $9.50 per dozen have carried, from that date to this, the rate fixed in the law of 1922, namely, 60 per cent. As to these facts I think there is no dispute.

Since 1925 a new hat imported from Italy has appeared upon the market, known as the chip hat, which was not in the minds of or contemplated by the Tariff Commission at the time they made their investigation. That hat not being straw, but chip, bears a duty now, under the law of 1922, of 60 per cent, though, as a matter of fact, it is in price cheaper than the straw hat if sewed, which bears a duty under the President's proclamation of 88 per cent.

Therefore we have the anomolous situation of a hat cheaper than the straw hat if sewed, called the chip hat, bearing the lower duty that is placed upon the high-priced straw hats, while the straw hat if sewed coming into this country at the same or a lower price bears a duty of 88 per cent.

How can anyone who believes in an equalization of the protective-tariff theory possibly support amendments such as was offered yesterday, to make the rate lower than 88 per cent? That is why I voted against all the amendments. They represented a reduction, in substance and in fact, to the rate in the President's proclamation of 88 per cent upon straw hats if sewed.

Mr. SMOOT. Mr. President, since the President's proclamation assessing a duty of 88 per cent ad valorem on men's sewed straw hats valued at $9.50 or less per dozen, imports entered under this classification have decreased in number, value, and unit value. In 1927, the first full calendar year after the change in the duty, imports under this classification numbered 1,499,352 hats, valued at $598,047, with a unit value of 40 cents. In 1928 they declined to 1,005,982 hats, valued at $338,048, with a unit value of 34 cents; and in 1929, from January to June, inclusive, numbered 863,071 hats, valued at $316,810, with a unit value of 37 cents.

Men's sewed hats made of chip braid, similar in appearance to and competing with men's sewed straw hats valued at $9.50 or less per dozen, are dutiable at 60 per cent, and not at the proclaimed rate of 88 per cent. That is where the trouble comes.

Mr. WALSH of Massachusetts. Mr. President, is this a fact, that a straw hat if sewed, where the unit value is 30 or 40 cents, coming into this country to-day under the President's proclamation, bears a duty of 88 per cent?

Mr. SMOOT. That is true of the straw hats.

Mr. WALSH of Massachusetts. If a chip hat of even less value than the straw hat, comes into this country, it bears a duty of 60 per cent.

Mr. SMOOT. That is a statement of the condition as it is.

Mr. WALSH of Massachusetts. They both ought to have the same rate, whether they are on the free list, or bear the rate recommended by the committee, or the rate proposed in the pending amendment.

Mr. SMOOT. In 1927 imports of sewed hats dutiable at 60 per cent numbered 750,240; in 1928, 1,808,214; in 1929, January to June, inclusive, 2,873,084.

At the same time the unit value per hat imported under this classification decreased from 68 cents in 1927 to 33 cents in 1929. That tells the whole story.

Mr. WALSH of Massachusetts. Exactly. About 68 cents undoubtedly represented the unit price of the straw hat if sewed, and about 30 cents probably is the price of the chip hat.

Mr. SMOOT. That is exactly the fact.

Mr. COPELAND. Mr. President, I have almost concluded my remarks. I find the Senator from Kentucky usually so very accurate in his statements that I am sure that he will be glad to be informed that he has made a very serious mistake about the unit value of the hats brought in. I wish to have these figures in the RECORD, and I am particularly anxious to have the Senator from Kentucky listen to them. They are as follows:

Imports of straw hats

SEWED HATS DUTIABLE AT 88 PER CENT

Year	Number	Value	Unit value
1927	1,499,352	$598,047	$0.40
1928	1,005,982	338,048	.34
1929 (11 months)	1,804,809	641,301	.36

So the Senator sees that instead of $6, even in 1927, the unit value was only $4.80.

Mr. BARKLEY. I was reading from the Tariff Commission's report, which did not include the year 1927. I was reading the data for the years 1923, 1924, 1925, 1926 as to Italy, found on pages 4 and 5 of the Tariff Commission's report. I insist that the figures I read were correct. It may be that the importations of chip hats in the last year or two have brought down the average somewhat, but the figures I quoted were correct.

Mr. COPELAND. Now, I want to give the figures as to straw hats dutiable at 60 per cent.

Sewed hats dutiable at 60 per cent

Year	Number	Value	Unit value
1927	750,240	$509,925	$0.68
1928	1,808,214	717,732	.40
1929 (11 months)	5,196,768	1,554,613	.30

Mr. BARKLEY. That was not a normal increase. That is like the case of shoes from Czechoslovakia, which were sent in by the manufacturers in order to get them into the country before the increased tariff rate was placed upon them, because the rate proposed is practically an embargo, and it is perfectly natural that if people are shipping goods to another country and that other country is about to raise the tariff they will increase their importations in order to avoid payment of the increased tariff.

Our own merchants do the same when they are shipping products to other countries. If the legislative body of Great Britain or France or Germany or any other country were about to increase the rate of tariff on some American-made product going into that country, our factories would try to get all of that product into that country they could before the tariff took effect.

Mr. COPELAND. Naturally the Senator is going to make much of the figures of importation and disregard the unit cost.

Mr. President, the fact is that unless a duty is granted which somewhere nearly compensates for the difference between the cost in the United States and the cost in Italy, we can not hope to improve the condition of the straw-hat industry of America. Further, let no Senator say that I am seeking for a tariff which will increase the cost of a hat comparable with or indeed the chip hat itself. If we put a duty upon these hats so the American manufacturer can make a hat comparable with them at the same cost to the retailer—mind you, the same cost, because it is not going to be less or more—it will enable him to make the same price to the retailer as he pays for the Italian product. Then it remains to be seen whether public sentiment will protect the consumer against exorbitant profits on the part of the retailer. My contention is that the amendment proposed by the Senator from Kentucky does not accomplish the end of protection to the American manufacturer and American consumer. Certainly, in spite of putting an 88 per cent rate upon these hats, the straw-hat industry of America will be just as badly off as it is to-day. Its destruction is not far distant.

Mr. BARKLEY. Mr. President, 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:

Asburst	Gillett	Keyes	Simmons
Baird	Glass	La Follette	Smith
Barkley	Glenn	McKellar	Smoot
Bingham	Goff	McMaster	Steck
Black	Goldsborough	McNary	Steiwer
Blease	Gould	Metcalf	Sullivan
Borah	Greene	Moses	Swanson
Bratton	Grundy	Norbeck	Thomas, Idaho
Brookhart	Hale	Norris	Townsend
Broussard	Harris	Nye	Trammell
Capper	Harrison	Oddie	Tydings
Connally	Hastings	Overman	Vandenberg
Copeland	Hatfield	Patterson	Wagner
Couzens	Hawes	Phipps	Walcott
Cutting	Hebert	Pine	Walsh, Mass.
Deneen	Heflin	Ransdell	Walsh, Mont.
Dill	Howell	Robinson, Ind.	Watson
Fess	Johnson	Robsion, Ky.	Wheeler.
Fletcher	Jones	Sheppard	
Frazier	Kean	Shipstead	
George	Kendrick	Shortridge	

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

Mr. WALSH of Massachusetts. Mr. President, I sat as a member of the subcommittee which heard the evidence presented to uphold the request for increased duties upon the hats named in this paragraph. I reached two conclusions. The first conclusion I reached was that the hat industry is in a distressed condition; in fact, the expression used repeatedly in the hearings was "deplorable condition." That condition is due to many factors not necessarily connected with the tariff, such as changes of style, the practice of wearing no hats, and various other causes.

The second fact that impressed me was that there is a growing and increasing record of imports of straw or chip hats, which, of course, compete with the cheaper-priced straw hats. Usually, so far as I as a Democrat have been able to reach a definite policy with respect to the principle of tariff protection, evidence of a general depressed condition in industry and of increasing imports that threaten to take the domestic market away from the domestic producer is a cause for alarm and notice that an inquiry ought to be made to see to what extent, if any, tariff protection can preserve the domestic market for the domestic producer. Those two factors were present with respect to this industry.

I observe that there is another consideration which a Democrat ought to keep steadfastly in mind in connection with the levying of increased tariff duties and that is the consumer. The Republican protectionist is most likely never to see any point of view but the petitioner for protection. Democrats never disregard the consumer's rights.

It does not always follow that a depressed condition of an industry and increased imports necessarily make out a case for tariff protection. The depression in the domestic industry may be due to inefficient management, overcapitalization, and so forth, all of which factors ought to remove it from enjoying the exceptional privileges of protection. Democrats insist that the burdens of increased prices caused by the protective tariff can not be distributed to industries that are not efficiently, legally, and honestly organized. This extraordinary right to industry presupposed a clean business record and a clean organization.

I have referred to the important question, the rights of the consumer. There is a point above which we can not go in increasing tariff duties and preserving the domestic market for the domestic manufacturers if the result is exorbitant and unreasonable prices from the consumer.

All these questions and principles underlie this particular case. There is the question here of imposing a rate that is unfair to the consumer; there is the question here of a depressed industry that is losing the domestic market because of the importations of a different style of hat than that which is produced in this country, and evidence that the foreign hat is produced at a greatly reduced labor cost to the comparable domestic hat.

I have reached the conclusion, believing in these principles, and as a Democrat, that I ought not, in view of these facts, to vote for lower duties than those contained in the present law. That is why on yesterday I voted against the various amendments offered to reduce duties. At least, these facts do not present a case for reduction in tariff duties.

I do not propose to sit silent and to be lectured to as a Democrat for doing that. I ask what the Democratic policy is on the tariff? I ask if a Democrat is expected to vote for every motion to reduce tariff duties below the rates of the present law when unemployment is stalking through the country, when business is depressed, and when imports are increasing. If that is the position of the Democratic Party, I must part company with it on the tariff. But it is not the Democratic position. The Democratic Party is for a competitive tariff, is for a tariff that will preserve the domestic market for the honest and efficient domestic producer. It is not for free trade. It is not for destructive rates that burden and destroy domestic industries. It is not with cheap foreign labor against well-paid domestic labor. It is against excessive protection and special privilege to a favored few through the tariff.

There are items in this bill the rate of which ought to be below those of the present law because there are no imports and where the domestic industry is a monopoly. I have voted for reductions and shall vote for more of them where there is no case for protection proven; but, as I understand the doctrine of the Democratic Party, it wants to give relief within reasonable bounds to every distressed industry, both to the farming and the manufacturing industries of the country. Democrats believe neither shall be favored or injured at the expense of the other. Where there exists a depressed financial condition such as was shown in the case of leather and in the case of braids, I believed that adequate duties should be levied. On yesterday I went out of my way in the case of certain braids to favor an increase, in order to help the braid industry, and agreed to a compromise rate between what the manufacturers of hats requested and what the braid people desired.

I want my position understood. Give me evidence of a depressed financial condition, of unemployment in an industry, and of increasing imports destroying the domestic market, and I am open to reason and conviction in applying reasonable, not excessive, tariff protection so far as it does not go to the point of putting unjust and unreasonable burdens upon the consumer, for there are some products manufactured in this country rates for which in order to preserve the American market for them would place an unreasonable burden upon the consumer. It would be unfair to tax the consumer to insure such an exorbitant price as might be required to enable the domestic product to compete with the foreign article.

Mr. President, the Democratic Party can fulfill its duty of opposition and put into effect its traditional principles, so far as is now suitable and proper, by scrutinizing and rejecting the proposals for increased duties made by the extreme protectionists of the majority party which are frequently of the following character:

First. To satisfy the demands of some industry that is known to be highly prosperous and often being a monopoly and not subjected to domestic competition.

Second. To give comfort to industries that are known to be depressed, but depressed by reason of internal competition and inefficient management, there being no considerable or increasing imports.

Third. To confer benefits on some industries or whole classes of the population of a doubtful and theoretic character at the risk or certainty of burdens to others.

Fourth. To grant rates of duty, often in an obscure form or through administration provisions, that will operate totally to exclude competing foreign imports.

Fifth. To use the principle of protection for partisan ends.

Sixth. To force the use of American-made or American-grown substitutes by imposing duties on articles long on the free list and not themselves produced in the United States.

Seventh. To force the abandonment of long-established major lines of commerce, especially those which have caused the location of many of the leading industries of the country in the East in proximity to the sea.

The Democratic Party should avoid an attitude of discrimination in tariff matters. It should extend that measure of protection that can be justified to all industries that present facts tending to show the destruction of opportunities to enjoy the domestic market.

There is enough that is new, and dangerously new, in the proposals of the majority party with respect to the carrying out of latter-day protection that the Democratic Party is called upon to combat for the general public welfare without any of its members being called to account if they do not take the position of reactionaries. There is nothing, in short, reprehensible in the conduct of a Democratic Member of the Senate who, in the existing situation respecting the prevailing opinion of practically the whole American people, votes upon occasion for a reasonable protective duty equalizing conditions of competition, provided that he is satisfied that a good case has been made out that such duty is really needed.

I can not conceive of any campaign more destructive to Democratic success than for Senators on the other side of the Chamber to point out industries and show their depressed condition, show the increased imports, and then show a roll call of Democrats seeking to lower the rates thereon below those of the present law. I shall not assume that responsibility, especially in this year of unemployment, in this year of business depression, and in this year when we have passed an income-tax reduction measure to give a psychological benefit to industry. The least psychological benefit we ought to bestow upon industries, if the facts I have cited exist, is not to reduce the rate of duty below the present law unless it is clear that the facts justify such action.

Mr. President, I have tried to carry out the policy I have outlined. Of course at times we will not have all the facts fairly presented, and, hence, make mistakes. I do not want anybody to think from what I have said here that there is satisfactory proof of an overwhelming number of depressed industries; and lest anybody may think that my course is dictated by personal interest I wish to state that there are, as far as I know, no straw-hat manufacturers in my State. I want to read the addresses of members of the straw-hat group. I will not take the time to read the names; but the industries are located at New York, New York, New York, New York, Danbury, Conn., Baltimore, Md., New York, Danbury, Conn., New York, Philadelphia, Philadelphia, and Baltimore. That is the list set forth in the brief filed by the straw-hat manufacturers.

I wish to say to the Senate that my sympathy has gone out to some of the struggling industries in this country. Many of them can not be rehabilitated by the tariff. If it be a crime for a Democrat to say that, let the most be made of it. I do not think the industries which need increased protection are numerous, but I shall vote for increased protective rates where it is necessary to do so to preserve equality of opportunity to the domestic producer in the domestic market. I have tried, however, to raise my voice in assistance of some of those industries which are distressed, as I did yesterday in the case of the braid industry, although there is not a yard of braid made in my State, and although the women's hat manufacturers of my State had asked me to keep the rate down to the present rate.

Mr. President, yesterday three amendments were presented here, all of them proposing to lower the present rate of duty on straw hats. I opposed them by my vote. Now we have an amendment——

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

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

Mr. WALSH of Massachusetts. I yield.

Mr. BARKLEY. The Senator is slightly mistaken in the statement he has just made. Two of the amendments which were offered yesterday did not seek to reduce the tariff rate below the rate provided by the present law, but sought to restore the rates of the present law on unsewed hats. In subsection 4, which we are considering to-day, however, the amendment did seek to impose a rate below that of the present law.

Mr. WALSH of Massachusetts. The important section here is the one affecting straw hats if sewed; it is as to that class of hats that the imports are increasing; and it is to that class of hats on which the President raised the duty by his proclamation. The other section and amendments hereto were correlated to it.

Mr. BARKLEY. Mr. President, if the Senator will yield there, if the amendment now pending shall be adopted it is my purpose to offer one carrying out the relationship to the other section.

Mr. WALSH of Massachusetts. I assumed that the Senator would do that. Of course, I wish to say to the Senator from Kentucky that whatever I have said was in no sense a criticism of his position. I think, perhaps, the Senator did not have the opportunity of getting the impression as to the distressed condition of the industry that I was able to obtain while sitting as a member of the subcommittee. It is very proper for the Senator, in the interest of the consumer, to make the motions he did; and I make no criticism of him at all for that.

I do, however, resent the criticism made here that because some of the Democratic Senators opposed lower rates than in the present law they were voting for the highest rates recommended by the majority.

In 1926 the straw-hat industry began to feel the effect of increasing imports, and those engaged in that industry petitioned the President, under the flexible provisions of the tariff act, for an increase in the tariff rate. They were given a hearing by the Tariff Commission; investigation was made by that commission as to the difference in the cost of production here and abroad of straw hats, with the result that the Tariff Commission recommended to the President that straw hats, if sewed, should bear a duty of 88 per cent ad valorem instead of 60 per cent, the rate in the act of 1922, and the President, by proclamation, put the 88 per cent ad valorem rate into effect.

Since that time the chip hat, which is cheaper than the straw hat, if sewed, has flooded the country. In the course of one year the importations have increased from 1,000,000 to over 5,000,000 hats. The chip hat bears a duty of 60 per cent ad valorem; straw hats, if sewed, of about the same price, bear a duty of 88 per cent ad valorem. All higher-priced straw hats bore a duty of 60 per cent ad valorem. The purpose of the presidential proclamation increasing the rate was to include the cheaper-priced hats in the rate of 88 per cent. Chip hats not then being a factor in the market, therefore were not included in the language of the proclamation, because the President used the words "straw hats, if sewed," and so chip hats have come in under the same rate as expensive hats of 60 per cent.

Mr. President, I can not vote to continue a rate of duty upon chip hats lower than the rate established by the finding made after a disinterested investigation by the Tariff Commission, composed of members of both political parties. They fixed the rate at 88 per cent, and that is the lowest rate on straw hats, if sewed. I want that rate at least to apply to chip hats and all other hats of a unit value of 30 cents, 40 cents, or 50 cents.

I am frank to say that I am disturbed about this rate. I do not think it is going to be of much help to the industry. I am also disturbed by the other suggestion made here that there is a point beyond which we ought not to go in increasing duties, especially in the case of commodities in common use. When we get into the zone of 100 per cent protection, I hesitate to put such a burden upon the consumer. Therefore, I shall vote for the amendment now proposed, because, at least, it retains the rate of the present law. I wish it had been possible to have given a little additional duty to this industry because, while I think the committee went far in their desire to resuscitate or help resuscitate this depressed business, I could not go quite so far as they have gone; but I again say they undoubtedly were influenced, as I have been, by the stories told—and I quote the words—of "the deplorable condition" of the hat industry. If the rate of 88 per cent is too low, there is still an opportunity in conference to change any injustice. The House rate is so high that a compromise may be reached fair to consumer and the hat industry.

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

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. WALSH of Massachusetts. I yield.

Mr. SMOOT. What the Senator has said nobody can question, in my opinion. What the committee did want to do was to see if there was some way by which we could protect straw hats sewed as against the chip hat, which is a 30-cent unit hat,

although it sells for $1.90. Who gets that profit between 30 cents and $1.90? If the proposed amendment applied to chip hats only it would not make a single bit of difference in the retail price of $1.90 to the consumer.

Mr. WALSH of Massachusetts. I am inclined to agree with the Senator about that. I was shocked at the spread between the invoice price and the price paid by the consumer of these hats as well as of other articles. Of course, the Senator has discovered, as the rest of us who sat on the committee and heard the evidence with respect to imports have discovered, that one of the very serious problems which we have in industry is, unfortunately, that the imports into this country which are increasing are the imports of cheap products, and therefore, of course, products bought by the masses of the people. It is regrettable that we are confronted with such a situation, which involves the query, Will we have to abandon the manufacture of cheap commodities, confine our industry to the production of high-priced commodities, and let the foreign countries make the cheap ones, or will we try to retain the manufacture of the cheap commodities here? We must make a very close and serious study to see how far we can go in putting burdens upon the masses in seeking to retain such industries. It may be possible that in some instances we will have to abandon the making of cheap commodities on the theory that they can be produced so much cheaper abroad that we should not burden our own people in order to stimulate their production here.

However, we are living in a country where protection exists; where people, if there are benefits in increased wages and high wages, are receiving these benefits. Therefore, it is to be assumed that these people who get the benefits of protection on one commodity that they happen to be employed in making, or with the manufacture of which they are connected, should bear some of the burdens of increased prices upon other commodities that are equally entitled to protection.

Mr. SMOOT. Mr. President, the testimony before the committee was that imported articles coming in here were sold just as nearly as possible for what the article manufactured in the United States was sold for. No matter what profits were made—no matter if a watch coming into this country for $6 sold for $54—that cut no figure. All the importers took into consideration was this: "I have a watch, a self-winding watch. It is a new product. It has to sell in competition with other watches. Therefore, I am going to get every possible dollar out of it by selling just under the price of the American watch that comes in competition with it"; and outrageous rates are charged on many of the imported articles.

Mr. WALSH of Massachusetts. Mr. President, I desire to conclude by saying that as a Democrat I feel it my duty to scrutinize with care and caution any increased rates that may be suggested upon the various commodities and products named in this bill. I want to be alert always to protect what seems to me to be the primary interest here, that of the consumer; but when I am confronted with evidence of a depressed business condition and of increasing, growing imports, so that the domestic market is slipping away from the domestic industry, I propose to take notice of those facts, and, if it seems that a little increase in protection can help to retain and save the domestic market, to grant that. I at least do not intend, under those conditions and when those facts are presented, to vote to lower the present rate of duty.

Mr. TYDINGS obtained the floor.

Mr. COPELAND. Mr. President, is the Senator about to speak on the hat matter?

Mr. TYDINGS. Yes.

Mr. COPELAND. This is fresh blood in the battle, and it seems to me the Senator is entitled to an audience. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. TYDINGS. I yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

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

Asburst	Deneen	Harrison	Metcalf
Barkley	Dill	Hastings	Moses
Bingham	Fess	Hatfield	Norbeck
Black	Fletcher	Hawes	Norris
Blaine	Frazier	Hebert	Nye
Blease	George	Heflin	Oddie
Borah	Gillett	Howell	Overman
Bratton	Glass	Johnson	Patterson
Brookhart	Glenn	Jones	Phipps
Broussard	Goff	Kean	Pine
Capper	Goldsborough	Kendrick	Ransdell
Caraway	Gould	Keyes	Robinson, Ind.
Connally	Greene	La Follette	Robsion, Ky.
Copeland	Grundy	McKellar	Schall
Couzens	Hale	McMaster	Sheppard
Cutting	Harris	McNary	Shipstead
Shortridge	Sullivan	Trammell	Walsh, Mass.
Simmons	Swanson	Tydings	Walsh, Mont.
Smith	Thomas, Idaho	Vandenberg	Watson
Smoot	Thomas, Okla.	Wagner	Wheeler
Steiwer	Townsend	Walcott	

The VICE PRESIDENT. Eighty-three Senators have answered to their names. There is a quorum present.

Mr. TYDINGS. Mr. President, so far in the consideration of the tariff bill I can not recall having voted for any increase in industrial rates. On the other hand, I have tried in each instance to help those commodities which were left out of consideration in the passage of previous tariff bills. Indeed, in the case of one of the largest steel companies in the world, located in my State, employing some 20,000 people, on one of the steel schedules I voted for a reduction, and the next day voted for a tariff on manganese, trying as far as I was able to be as unlocal as a man can be in tariff matters; and I think I have pretty well established a consistent record of trying to look at each case fairly, without regard to locality.

It is, therefore, with some measure of embarrassment that I rise to speak in behalf of an industry which happens to be located in Maryland, and to crave the indulgence and attention of the Senate in order that they may weigh the facts which I shall present, in an effort to determine what is fair in the case before us.

The Tariff Commission created under President Wilson was set up for the purpose of finding the difference in the cost of production at home and abroad of the articles which are consumed in America. If an article was produced cheaper abroad than in the United States, it was the purpose of the Tariff Commission to present the cost at home and abroad to the Congress and the President, and we were supposed to levy a duty which would be on a competitive basis—not necessarily a protective basis, but what might be called a competitive basis—so that neither the importer nor the local manufacturer might unreasonably exploit the public.

I believe that all of the figures which so far have been used in an effort to keep the tariff on hats at a low figure emanate from men who are in the importers' class. I have no criticism of them. They naturally want to get their hats as cheaply as possible, so that they can compete successfully with the American producer.

In reading over the brief with which the Senator from Kentucky [Mr. BARKLEY] must be familiar—because many of his quotations yesterday are in line with it—I noticed that it was drawn by that very low-protectionist Republican, Mr. C. Bascom Slemp, who was the attorney for the importers. We all know, with no reflection on Mr. Slemp, that he is a stalwart member of the Republican organization; and, as far as I have been able to learn, he never voted for anything less than protection on any tariff bill while he was a Member of the House of Representatives; but now he is practicing law, and he has presented the case for the people who are importing straw hats, and he has done it with an adroitness worthy of a skilled and old-school politician.

Mr. Slemp talks generally in his brief of generalities, particularly in reference to the local industry. One of the concerns manufacturing straw hats is located in Baltimore City. It is a concern of 50 years' standing, and up until about 1923 it made money. I have looked at its income-tax returns, however. It has paid no dividends for five years; and its capital, surplus, and undivided profits or reserve, whatever it had set up previously, have been seriously impaired each year since.

I think a survey of the industry will show that the great increase in importation of straw hats in America has reached the point where these concerns are seriously threatened, and, if it continues to increase, will have to go out of business, because they can not successfully compete.

At this point may I therefore say that on yesterday, notwithstanding I had been importuned by the local industry in my own State to vote for an increase in the tariff on straw hats, I voted four times with the Senator from Kentucky even to reduce the present rates. All yesterday afternoon I did not yield from that position in conversations I had with these people. I told them I wanted to give them a tariff if they could make out a case, and if they could not make out a case, I did not care whether they were in Baltimore or where they might be, they would not get my support, as much as I would like to give it to them on personal grounds.

Since yesterday I have spent some little time in trying to inquire into this matter, to satisfy my own mind on the points involved. To that end I called up one of the oldest members of the United States Tariff Commission, and asked him to tell me frankly what the situation is as to straw hats at this time.

He stated a matter of history first, that the tariff was 60 per cent ad valorem some years ago, and that because the im-

portations of straw hats were increasing rapidly, the industry appealed to the Tariff Commission for an examination of that question. The examination was concluded by the Tariff Commission, and the facts presented to President Coolidge, and, exercising his presidential prerogative, on the facts submitted by the Tariff Commission President Coolidge recommended that the rate be increased from 60 per cent to 88 per cent. In other words, he practically exhausted the 50 per cent limit which the President had at his disposal in raising or depressing a tariff.

That was several years ago. Since then there has been no attempt by the Tariff Commission to go further into this subject until the present bill came before the Congress, at which time the commission took later figures, and tried to establish from facts what would be the fair rate to levy on straw hats coming into this country, so that the American manufacturers could operate, not on a protective, but on a competitive basis.

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

Mr. TYDINGS. I yield.

Mr. BARKLEY. In connection with the recommendation of the Tariff Commission, and the proclamation of the President on that subject, I wish to state to the Senator what has been repeated here over and over again, that the importation of hats covered by the proclamation decreased almost a million a year.

Mr. TYDINGS. I am going to take issue with the Senator on that, if he will bear with me, because he has not grouped the hats that have come into the United States. He is taking only one class, and if he will look at all the figures—and I shall show them by groups and by years—he will find that while the importations of certain hats decreased, due to a change of style, the importations of other groups increased, and that the net result has been practically a steady increase from year to year ever since.

Mr. BARKLEY. The Senator certainly will not contend that the result of increasing the tariff from 60 per cent to 88 per cent did not bring about a reduction in importations of hats covered by the proclamation.

Mr. TYDINGS. I will be glad to come to that in just a moment, but I do not want to anticipate what I have to say on that subject.

Mr. President, the Tariff Commission was not Democratic or Republican, it was nonpolitical. It was charged with the duty of assembling the facts and presenting them to the legislative and the executive authorities. That it did. At the hearing the case of the importer was heard. At that time the local manufacturer's case was considered, and from all the facts, and from the importation invoices, the Tariff Commission submitted to the President a set of facts upon which the increase was made.

What do we find in the straw-hat industry since the tariff was increased? First of all, in the year 1923 the total imports were 1,119,708 hats. In 1927 the importations had doubled. Four years later the importations of hats had jumped from 1,000,000 to over 2,000,000.

When we come down to sewed hats, we find that in 1928 there were imported 2,800,000, and for the first 11 months of the year 1929, 7,000,000 sewed hats were imported into the United States; 2,800,000 in 1928, 7,000,000 in 1929.

If we are going to be fair and accord to industry and agriculture and the consumer a fair deal, we have to be bound by the naked facts, and there is no more justification for supporting a tariff which is unfair to one group in the triangle than there is for supporting one that is unfair to another group in the triangle. The three must be considered, the exporter, the importer, and the local manufacturer.

What is the difference, the spread in the cost? What is fair to the consumer, to give the manufacturer only such tariff as will permit him to exist upon a competitive basis? I was a member of the Democratic platform committee at Houston, and if I remember rightly, that was what the Democratic platform enunciated, that was what the Tariff Commission was set up for, and that is what, in my judgment, we should do as to all of the activities of the United States, whether they be agricultural, industrial, or what not, wherever the tariff is concerned.

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

Mr. TYDINGS. I yield.

Mr. FESS. The only argument I have heard supporting the pending amendment which has had any effect upon me at all is the statement that the particular kind of hat that is being brought into the United States called the chip hat is not produced here.

Mr. TYDINGS. I am glad the Senator mentioned that.

Mr. FESS. That is the only element in the argument which has any effect on my mind at all.

Mr. TYDINGS. Let me refresh the Senator's memory as to just what the President's proclamation contained in the way of increased tariff.

The presidential proclamation provided for an increase on straw hats. All those hats were grouped in one clause, but when it came to the importation of chip hats, which everyone thought were included in the presidential proclamation, the Court of Customs Appeals, I think it was, rendered a decision that chip hats were not made of straw but of wood chips, and that therefore the increase through the presidential proclamation did not apply to chip hats but applied only to straw hats, because that particular wording was used. Therefore the importation of chip hats because the tariff did not cover that class of hats as it did the straw hats, commenced immediately on a very large scale. Does that in part answer the Senator's question?

Mr. FESS. No; I had those facts in mind as the Senator has stated them, but that does not reach the idea that we are trying to keep out a cheaper hat because it interferes with production here. The argument is not conclusive at all with me, but it has some effect. On the other hand, if the Senator will permit me further——

Mr. TYDINGS. I yield.

Mr. FESS. Where a hat costs in cheap labor 30 cents, and then, by some one taking advantage of the market, is selling at $1.98, something ought to be done to correct that situation. My sympathies are very largely in opposition to this amendment, but the only question which it seems to me ought be given some consideration is whether we would go to the extent of protecting an article which we are producing, which, while it is in competition with a cheaper article that comes from a foreign country, is not the same article. I think there is some merit in that.

Mr. TYDINGS. Mr. President, there is also this angle which enters into it: For example, the importations of hats of a certain grade bearing a duty of 88 per cent declined 30 per cent, due to a change in style. The Senator from Kentucky yesterday, if I recall aright, pointed out that imports of that particular hat had fallen off, but the Senator from Kentucky evidently did not have these figures before him at the time he made that observation, that the production of that particular style of hat in the United States also declined, not 30 per cent but 60 per cent, because the style had changed. There are so many factors like that which enter into the import records that it is hard to give the Senate a complete and accurate picture of the result of a change in style.

Mr. FESS. I recognize that fact also.

Mr. COPELAND. Mr. President, if the Senator will permit me, I should like to have a little fuller answer made to the Senator from Ohio. It is true that we do not manufacture in this country chip hats, like the one I hold in my hand, but if the Senator or I should buy that particular hat we would think it was a straw hat. While it is not made of the material ordinarily used in the making of what we call straw hats, it compares in use and in style with the hat which is made out of straw in this country. So it competes absolutely with our straw hats. I agree with the Senator that if the tariff proposed were materially to increase the cost of this hat, or the comparable hat, to the American consumer, I could not support the tariff, but we are not asking for a tariff which would exclude these hats but are simply trying to put them into the market at such a price that comparable American-made straw hats might compete with them.

Mr. FESS. Mr. President, if the Senator will yield, I think the Senator from New York made a very significant statement when he said that the purchaser of the chip hat would think he was purchasing a straw hat. The purchaser of a banana would not think he was purchasing an apple, however. The two comparisons are not analogous at all.

Mr. COPELAND. That is correct.

Mr. TYDINGS. Mr. President, let me say this: That in 1923 we imported only a million straw hats, and in 1929 we imported 7,000,000 straw hats, an increase of 700 per cent in six years in importations, notwithstanding the fact that part of that time the tariff had been increased by presidential proclamation from 60 per cent to 88 per cent. If anyone thinks that tariff is effective, I wish he would tell me how it is that an increase of 700 per cent in six years can be had in importations with the tariff being raised part of that time. The very importations alone show that these men have not a case of special privilege but a case of justice based upon the importations and the figures of the Tariff Commission.

I talked with one of the oldest members of the Tariff Commission this morning and told him frankly I did not want to vote for this tariff unless it could be justified on the pure, hard cold facts, and I asked him whether, if he had recommended an increase to 88 per cent some time ago, he did not think that was sufficient. He said, "You have asked me a plain question, and I will give you a plain answer. The very fact that since

we increased the tariff the importations have doubled and trebled shows more than anything else that perhaps we did not recommend enough at the start."

Mr. BARKLEY. Mr. President——

Mr. TYDINGS. I asked if I could quote him on the floor of the Senate, and he told me he would rather that I would not mention his name, for the very good reason that if this matter should come before the Tariff Commission, he would be placed in the light of having prejudged it; but he said he felt that the thing was so logical that the Tariff Commission was not necessary; that the facts alone showed that insufficient duties were now placed upon hats.

Mr. BARKLEY. I do not know who the tariff commissioner was to whom the Senator referred——

Mr. TYDINGS. He was one of our party; I will say that.

Mr. BARKLEY. I am wondering whether he is the same tariff commissioner who lobbied around here in favor of the flexible provision of the tariff which the Senate voted out.

Mr. TYDINGS. He would not be different from all the other governmental agencies if he exercised that privilege.

Mr. BARKLEY. That is neither here nor there. I wonder if this commissioner informed the Senator from Maryland that the President's proclamation did not apply to these hats——

Mr. TYDINGS. Chip hats.

Mr. BARKLEY. That is, hats the importations of which have been increased; and that, of course, the President's proclamation increasing the rate from 60 to 88 per cent could have had no effect upon these very hats about which the Senator is talking, and as to which he says the rates were not increased enough, when as a matter of fact there was no increase at all on them.

Mr. TYDINGS. Yes; he stated that to me and I have also stated in the Senate just a moment ago that the chip hat does not come in under the presidential proclamation and, therefore, it not having any barrier at all put upon it, that hat is coming in by increasing numbers.

Mr. BARKLEY. The Senator realizes that if the increase from 60 per cent to 88 per cent, which is an increase of almost 50 per cent in tariff rates, is applied to chip hats, that instead of an increase there would in all probability have been a decrease.

Mr. TYDINGS. I do not admit there would be a decrease, but I do admit the importations would not have been as great, in all probability.

Mr. BARKLEY. The amendment now pending, which I have offered, is an amendment to make the 88 per cent applicable to chip hats as it is to all other hats.

Mr. TYDINGS. I understand that.

Mr. BARKLEY. So the Senator can not parallel the situation.

Mr. TYDINGS. I am not talking about chip hats alone. I am talking about all hats.

Mr. BARKLEY. I understand; but if the 88 per cent had applied to chip hats, some of which are now coming in at 50 per cent per dozen and others at 60 per cent, I think the Senator would have found an entirely different situation.

Mr. TYDINGS. For instance, in the matter of woven hats, in 1928 we imported 500,000 and in 1929 we imported 1,600,000. What about that? It is an increase of over 200 per cent in a year. What has the Senator from Kentucky to say about that?

Mr. BARKLEY. The Senator is referring to 1929?

Mr. TYDINGS. Yes.

Mr. BARKLEY. I am referring to the fact that after consideration of the tariff bill was begun in the early part of 1929 and it having carried an increase of $4 per dozen and 50 to 60 per cent ad valorem, those who were engaged in importing hats into this country have taken advantage of the situation to import them before the tariff goes into effect so they might escape the payment of the duty, which is just the thing that has happened in all other lines of business under similar circumstances.

Mr. TYDINGS. I want to be fair to the Senator. I think there is a great deal in his statement. I think there is no doubt that importers have bought hats in anticipation of the raise in tariff. But I think the Senator also ought to be fair enough to admit, because certainly the thing is largely one of speculation, that while the increase is so great, being nearly 300 per cent, those figures represent not only people who were buying hats to evade an increase in the tariff but perhaps represent a larger market in the United States as well as a desire to escape payment of an increase in the tariff.

Mr. BARKLEY. Mr. President, will the Senator yield long enough to enable me to quote some figures about the importations in 1929?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Maryland yield to the Senator from Kentucky for that purpose?

Mr. TYDINGS. Yes; I yield.

Mr. BARKLEY. I have here a table that is included in the testimony of Mr. Wolf.

Mr. TYDINGS. Who is Mr. Wolf?

Mr. BARKLEY. He represents the Hat Institute. He testified in behalf of an increase in the tariff, representing the hat manufacturers, and comes from the city of Baltimore in the Senator's own State. In the table which he submitted, appearing on page 77 of the hearings before the Senate Finance Committee, which were held in the latter part of the past summer, he divides the importations into groups according to the rates of tariff. In January, 1928, hats coming in at 88 per cent, under the President's proclamation, sewed straw hats, were a little over 168,000. They fluctuated during February, March, April, and May of 1928 as follows: In February there were 123,000; in March there were 193,000; in April there were 197,000; and in May there were 161,000.

In 1929 in the same months they fluctuated as follows; 56,000 in January; 94,000 in February; 208,000 in March; 205,000 in April; and 194,000 in May. The total for the first five months of 1928 was 844,000, and the total for the corresponding months in 1929 was 752,000.

In the other group bearing 60 per cent rate, which I am proposing to increase to 88 per cent, in January, 1928, the imports were 154,000; in February 273,000; in March 253,000; in April 235,000; and in May 148,000. In 1929 these hats came in for the first five months' period as follows: In January 443,000; in February 439,000; in March 665,000; in April 556,000; and in May 472,000.

That is proof of the fact that immediately upon the taking up of the tariff bill placing this embargo of $4 per dozen and 60 per cent ad valorem on the cheaper hats, they began to increase their importations apparently to avoid payment of the increased tariff.

Mr. TYDINGS. Let me give the Senator a picture which will help him to understand the effect of the increase. In the first place, let me read the production: 39,000 in 1924, 33,000 in 1925, 34,000 in 1926, 31,000 in 1927, 24,000 in 1928, and 23,000 in 1929; so as the domestic concern stopped making hats because they could not compete, naturally the demand had to be supplied and it was supplied from the outside.

May I also call to the Senator's attention the fact that many hat manufacturers have gone out of business in the United States in the last 20 or 30 years because some of them could not make ends meet. One of the oldest concerns in the country, with whose income-tax returns for the last five years I think I am reasonably familiar, have been "in the red" all five years and have not paid a cent of dividends to their stockholders. I think that fact alone shows that these people are not coming here with their coffers swollen with unfair profits, they are not coming here rolling in wealth and asking for additional money, but they are coming to the Congress of the United States showing their income-tax returns, showing their decrease in production, showing the increase in imports, and asking that we treat them like we would treat tobacco, or whatever the other commodity may be, furniture or steel or what not, and that they be not made an exception to the rule.

Mr. BARKLEY. If the Senator thinks that straw hats ought to be treated like tobacco, I will say in reply that straw hats then would pay about one-eighth of the revenue of the United States Government. I am quite sure he does not mean to indicate that he would like to see that done. The decline in the production of the one concern, the name of which I do not know nor its location, began before anybody ever invented the chip hat and before a single one had been imported into the United States. There may be other domestic conditions which contribute to the decline of the straw-hat industry, just as they have to the decline of the embroidery industry. There is no manufacturer of embroidered goods in the United States who is not now in a distressed condition, not because of imports but because of change of styles. Many of them have sought to go into other lines of business in order to make up for their losses and have brought about depression in that business by overdevelopment and overproduction. The straw-hat situation is not so desperate that the importation of a few million cheap hats which are worn on the farms of the United States, such as the hat which has been exhibited here, would seriously affect it.

Mr. TYDINGS. I take issue with the statement that these hats are largely worn on the farm. It is my observation that as a general rule the farmer does not wear the kind of straw

hats we are discussing one-tenth as much as does the average man who works in the city.

Mr. BARKLEY. Then, if the workers in the city wear ten times as many of these cheap hats as are worn on the farm, it makes the case just that much worse. I think the wearers of straw hats in the cities are entitled to some consideration.

Mr. TYDINGS. I am trying to keep him earning bread and butter and a little bit more so he can buy a straw hat.

Mr. BARKLEY. Will the Senator give us the number of men engaged in Baltimore in the making of straw hats?

Mr. TYDINGS. Previously we had between 1,200 and 1,500, but lately we only have between 300 and 400.

Mr. BARKLEY. How does that number compare with the number of men and women in the city of Baltimore and the State of Maryland who wear straw hats?

Mr. TYDINGS. I never believe in discussing the tariff on the ground that it applies to 10 people in one case and 250,000 in another case and simply giving the big group of people everything they want and leaving the little group out. I think that it is just as much our duty to take care of the man who is the one industry in the United States as it is to take care of the biggest trust in the Nation. For my part I would rather help the struggling little man who is not in some big combination than I would to vote a tariff pell-mell to the large concerns which can get along through interlocking means.

Mr. BARKLEY. I am not talking about protecting the large groups, but I am talking about protecting the great masses of American people against the most outrageous effort to increase the tariff as it has been proposed by the Senate Finance Committee. I am willing to concede that I may in my enthusiasm be a little too anxious to render some service to the consumer, but I can not conceive, in the entire tariff bill which we have been considering here for months, of a more indefensible and a more outrageous increase on any article than the increase brought in here by the Senate Finance Committee on these straw hats. I certainly hope the Senator from Maryland does not advocate the rates proposed by the Senate Finance Committee.

Mr. TYDINGS. No one appreciates more than I do the Senator from Kentucky. I admire him. I think I voted with him about 99.44 per cent of the time to keep the consumer from being exploited, and I have done that even as it affects industries in my own State who have come here and appealed to me for support; but just because the people in the industry I have mentioned to-day, on the matter of imports, on the findings of the Tariff Commission, on the President's pronouncement, and upon the findings of the Court of Claims, are entitled to more tariff than they have been receiving, I am not just simply going to vote "low" regardless of the facts that enter into the situation.

Mr. BARKLEY. Mr. President——

Mr. TYDINGS. I do not want to prolong the debate. The Senator has already covered 90 per cent of the things he is now mentioning the second time. I did not interrupt him at the time he spoke, and I hope he will let me finish my argument.

Mr. BARKLEY. I realize that the Senator did not interrupt me, but perhaps the Senator was not listening to my remarks.

Mr. TYDINGS. Oh, yes; I was.

Mr. BARKLEY. Not that he would not have interrupted me if he had been listening. In view of the fact that on four votes yesterday the Senator from Maryland voted for the amendments which I offered which reduced the tariff below what I am undertaking to do now, I am frankly disappointed that overnight the Senator finds himself in the position, on account of a little hat industry in the city of Baltimore, of retracing his steps and reversing his opinion and running to cover because he has received information, as he said, from one little factory in the city of Baltimore which, if he is going to stand by that one factory making hats in Baltimore, necessarily will array him against all the rest of the people in Baltimore and Maryland who wear hats.

Mr. TYDINGS. I thank the Senator for the very beautiful dressing down which he has given to me in my time. It is a nice thing to pass a tariff bill in an atmosphere of that kind, is it not? Here we are sitting as judicial men, hearing facts pro and con on the case, and we are talking about protecting the city workers and protecting the farm workers instead of considering the naked, cold evidence that should enter into the fixing of a fair tariff.

I am seeking to prove—not by appealing to groups or clans or cliques of people but by imports, by cost prices, by decline in the number of factories, by decline in production, by the lack of dividends, by the decline in capital and surplus of some of these concerns—that actually they are not able to continue their business. If that is not a fair way to get at it, then I do not know how. I am not berating the Senator from Kentucky——

Mr. BARKLEY. I appreciate that.

Mr. TYDINGS. I concede to him his view, but I do not concede that he knows all about this thing that there is to be known.

Mr. BARKLEY. Either the Senator did not know anything yesterday about it or he does not know anything about it to-day. For the sake of the Senator's record, it is unfortunate that he did not receive the information from the manufacturers of straw hats in Baltimore day before yesterday instead of after the votes on yesterday.

Mr. TYDINGS. It is unfortunate, and, of course, the Senator from Kentucky, by his own explanation, puts himself in the category in which he endeavors to put me, because he started at the bottom of the ladder and has offered amendments which have led him up and up until now he is up where I am. So if I went back on what I said yesterday——

Mr. BARKLEY. I am afraid the Senator has gone above me.

Mr. TYDINGS. If the Senator wants to make a speech in my time, I will sit down and let the Senator take the floor and turn loose his torrents of abuse upon me. I have not questioned the Senator's motives. Does the Senator mean to question mine?

Mr. BARKLEY. Not at all.

Mr. TYDINGS. Does the Senator think I am arguing for what I believe is not fair and just in this case?

Mr. BARKLEY. I think the Senator is arguing to-day for what he thinks to-day is fair to-day, but yesterday he took an entirely different view, and it is unfortunate, so far as his record goes, that he was not in contact day before yesterday with the manufacturers of straw hats in Baltimore.

Mr. TYDINGS. The Senator has said that four times, but if he would like to say it another time, I will yield to him so as to make sure that everybody will have heard it.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield to me?

Mr. COPELAND. Mr. President——

Mr. TYDINGS. No; not until I have cleared up the point which has been raised. There are 21,000 items in the tariff bill. If there is any Senator on this floor who can learn the ramifications of 21,000 different industries and carry them around in his head and be ready to vote every time the roll is called, he ought to be in the Smithsonian Institution; he does not belong in this body.

As to my votes on the amendments of the Senator from Kentucky yesterday, I will say that I stated to the Senator from Massachusetts that I voted for the amendments of the Senator from Kentucky with a great deal of misgiving; that I had not had a chance to go into the matter as thoroughly as I should have liked; but after having gone into it, and until I could be convinced that the hat manufacturers were entitled to more tariff than was provided in the old law, I intended to stay with the Senator from Kentucky.

Mr. BARKLEY. Mr. President, will the Senator yield there?

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

Mr. TYDINGS. No; I will not yield any more, because we are getting nowhere; we are not discussing what should be discussed, namely, what are the facts entering into the consideration of a tariff on straw hats. If the Senator, however, wants to interrupt me for that purpose, I will yield, but if it is to say that such a thing happened yesterday and such a thing will happen to-morrow, it will have nothing to do with the case at all.

Mr. BARKLEY. I want to refer only to the Senator from Massachusetts, whom the Senator from Maryland mentioned.

Mr. TYDINGS. Very well; I yield.

Mr. BARKLEY. On yesterday the Senator from Massachusetts voted against the amendments which I offered, because they reduced the tariff below the rates of the present law. He is in harmony with the amendment which I have now offered, because it preserves the present rate, and I was hoping that the Senator from Maryland, in spite of his conversion since yesterday, would take the same attitude.

Mr. TYDINGS. I will say to the Senator from Kentucky that I do sometimes change my mind. I think that is a virtue rather than a vice, particularly when I think I am wrong, as I think I was in this instance, and I make no apology for it.

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

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

Mr. TYDINGS. I yield.

Mr. COPELAND. I think the Senator from Maryland is to be commended. He has said that there are 21,000 items in this

bill, and that it is impossible for any one Senator to be definitely informed as to all of them. Undoubtedly yesterday the earnest way in which the Senator from Kentucky presented the amendment might have made it appear that he was right; but, of course, I knew all the time that he was wrong. However, anybody who will study the problem as the Senator from Maryland now has studied it, will reach exactly the same conclusion which he has reached. He is entirely right, it is a very manly and statesmanlike action which he has taken, and I congratulate him upon it.

Mr. BARKLEY. Mr. President, will the Senator from New York make the same commendatory remark as to the Senator from Massachusetts?

The PRESIDING OFFICER. The Chair must insist that the Senate be in order and that Senators secure recognition of the Chair before interrupting.

Mr. TYDINGS. Mr. President, if I may appeal to the Chair, may I say that this is the Senate of the United States acting on a matter which involves a tax on 120,000,000 people, and so long as I have the floor I shall be glad to yield to any Senator who has anything to offer to the subject under discussion; but, as for going into such questions as to why one Senator does this or why another Senator does that, and discussing subjects that have nothing to do with evidence presented, and which are irrelevant to the question before us, I must decline to yield.

The PRESIDING OFFICER. The Senator from Maryland declines to yield further.

Mr. COPELAND. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. The Senator from Maryland has declined to yield.

Mr. TYDINGS. I will yield for a question.

Mr. COPELAND. I feel that the Senator did not quite understand the question put to him by the Senator from Kentucky. The pending amendment offered by the Senator from Kentucky would not help the hat industry a particle—not in the least—and I doubt exceedingly if the President had placed an 88 per cent duty on the chip hat that it would have made any difference to the industry, because such hats will be imported in increasing quantity from year to year, and the straw hat industry badly off as it is now, will be utterly destroyed if the Senator from Kentucky has his way.

Mr. TYDINGS. Mr. President, I am glad that I can say honestly—and the RECORD will support the statement—that there was one industry in my State, employing 20,000 people, as to which when the question of a tariff rate affecting that industry was before the Senate I voted to reduce the tariff, and the next day I voted to put a tariff on an ingredient which that industry had to use and which it had to buy. So I think that, while I may be questioned on some things, that record is so apparent as an evidence on my part of trying to be fair that no other explanation, if one were needed at all, need be offered.

What are the hard, cold offerings of evidence in this case—not considerations springing from prejudice, not from a desire to say, "I am going to take care of the consumer," without any regard to whether or not the tariff is high or low or fair, not springing from a desire to return campaign funds to some concern which may have contributed to one or the other of the political parties, not something presented by a lobby, but facts like these: That in the year 1923, 1,000,000 straw hats came into America, while in the year 1929, 7,000,000 straw hats came into America—an increase in importations of 600 per cent in seven years, and an increase of 300 per cent during the last year.

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

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Connecticut?

Mr. TYDINGS. I yield.

Mr. BINGHAM. Does the Senator not think that an additional reason why the facts which he has given are striking is that a great many people in the summer time have taken to not wearing straw hats at all? That fact has been brought out as a reason why we should not put a duty on hats.

Mr. TYDINGS. There may be something in the contention.

Mr. BINGHAM. I understand that there are fewer straw hats worn in the United States than there were six or seven years ago.

Mr. TYDINGS. I think the Senator is accurate in that statement. Although it may be a matter of pure speculation, so far as I am able to observe, I believe some of the younger people do go bareheaded whereas formerly they used to wear hats.

Mr. BARKLEY. Mr. President——

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

Mr. TYDINGS. I yield.

Mr. BARKLEY. Following that logic, I suppose if we can not make the American people wear more straw hats we ought to raise the price of such hats.

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Connecticut?

Mr. TYDINGS. Let me ask these questions: Is there a Senator on the floor who will challenge the statement that imports of straw hats have increased? Is there a Senator who will challenge the statement that they have increased 600 per cent in seven years? Is there a Senator who will challenge the statement that the importations of woven hats have increased during the first 11 months of 1929 200 per cent—from 500,000 to 1,500,000? Is there a Senator who will challenge the statement that the importations of sewed hats jumped from 2,800,000 in 1928 to 7,000,000 in 1929? Is there a Senator who will challenge the statement that the straw-hat factories are going out of business? Is there a Senator who will challenge the statement that the production of such has is falling off? Is there a Senator who will challenge the statement that the Tariff Commission findings as submitted to the President showed conclusively that the hat manufacturers were entitled to a higher tariff rate in order to equalize the difference between the cost of production at home and abroad, on the basis of which report the President took action in this matter?

I am here to say that one of the oldest concerns in this country, and one of the most reputable, according to their income-tax returns have been "in the red" for the last five years; they have not paid a dividend, and not only that—and I have the figures—from the reserve and surplus which they set aside for a rainy day I am here to say that during every one of the last five years they have had to draw in order to keep their industry going. They have not only not been making money but they have been drawing on their reserve in order to keep the business going.

I am here to prove—and nobody will challenge the statement—that the number of straw hats being manufactured in America is declining. Does that mean anything? Shall we say, then, the tariff in the existing law is fair in the light of those facts? Shall we say that the hat manufacturers have no case here? Shall we say that it is a question of special privilege? Shall we not say that they have presented a case which, according to the report of the Tariff Commission, the child of a Democratic President, in the situation which we now have before us should be taken care of? Shall we not say, "Let us carry out the theory, the spirit, the letter, and the purpose for which the Tariff Commission was instituted, and give this industry not a protective tariff, not a tariff for revenue, but a tariff which will permit it to compete"?

No Senator on either side favors wiping out all tariff rates. I never heard a Democrat or a Republican or a Progressive in my life, in a public statement, at least, say that he was in favor of wiping out the whole tariff law. The last national conventions of both political parties went on record for that degree of tariff which would be fair to the American consumer and the American producer and which would have for its basis the equalization of costs at home and abroad.

Mr. BARKLEY. Mr. President, will the Senator yield to me there?

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

Mr. TYDINGS. Yes; I yield.

Mr. BARKLEY. Does the Senator think that a rate of 88 per cent ad valorem is in the direction of wiping out the tariff?

Mr. TYDINGS. I regret very much that the Senator, if he believes a tariff rate of 88 per cent ad valorem is a fair rate, did not offer such a rate yesterday instead of reaching it by limping four separate steps from 60 per cent all the way up to 88 per cent. If he had done so he would have saved time, and we would probably have had it in the bill now and been discussing something else.

Mr. BARKLEY. I am glad to be able to repeat that the Senator from Maryland was limping along with me on yesterday.

Mr. TYDINGS. Yes, I was, with a great deal of misgivings; but, thank God, I can walk for myself now. [Laughter.]

Mr. President, the artfulness of the importers, whose names I have here, is apparent, and the attorney who adroitly presents their case and from whose brief the Senator from Kentucky has frequently quoted figures, is that great free trader Mr. Bascom Slemp.

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

Mr. TYDINGS. Every Senator here knows that certainly Mr. Slemp would not have been for these low duties if it had not been for the fact that protection was not necessary.

Mr. BARKLEY. Will the Senator yield there?

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

Mr. TYDINGS. I yield.

Mr. BARKLEY. Will the Senator tell me from what organization he quoted the figures which he gave us earlier in his remarks?

Mr. TYDINGS. Yes; I will be glad to do so. First, I will take up the matter of the income taxes. I do not want to mention the name of the concern publicly on the floor, but I will be glad to tell the Senator the name in private. I should like to say, however, that in 1924 the concern referred to had a capital of over a million dollars, but, according to their return, that decreased every year until now it has been cut down considerably. I should also like to show the Senator its income-tax returns to demonstrate that the concern referred to did not make any money during five years, and that during those five years they not only did not make money but drew on their reserve in order to keep the industry going, and that, too, while an 88 per cent tariff was in part levied on these hats. I think that information ought to be of some value in this discussion. The men interested in the concern which I have in mind have not been making money; they have been losing money; and they are one of the oldest concerns in this country, and also one of the most reputable.

Mr. BARKLEY. Mr. President, will the Senator yield just there?

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

Mr. TYDINGS. I yield.

Mr. BARKLEY. The fact that Mr. Bascom Slemp, a former Representative from Virginia, may be the attorney for some of those who appeared before the Senate Finance Committee and the House committee, it seems to me, has no bearing on this question. A part of the figures which I quoted yesterday were taken from the hearings before the Senate committee presented by those interested in presenting the present rates, and a part of the figures which I gave yesterday were taken from the Tariff Commission's own report and from information I received from tariff experts.

Mr. TYDINGS. That is what I am quoting—from the figures as to imports and exports and from the Tariff Commission's own report.

Let me show you the adroitness of Mr. Slemp, who was perfectly within his rights in drawing this petition. No doubt he got a handsome fee from the importers for doing it. The law is a perfectly honorable profession; and we all know that almost any lawyer can write a mighty good brief on either side of any question. But listen to the adroitness of Mr. Slemp in his concluding paragraph:

> Mr. Moses presents a distressing picture of the poverty-stricken business; but, had he been questioned regarding his own company, it would have developed that the company is rated at over $1,000,000 in R. G. Dun Credit Agency, has the highest credit standing, and has been uniformly successful for over 50 years.

That is a great way to consider whether a tariff should be put on or taken off any commodity! He does not say how much they made. He says they have a capital of $1,000,000. What of it? That is the type of argument that is used to sway the minds of Senators in the consideration of this question!

Mr. President, I am going to conclude with a brief summary of what I have tried to bring out.

First of all, I have shown that the number of hats manufactured in America is decreasing each year. I have shown that the importations have increased by leaps and bounds. I have shown that some of these concerns are losing money, and have lost money consistently for the past five years. By the imports alone, the fact that we can not compete is proven.

I therefore shall rest my case with the Senate, and ask for this industry, not a protective tariff but a rate which will permit them to compete with their foreign competitors. If the present rate remains in the bill, in my judgment, and from what research I have been able to make, I feel that these concerns will shortly have to go out of business. Many of them have gone out of business in the past 10 years; and it is the last guard of the industry that comes here and asks you for a hearing.

Mr. BINGHAM. Mr. President, I am very sorry that there were not more Senators here to listen to the very interesting and illuminating speech of the Seantor from Maryland [Mr. TYDINGS].

As is well known, the Senator from Maryland has frequently shown his devotion to the lower-tariff side of the argument, even when it has been against the interest of people in his own State. However, in the particular matter now before us, straw hats, he has brought out in a very graphic manner the conditions prevailing in the industry and the reasons why he proposes, after having had the opportunity of looking into it, to change the stand which he took yesterday into a stand in favor of the committee rates, particularly as they concern the straw-hat industry. He brought out some extremely striking figures showing the enormous increase of imports of straw hats from abroad during the past few years. The general opinion prevails that, owing to the fashion of our young men in not wearing hats in the summer time, the straw-hat business has suffered accordingly; and that the fact that the straw-hat manufacturers are not doing so well to-day as they did six or seven years ago is due to a change in this fashion. But if the importers did not find a ready market for these hats, this enormous increase in imports certainly would not have taken place.

I desire merely to call attention to the fact that in 1914, 94 per cent of the American consumption of straw hats was furnished by American manufacturers. By 1927 this had fallen to 60 per cent; by 1928 to 50 per cent; and by 1929 the prediction is that the figures will show that it has fallen to 40 per cent. Those figures have nothing whatever to do with any change in styles or with any change in the number of straw hats worn. Those figures show the proportion of straw hats consumed in the United States that are manufactured in the United States; and they reflect the enormous increase in imports under the prevailing tariff, and the necessity for a great increase in the duty if our hat manufacturers are to continue in business and the men and women employed in the hat factories are to find employment.

This industry is 60 years old. It developed and originated many of the straw-hat styles, particularly for men. The foreign wages are said to be—and the statement is not contradicted—about 14 cents per hour, or about $6.72 per week, as against a domestic regulation wage of about $1 per hour for straw-hat makers in this country. The difference between $1 an hour and 14 cents an hour accounts for the need for this tariff, which has been attacked by the speakers on the other side, particularly by the Senator from Kentucky [Mr. BARKLEY], as being absolutely indefensible.

In 1914 there were 9,400 people employed in the straw-hat industry, as against only 3,240 in 1928.

The importation of straw hats has been going on and increasing steadily, as the Senator from Maryland pointed out; but one of the things which I do not believe he called attention to was the very striking fact that there appeared before the Ways and Means Committee, when they were holding hearings on this subject, 23 concerns. Twenty-three concerns signed the brief of the domestic manufacturers praying for relief. By the time the same group had an opportunity of appearing before the Senate Finance Committee, 7 of those 23 concerns had been forced out of business.

In view of those facts, it seems to me that anyone who believes in the position taken by both great parties in the last campaign, as pointed out by the Senator from Maryland, ought to be willing to vote for a very great increase in this duty on straw hats, unless he is willing to see this industry go by the board.

As is said in a letter received to-day from Mr. Matthew Woll, president of the American Wage Earners' Protective Conference—

> Both major political parties in their platform declarations and the leading proponents of both parties in their appeal to the workers for public office declared for, and pledged themselves to conserve our Nation's best interests and to protect, amply and fully, not alone American industry, but especially America's wage earners.

In another paragraph in the letter he calls particular attention to the declarations and pronouncements of the past campaign, which he finds it difficult to reconcile with the lack of adequate protection accorded to American wage earners engaged in certain industries; and among four or five such industries he mentions the hat industry.

Mr. Woll says:

> It is hard to understand why such opposition is manifested to adequate tariff rates when, as a matter of fact, European and Asiatic nations and their industries are accorded by the Congress the full opportunity of determining and manipulating values upon which tariff rates are to be applied.

Mr. President, in view of the very low cost of production abroad, an ad valorem duty on hats is believed by the manufacturers and by the experts to be insufficient; and that is why the committee has approved of the House proposal for a specific duty.

I ask that this letter from Mr. Woll may be printed in the RECORD following my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. (See Exhibit A.)

Mr. BINGHAM. Mr. President, the Senator from Kentucky [Mr. BARKLEY] has had a great deal to say about the consumer. We have heard over and over again how the consumers are not represented, and that the reason for not increasing the duties was so that the consumers could get things for less money.

It is so obvious that the great mass of consumers in this country, those who buy goods at the stores, are themselves producers, that it goes without saying that unless the producers earn a living wage, earn the wages which they are accustomed to earning, and can find employment in the factories, they will cease to be consumers, no matter how cheap the product is made. That is such a truism that I almost hesitate to call attention to it; but over and over again the plea is made on behalf of the great mass of consumers that they should be protected.

I believe that the protective tariff does protect the consumer, because it enables the great mass of producers to have a wage whereby they can become consumers. If the consumers were to be protected by taking off the tariff and making everything as cheap as possible, then we should have the old-fashioned Democratic doctrine of free trade, or a tariff for revenue only; and the consumers, instead of being American consumers, buying a large amount of merchandise, would find themselves in the position of not having any money wherewith to buy that which they would like to consume.

It is because those engaged in the hat industry have made such an excellent case, it is because they have been able to show the tremendous increase in imports and the tremendous decrease in the proportion which the American hat manufacturer has been able to secure of the domestic market, it is because of the tremendous decrease in the number of persons employed in the hat industry during the past few years, that I hope very much that the amendment offered by the Senator from Kentucky will not prevail.

EXHIBIT A

AMERICA'S WAGE EARNERS' PROTECTIVE CONFERENCE,
Washington, January 29, 1930.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

HONORABLE SIR: American labor views with great alarm and much apprehension the failure of the Senate to provide ample and full protection against foreign competition and the invasion of our home market by foreign commodities made under, in many instances, intolerable conditions of employment.

With the ever-increasing number of unemployed, from our bitter experience, we know the plight of America's wage earners will become frightful if the efforts to tear down the protective wall of American industry and labor is permitted to find sanction and approval by our American Congress. We question what good it will serve American labor to have restricted the immigration of foreign workers if, at the same time, the doors are thrown open to the free importations of products and commodities produced abroad.

We understand well the influences at work which would enrich themselves through the impoverishment of the American workers and of those unconcerned in our national well-being because of the character of their investments, activities, and alliances.

It does seem strange that at a time when many European nations are erecting barriers against foreign industrial and commercial invasion, especially designed against America, our Government should even countenance the thought of inviting all of Europe and Asia, with their low wage and forced labor conditions, to swoop down upon our industrial prosperity and wreck our future industrial progress, destroying all hope of our people for a better and fuller life.

We are not unmindful of the growing tendency of American capitalists to use American surplus wealth, created by American labor and American agriculturists, for foreign-capital investments. We can not view the rapidly increasing international industrial agreements and combinations and the growing development of American industrial capital development abroad without the clear knowledge of the evil consequences to the social and industrial opportunities of our country and its great mass of workers, whether employed in industrial or agricultural development.

Last, but not least, we view with great concern the activities of the foreign legations in this country and the subtle efforts and influences being manifested at Washington and elsewhere by foreign industrial and commercial representatives to enable foreign industries to enter the American market. We are alarmed by this subsidized foreign competition to undermine the very industrial structure of our land and thus threaten the future security of our people, envied by almost every other nation of the world. Need we point to the many manifestations of this struggle for the American market by citing the conflict between foreign American financed industries against purely American interests in the sugar, automobile, chemical, and many other industries?

Shall our National Congress respond to the national incentive and emergencies or shall its action be in the interest of internationalism, regardless of home consequences?

Both major political parties in their platform declarations and the leading proponents of both parties in their appeal to the workers for public office declared for, and pledged themselves to conserve, our Nation's best interests, and to protect, amply and fully, not alone American industry but especially America's wage earners.

Labor accepted these pledges, but are they so soon to become mere scraps of paper, or were they intended to represent the mature and firm convictions of America's legislators?

It is difficult to reconcile some legislative decisions, as contained in the pending tariff bill, with the declarations and pronouncements of the past campaign when we view the lack of adequate protection accorded to those American wage earners engaged in the pottery, glass, shoe, hat, marble, printing, and many other industries. It is hard to understand why such opposition is manifested to adequate tariff rates when, as a matter of fact, European and Asiatic nations and their industries are accorded by the Congress the full opportunity of determining and manipulating values upon which tariff rates are to be applied.

America's wage earners are no longer content with alluring phrases, of self-acclaimed avowals of friendship toward labor. The eloquent appeal in behalf of the farmers and the guarded opposition to protection to American industries no longer blinds the intelligent workers and will not long confuse the farmers.

Our appeal to you is to give full and adequate protection to America's wage earners and to hold secure America's industrial future.

We are fearful that under the guise of seeking to rectify some wrongs the whole American industrial order shall be undermined, unemployment be increased, the incomes of wage earners and farmers be decreased, and the American standards of life and living be jeopardized.

Without disparagement of the claims of America's agriculturists for full and adequate tariff protection in and against the competition of foreign agriculturists, the American wage earners, for whom I am authorized to speak, do impress upon you the urgent necessity of protecting America's wage earners in and against foreign competition by adequate tariff rates.

American labor will have the opportunity within a short time of registering their approval or disapproval of this tariff legislation. We sincerely trust that the bill, as enacted, will permit of the approval of the workers of the legislation finally enacted.

American labor feels it is as much entitled to favorable consideration as is agriculture or finance, and with the greater number affected than all others, we trust that you will assist in the passage of a bill which labor can support.

Sincerely yours,

MATTHEW WOLL, *President.*

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. President, on account of the fact that several Senators who want to be here to vote are absent in conference, I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Gillett	La Follette	Smith
Barkley	Glass	McKellar	Smoot
Bingham	Glenn	McMaster	Steck
Black	Goff	McNary	Steiwer
Blaine	Goldsborough	Metcalf	Sullivan
Blease	Gould	Moses	Swanson
Borah	Greene	Norbeck	Thomas, Idaho
Bratton	Grundy	Norris	Thomas, Okla.
Brookhart	Hale	Nye	Townsend
Broussard	Harris	Oddie	Trammell
Capper	Harrison	Overman	Tydings
Caraway	Hastings	Patterson	Vandenberg
Connally	Hatfield	Phipps	Wagner
Copeland	Hawes	Ransdell	Walcott
Couzens	Hebert	Robinson, Ind.	Walsh, Mass.
Cutting	Heflin	Robsion, Ky.	Walsh, Mont.
Deneen	Howell	Schall	Watson
Dill	Johnson	Sheppard	Wheeler
Fess	Jones	Shipstead	
Fletcher	Kean	Shortridge	
George	Keyes	Simmons	

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY].

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

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when Mr. BROCK's name was called). The junior Senator from Tennessee [Mr. BROCK] is unavoidably absent. He is paired with the junior Senator from Kansas [Mr. ALLEN]. I want this announcement to stand for the day. If present, my colleague would vote "yea" on this question.

Mr. GLENN (when his name was called). I have a pair with the junior Senator from Arizona [Mr. HAYDEN], which I transfer to the junior Senator from Vermont [Mr. DALE], and vote "nay."

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. I transfer that pair to the junior Senator from New Jersey [Mr. BAIRD] and vote "nay."

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Ohio [Mr. MCCULLOCH] to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. PHIPPS (when Mr. WATERMAN's name was called). My colleague [Mr. WATERMAN] is unavoidably absent. He has a pair for the day with the junior Senator from Utah [Mr. KING]. If my colleague were present, he would vote "nay."

The roll call was concluded.

Mr. FESS. I desire to announce that the senior Senator from Pennsylvania [Mr. REED] has a general pair with the senior Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 42, nays 38, as follows:

YEAS—42

Ashurst	Couzens	La Follette	Smith
Barkley	Cutting	McKellar	Steck
Black	Dill	McMaster	Swanson
Blaine	Fletcher	Norbeck	Thomas, Okla.
Blease	George	Norris	Trammell
Borah	Glass	Nye	Wagner
Bratton	Harris	Overman	Walsh, Mass.
Brookhart	Harrison	Schall	Walsh, Mont.
Capper	Hawes	Sheppard	Wheeler
Caraway	Heflin	Shipstead	
Connally	Howell	Simmons	

NAYS—38

Bingham	Grundy	Metcalf	Steiwer
Broussard	Hale	Moses	Sullivan
Copeland	Hastings	Oddie	Thomas, Idaho
Deneen	Hatfield	Patterson	Townsend
Fess	Hebert	Phipps	Tydings
Gillett	Johnson	Ransdell	Vandenberg
Glenn	Jones	Robinson, Ind.	Walcott
Goff	Kean	Robsion, Ky.	Watson
Goldsborough	Keyes	Shortridge	
Greene	McNary	Smoot	

NOT VOTING—16

Allen	Frazier	King	Reed
Baird	Gould	McCulloch	Robinson, Ark.
Brock	Hayden	Pine	Stephens
Dale	Kendrick	Pittman	Waterman

So Mr. BARKLEY's amendment was agreed to.

Mr. BARKLEY. Mr. President, in order to carry out in subsection 3 the proper ratio as carried in the amendment just adopted, I move, on page 204, in line 11, to strike out "$4 per dozen and 50" and to insert in lieu thereof "78," which, according to the Tariff Commission, is the proper rate on these straw hats.

Mr. SMOOT. Mr. President, if the Senate desires to vote on this subsection as it voted on the amendment just adopted, 78 per cent is the proper relative percentage based on the vote just taken on subsection 4, as stated by the Senator from Kentucky.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 204, line 11, the Senator from Kentucky proposes to strike out "$4 per dozen and 50" and to insert "78," so as to read:

Blocked or trimmed (whether or not bleached, dyed, colored, or stained), 78 per cent ad valorem.

Mr. BARKLEY. That gives the relatively proper rate on unsewed hats as compared to the 88 per cent on sewed hats.

Mr. COPELAND. Mr. President, will this assure of an Italian monopoly?

Mr. BARKLEY. Oh, I think not.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Kentucky. [Putting the question.] The noes seem to have it.

Mr. HARRISON. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GLENN (when his name was called). Making the same announcement as on the last vote, I vote "nay."

Mr. SIMMONS (when his name was called). Making the same announcement as before with reference to my pair and its transfer to the Senator from Nevada [Mr. PITTMAN], I vote "yea."

Mr. PHIPPS (when Mr. WATERMAN's name was called). Repeating the announcement made on the previous vote, if my colleague were present he would vote "nay" on this question.

The roll call was concluded.

Mr. SHEPPARD. I wish to announce that the junior Senator from Montana [Mr. WHEELER] is absent on official business.

Mr. DALE. I have been paired by transfer of the pair of the Senator from Illinois [Mr. GLENN]. I transfer my pair to the Senator from Maine [Mr. GOULD] and vote "nay."

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

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Utah [Mr. KING]; and

The Senator from Kansas [Mr. ALLEN] with the Senator from Tennessee [Mr. BROCK].

The result was announced—yeas 40, nays 37, as follows:

YEAS—40

Ashurst	Connally	Howell	Shipstead
Barkley	Cutting	La Follette	Simmons
Black	Dill	McKellar	Smith
Blaine	Fletcher	McMaster	Steck
Blease	George	Norbeck	Swanson
Borah	Glass	Norris	Thomas, Okla.
Bratton	Harris	Nye	Trammell
Brookhart	Harrison	Overman	Wagner
Capper	Hawes	Schall	Walsh, Mass.
Caraway	Heflin	Sheppard	Walsh, Mont.

NAYS—37

Bingham	Greene	Metcalf	Sullivan
Broussard	Grundy	Moses	Thomas, Idaho
Copeland	Hastings	Oddie	Townsend
Dale	Hatfield	Patterson	Tydings
Deneen	Hebert	Phipps	Vandenberg
Fess	Johnson	Ransdell	Walcott
Gillett	Jones	Robsion, Ky.	Watson
Glenn	Kean	Shortridge	
Goff	Keyes	Smoot	
Goldsborough	McNary	Steiwer	

NOT VOTING—19

Allen	Gould	McCulloch	Robinson, Ind.
Baird	Hale	Pine	Stephens
Brock	Hayden	Pittman	Waterman
Couzens	Kendrick	Reed	Wheeler
Frazier	King	Robinson, Ark.	

So Mr. BARKLEY's amendment was agreed to.

Mr. BARKLEY. Mr. President, the Senator from Utah [Mr. SMOOT] and I have agreed as a matter of harmony that on page 204, in line 24, and on page 205, in lines 2 and 3, the ad valorem duties there carried ought to be stricken out and 90 per cent ad valorem inserted in lieu of that rate, in view of the rate fixed on rayon. I offer that amendment to the amendment of the committee.

Mr. SMOOT. Mr. President, in conformity with what the Senate has already done, the changes suggested by the Senator from Kentucky ought to be made. The proposed amendment will make the whole paragraph in the right proportion.

The PRESIDING OFFICER (Mr. FESS in the chair). Before that may be done there will have to be a reconsideration of the vote by which the committee amendments were adopted. Without objection, the vote by which the two committee amendments were agreed to, the one in lines 23, 24, and 25, on page 204, and the other in lines 1, 2, and 3, on page 205, will be reconsidered.

Mr. BARKLEY. On page 204, line 24, in the committee amendment, I move to strike out "$4 per dozen and 50" and insert in lieu thereof "90."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 204, line 24, the Senator from Kentucky moves to strike out "$4 per dozen and 50" and insert "90," so as to read:

Blocked or trimmed (whether or not bleached, dyed, colored, or stained), 90 per cent ad valorem.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. BARKLEY. On page 205, lines 2 and 3, in the committee amendment I move to strike out "$4 per dozen and 60" and insert "90."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 205, lines 2 and 3, the Senator from Kentucky moves to strike out "$4 per dozen and 60" and insert "90," so as to read:

If sewed (whether or not blocked, trimmed, bleached, dyed, colored, or stained), 90 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kentucky to the amendment of the committee.

Mr. LA FOLLETTE. I ask for the yeas and nays.

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

Mr. ROBINSON of Indiana (when his name was called). I transfer my pair with the junior Senator from Mississippi [Mr. STEPHENS] to the junior Senator from New Jersey [Mr. BAIRD] and will vote. I vote "nay."

Mr. SIMMONS (when his name was called). Repeating my previous announcement as to my pair and its transfer, I vote "yea."

The roll call was concluded.

Mr. GLENN. I transfer my general pair with the junior Senator from Arizona [Mr. HAYDEN] to the junior Senator from Maine [Mr. GOULD] and will vote. I vote "nay."

The result was announced—yeas 43, nays 37, as follows:

YEAS—43

Ashurst	Couzens	La Follette	Simmons
Barkley	Cutting	McKellar	Smith
Black	Dill	McMaster	Steck
Blaine	Fletcher	Norbeck	Swanson
Blease	George	Norris	Thomas, Okla.
Borah	Glass	Nye	Trammell
Bratton	Harris	Overman	Wagner
Brookhart	Harrison	Ransdell	Walsh, Mass.
Capper	Hawes	Schall	Walsh, Mont.
Caraway	Heflin	Sheppard	Wheeler
Connally	Howell	Shipstead	

NAYS—37

Bingham	Greene	McNary	Sullivan
Broussard	Grundy	Metcalf	Thomas, Idaho
Copeland	Hale	Moses	Townsend
Dale	Hastings	Oddie	Tydings
Deneen	Hatfield	Patterson	Vandenberg
Fess	Hebert	Phipps	Walcott
Gillett	Johnson	Robinson, Ind.	Watson
Glenn	Jones	Robsion, Ky.	
Goff	Kean	Shortridge	
Goldsborough	Keyes	Smoot	

NOT VOTING—16

Allen	Gould	McCulloch	Robinson, Ark.
Baird	Hayden	Pine	Steiwer
Brock	Kendrick	Pittman	Stephens
Frazier	King	Reed	Waterman

So Mr. BARKLEY's amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question recurs on the agreeing to the committee amendment as amended.

Mr. WALSH of Massachusetts. Mr. President, before that vote shall be taken I wish to clear up the record in regard to this paragraph which we have been considering, in order to ascertain if I understand just what has been done.

I understand that straw hats if sewed, by the vote of the Senate just taken, will bear hereafter, providing the amendment becomes incorporated in the final draft of the tariff bill, the rate fixed in the presidential proclamation of 88 per cent?

Mr. SMOOT. That is correct.

Mr. WALSH of Massachusetts. And that the so-called chip hat, which has been bearing a rate of 60 per cent, will also bear the same rate as straw hats if sewed, namely, 88 per cent?

Mr. SMOOT. That is correct.

Mr. WALSH of Massachusetts. Referring to subsection 3, I understand that under the present law straw hats, blocked or trimmed, bear a duty of 60 per cent, while under the amendment adopted they will bear a duty of 78 per cent?

Mr. SMOOT. That is correct.

Mr. WALSH of Massachusetts. Reverting to subparagraph (c) and subsection 1 and subsection 2, that subparagraph and the subsections referred to deal with a new type of hat which has not heretofore been classified, a hat which is composed in part of rayon. Where have such hats fallen in the past—in the basket clause?

Mr. SMOOT. The different sections are arranged according to the material of chief value in the hat; they do not fall in any one section; but I suppose most of them fall under the 90 per cent rate in the basket clause.

Mr. WALSH of Massachusetts. It is practically a new hat, and I understand that this classification was made in order to take care of possible imports of a hat made in part from rayon.

Mr. SMOOT. That is correct.

Mr. WALSH of Massachusetts. The rate which we have just voted upon as to hats made wholly or in chief value of any braid containing rayon, blocked or trimmed, is 90 per cent?

Mr. SMOOT. That rate is 90 per cent.

Mr. WALSH of Massachusetts. And on hats made of the same material, if sewed, the rate is 90 per cent?

Mr. SMOOT. Yes; and that is in conformity, as I said before, with the rate in subsection 3, on page 204, covering blocked or trimmed hats, 78 per cent.

Mr. WALSH of Massachusetts. The two latter rates, however, are slight increases?

Mr. SMOOT. They are slight increases, but they are in conformity with the rates upon which we have already voted.

Mr. SIMMONS. The Senator from Massachusetts means "slight increases" over the rates in the present law?

Mr. WALSH of Massachusetts. Yes; over the rates in the present law.

Mr. SIMMONS. But a great decrease from the rates provided by the House and the bill as reported to the Senate?

Mr. WALSH of Massachusetts. Exactly.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee as amended.

The amendment, as amended, was agreed to.

Mr. SMOOT. Mr. President, the next amendment to be considered will be found on page 223, lines 24 and 25, relating to handkerchiefs.

Mr. GEORGE. Mr. President, before we leave section 1505 I should like to make a suggestion to the Senator from Utah.

Mr. SMOOT. Mr. President, I think I know the subject which the Senator is going to bring up. I will talk to the Senator about it; I agree with the suggestion he is going to make, and I will speak to the Senator as to the point where the insertion which he desires should be placed. It is not because I have any objection to it that I ask the Senator to defer his remarks until after action has been taken on the pending paragraph, because I think his suggestion is a very proper one.

Mr. GEORGE. Very well.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In paragraph 1529 (b), page 223, line 24, after the word "composed," it is proposed to insert "valued at not over 60 cents per dozen, 3 cents each and 40 per cent ad valorem; valued at over 60 cents per dozen," so as to read:

(b) Handkerchiefs, wholly or in part of lace, and handkerchiefs embroidered (whether with a plain or fancy initial, monogram, or otherwise, and whether or not the embroidery is on a scalloped edge), tamboured, appliquéd, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including one row of straight hemstitching adjoining the hem; all the foregoing, finished or unfinished, of whatever material composed, valued at not over 60 cents per dozen, 3 cents each and 40 per cent ad valorem; valued at over 60 cents per dozen, 4 cents each and 40 per cent ad valorem.

Mr. BROOKHART. Mr. President——

Mr. BARKLEY. Mr. President, I offer——

The PRESIDENT pro tempore. The Senator from Iowa is recognized.

PROHIBITION ENFORCEMENT

Mr. BROOKHART. Mr. President, I desire to change the subject for a minute or two and to add a little information upon the prohibition subject, which I think ought to be considered at this particular time. It relates to the Century Club, of 7 West Forty-third Street, New York. I have asserted before that one of the great difficulties in enforcing the prohibition law was due to the attitude of high society, and, as I understand, the Century Club is one of the highest social organizations in the country. Here is the information which I desire to present to the Senate at this time. The letter from which I read says:

With all the chaotic conditions now surrounding the enforcement of the Volstead Act, why not inquire something about the special privilege accorded this association, where real gin cocktails are served at the monthly club dinners, usually attended by 100 to 150 members, and then consider the wonderful Fish House rum punch that appeared at the last New Year's Eve celebration?

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

Mr. BROOKHART. I will yield in just a moment.

Mr. BLAINE. I wanted to call the Senator's attention to a provision in the law which I thought might perhaps better enable him to appreciate the situation upon which he is commenting. I believe the Volstead Act prohibits the advertising of intoxicating liquors, but now the Senator is telling everybody where the public may get them. [Laughter.]

Mr. BROOKHART. The Constitution of the United States makes the floor of the Senate privileged; so I am not particularly alarmed at the "nigger shooter" used by the Senator from Wisconsin. [Laughter.]

Mr. President, I think this is important information, if true. It is not all the information I have here, but it is all I am going to disclose to-day. I especially want to call this information to the attention of Mr. George W. Wickersham, the chairman of the President's Law Enforcement Commission, and I hope that at an early day he will be ready to advise us how to stop these violations of the liquor law in the Century Club, at 7 West Forty-third Street, New York.

Mr. BINGHAM. Mr. President, will the Senator tell us who signed the letter?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Connecticut?

Mr. BROOKHART. I yield.

Mr. BINGHAM. Will the Senator give us the source of his information?

Mr. BROOKHART. I will not do so at this time.

Mr. TYDINGS. Mr. President, I have been interested in listening to what the Senator from Iowa has just read. May I say to him, in all good faith, that if he will take a week off and go to any large city in the country and diligently search around he will find a good many places where liquor is sold. In my judgment he can uncover in almost every town conditions which are no different from those mentioned in the letter from which he has just read. In New York, Chicago, Philadelphia, St. Louis, Baltimore, San Francisco, and New Orleans he will find plenty of places, if he is diligent, where he can get all the liquor he wants.

Mr. BROOKHART. I can get all I want right here right now, and that is none. I do not have to go to Chicago or Baltimore. I will call the Senator's attention to this fact: When Chicago had 7,000 open saloons she had 12,000 speak-easies—12,000 of them—paying licenses to the Government of the United States, in violation of the State law.

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

Mr. BROOKHART. I yield the floor.

The PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. TYDINGS. I should like also to call to the Senator's attention the fact that the latest reports show that 813 people died of alcoholism last year. Eight hundred and thirteen people per year is 70 per cent of the highest number of people who died from alcoholism in this country in any year prior to prohibition.

I should like also to call to the Senator's attention the fact that the Government seized a quarter of a million stills last year.

I should like also to call to his attention the fact that the Government seized 27,000,000 gallons of mash last year, and that if we assume that three or four gallons of illicit liquor got out into the market for every gallon seized, the consumption of liquor on that basis would be just the same to-day as it was in the peak year prior to prohibition.

Mr. BROOKHART. Mr. President, the Senator belongs to that crowd of intellectual people who are absolutely crazy on the prohibition question; and he does not realize what a small proportion those figures amount to in comparison with the whole number of 120,000,000 people in the United States.

A few days ago the Senator put into the RECORD the statement that there were 1,360 killings due to prohibition in 10 years. Mr. President, we found out that there are 9,000 murders a year—an expert appeared before our committee and made that statement—and only 1,360 of them in 10 years in the whole United States were due to prohibition! If the Senator would go out and size up this thing, he would find that no other law in the history of the world has ever had such great comparative success as the prohibition law in the United States.

Mr. TYDINGS. Yes; I admit its success, because under it we have eliminated all apparent use of liquor on the outside, and people have all they want on the inside; so both sides are satisfied.

Mr. BROOKHART. Yes; the people in high society have all they want, and they are the ones we are after now. We will soon take care of them, and then this question will be settled.

Mr. TYDINGS. I am sure the Senator means that the 250,000 stills there were seized last year were all seized in the drawing-rooms and the salons of the very exclusive social set of the United States of America.

Mr. COPELAND. Mr. President, I should like to ask the Senator from Iowa what was the name of the club he mentioned?

Mr. BROOKHART. I do not know whether it is one of the clubs that vote for the Senator or not. I believe not. It is the Century Club.

Mr. COPELAND. Does the Senator mean the Century Association?

Mr. BROOKHART. The Century Association.

Mr. COPELAND. Do I understand that the Senator was there and saw liquor consumed?

Mr. BROOKHART. Oh, no; I was not there.

Mr. COPELAND. I wondered how the Senator got in. I could not get in with a pickax.

Mr. BROOKHART. The Senator from New York, of course, is known as a personal dry. He could not get in; but even in New York City the prohibition situation has improved beyond belief. When I was in northern New York last summer——

Mr. COPELAND. Pardon me. What did I understand the Senator to say—that the conditions in New York have improved?

Mr. BROOKHART. Yes; in New York City itself.

Mr. COPELAND. Does the Senator mean the financial conditions?

Mr. BROOKHART. No; the booze conditions.

Mr. COPELAND. Does the Senator say that the booze conditions in New York have improved?

Mr. BROOKHART. Very much. There is not above one-fifth or one-sixth the liquor consumed there that there used to be.

Why, I was in northern New York last year, and the New York policemen going up to Canada and coming back to the United States would flash their stars on the revenue patrol; and whenever they flashed a star the boys searched those policemen, and every time they found booze on them. It is getting so scarce in New York City that even the police go to Canada to buy their booze.

Mr. COPELAND. Mr. President, when any Senator stands on the floor of the Senate and says there is less drinking in New York State and less consumption of liquor than before the prohibition act went into effect, he must be blind and deaf.

With the exception of the small percentage of persons who naturally turn aside from a bad habit in a decade, it is my opinion that every man in New York State who drank liquor 10 years ago and is now alive is drinking liquor to-day, and can get it. Further, in my opinion there have been more accessions to the ranks of the drinkers in these 10 years than in any other decade that I can remember. I believe that in New York State to-day, and perhaps in every State—certainly in every State that I know anything about—there are more persons drinking liquor now than did 10 years ago, and that the total consumption of liquor is greater than it was a decade ago.

I am sorry to say that. I am sorry that there is such a condition of affairs as we face to-day, but that is the situation.

In my judgment the reason for it is very clear. Instead of giving instruction in the evils of liquor drinking, all the good people, the pious people, the churches, the schools, and the homes have stopped teaching the importance of temperance. Like the man who owed a lot of money to the bank, gave his note and said, "Thank God, that is settled," so these people stopped their instruction when the Volstead Act was passed.

May I say to my friend from Iowa that much as I regret it, I am here to say that the methods which are now used to enforce prohibition are bound to fail. I fear and believe the law is an unenforceable one. But certainly anybody who says there is less drinking in the State of New York than there was 10 years ago is a very poorly informed individual.

Mr. TYDINGS. Mr. President, let me call to the attention of the Senator from Iowa this fact:

The reports of the chiefs of police for 450 towns and cities, embracing 26 per cent of the population of America, show that last year over 700,000 persons were arrested for drunkenness. That does not include any figures for the city of Chicago, nor for Detroit, where the golden rule is in effect—namely, that they take a drunken man home, unless he is disorderly, rather than to the police station.

So that, excluding Chicago and Detroit, in 450 towns and cities in America, according to the police statistics, 700,000 people were arrested for drunkenness last year; and if the Senator will look at those statistics he will find that his own State is just about on a level with all the other States in the Union in that respect.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5616) 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, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DOWELL, Mr. BRAND of Ohio, and Mr. ALMON were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 8960) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Department of Commerce and Labor for the fiscal year ending June 30, 1931, and for other purposes, in which it requested the concurrence of the Senate.

FORCED LABOR (S. DOC. NO. 74)

Mr. BLAINE. Mr. President, to divert the attention of the Senate from the prohibition bed-time stories of the Senator from Iowa, I ask unanimous consent to have printed as a Senate document a report made by Mr. Andrew Furuseth, the president of the International Seamen's Union of America, relating to the Geneva conference in connection with forced labor

and indentured labor with penalty clauses—a subject which the Senate has considered in the consideration of the tariff bill, and which, I understand, it will again consider when the bill is reported from the Committee of the Whole to the Senate.

I ask unanimous consent to have this report published as a Senate document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

WOMEN'S PATRIOTIC CONFERENCE ON NATIONAL DEFENSE

Mr. McKELLAR. Mr. President, I am going to take about two minutes of the Senate's time.

I attended the Fifth Women's Patriotic Conference on National Defense at the D. A. R. Hall last night. I wish every Senator of the United States and every member of this administration could have been present and heard the speeches made there.

Mr. President, frequently I have been criticized for having voted to give the right of suffrage to women. After hearing these ladies last night I was more delighted than ever that I had so voted.

Patriotism, Mr. President, seems to be a vanishing attribute of our people. Many of our men, especially, seem to regard it as an undesirable thing. They think only in terms of internationalism. With many of them love of country seems to be waning.

In recent years in some quarters yielding to foreign countries, constantly looking at all questions from the foreign viewpoint rather than our own has become quite popular. Last evening, therefore, was a heartening and delightful evening. I do not know when I have enjoyed one more; and I want to take this occasion, Mr. President, to commend in the highest degree the splendid and patriotic speeches of Mrs. Lowell Fletcher Hobart, Mrs. Donald Macrae, and Mrs. Virgil McClure.

I am proud that our land has such women—women who believe in America; women who stand for the very best that there is in America; women who are not of the milk-and-water variety, but who have opinions and are not afraid to express them; women who love their country and are not ashamed of it, who have patriotism and are proud of such patriotism, who have a country that is the greatest country in the world, and they are not afraid to say it. I am proud that we have women like these, who are not toadying to foreign countries, and who think better of their own country than they do of other countries.

Nor can I let this occasion pass, Mr. President, without having a word to say about the attitude of the American Legion as expressed by its national commander, Maj. O. L. Bodenhamer. Major Bodenhamer expressed himself in no uncertain terms. He made a wonderful address, a patriotic address, an American address. I wish every man in the Senate could have heard that address. I hope he will have it printed and sent to every Member of the Senate, especially.

Again, there was the address of Mr. Thomas Campbell Washington, a direct descendant of George Washington's brother, John Augustine Washington. Mr. Washington's address was filled with expressions of patriotic devotion to his own country. He did not talk about the needs of other countries. He did not talk about the power of other countries. He did not talk about the prestige of other countries, but he told the story of his own country as befitted a man by the name of Washington.

And lastly came the address of the Rev. Edmund J. Walsh, dean of the Georgetown School of Foreign Service. Doctor Walsh made an address that the Senate ought to read. I am frank to say that he gave me a totally different idea about the necessities of moral as well as material defense of this Government of ours.

On the whole, Mr. President, last night's meeting was a wonderful meeting. I congratulate all those who took part in it. All honor to each and every organization and representative! They are real Americans. They are real people. I do not believe there was a "sissy" among them.

Mr. President, the best road to a real and permanent peace is along the route marked out by these splendid 100 per cent American organizations.

I desire here and now to read the names of the organizations represented in that conference:

ORGANIZATIONS PARTICIPATING IN THE WOMEN'S PATRIOTIC CONFERENCE ON NATIONAL DEFENSE JANUARY 29, 30, AND 31, 1930

American Gold Star Mothers; American Legion Auxiliary; American War Mothers; American Women's Legion; Auxiliary to Sons of Union Veterans of Civil War; Bergen County Women's Republican Club of New Jersey; Colonial Daughters of the Seventeenth Century; Daughters of the Colonial Wars (Inc.); Daughters of the Defenders of the Republic, U. S. A.; Daughters of the Union Veterans of the Civil War, 1861–1865; the Government Club (Inc.); Ladies of the Grand Army of the Republic; Ladies' Auxiliary, Veterans of Foreign Wars; national American veteran and allied patriotic organizations; National Auxiliary, United Spanish War Veterans; National Patriotic Association; National Society, Colonial Daughters of America; National Society of Colonial Descendants of America; National Society, Daughters of the American Colonists; National Society, Daughters of the American Revolution; National Society, Daughters of Founders and Patriots of America; National Society, Dames of the Loyal Legion; National Society, Daughters of the Revolution; National Society, Daughters of the Union, 1861–1865; National Society of New England Women; National Society, Patriotic Builders of America; National Society, Patriotic Women of America; National Society, United States Daughters of 1812; National Society, Women Descendants of the Ancient and Honorable Artillery Company; New York City Colony of New England Women; Service Star Legion (Inc.); Society of Sponsors of the United States Navy; the Guadalupe Club of 1848; the National Patriotic Council; the National Women's Relief Corps; the Security League of Westchester; Women's Naval Service; Women of the Army and Navy Legion of Valor; Women's Overseas Service League; Women's Constitutional League.

I read this because it is a roll of honor at this time when our country, in my judgment, is threatened more insidiously than it has been threatened in many, many decades. I am happy to know that these organizations, these patriotic and splendid organizations of the United States, are on the watch, looking after the interests of the United States, of our country, when the most of us are silent, while threats are being made concerning us.

PROHIBITION ENFORCEMENT

Mr. WALSH of Massachusetts. Mr. President, apropos of the subject matter which the Senator from Iowa discussed a few minutes ago, I want his attention while I read a little 5-line poem which came to me through the mail from Iowa. Though he may not agree with the sentiment expressed therein, I am sure he will admire the poem. It is as follows:

I come from way out in Iowa,
The home of corn and many an art,
Where bootleggin's so bad
It makes all of us sad
That everyone knows it but BROOKHART.

CONSTRUCTION OF RURAL POST ROADS

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5616) 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 requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PHIPPS. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PHIPPS, Mr. MOSES, and Mr. McKELLAR conferees on the part of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 8960) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1931, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PHILIPPINE INDEPENDENCE

Mr. HAWES. Mr. President, for just a moment I want to refer to the discussions in relation to the Philippines. Something was said yesterday regarding the favoring of Philippine independence from a selfish motive. I have now in my possession a letter from a Mr. J. L. Rogers, of Kansas City, basing his opposition to Philippine independence upon the ground that possibly we might not sell a few yards of cotton cloth to the Philippines. I ask permission to insert in the RECORD this letter and my reply.

The PRESIDING OFFICER. Is there objection?

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

ST. JOSEPH, MO., *January 27, 1930.*

Hon. HARRY B. HAWES,
United States Senate, Washington, D. C.

DEAR SIR: I am the western representative of Woodward, Baldwin & Co., New York, sole selling agents for a number of southern cotton mills, manufacturers of cotton cloths for domestic and export trade.

I wish to enter my protest against the pending bill granting independence to the Philippine Islands. In my judgment the passage of this bill would result in the economic ruin of the Philippines and destroy

the very satisfactory trade we have built up with them, after many years of effort and expense. The amount of cotton goods imported into the Philippines from the United States during the year 1928 amounted to something over $15,000,000, or a little more than one-sixth of the total imports from this country. This condition should not be disturbed by hasty legislation.

Will you kindly give this matter full consideration, in which case I am sure the cotton manufacturers of this country will have your support in defeating this bill.

Yours very truly,

J. L. ROGERS.

JANUARY 30, 1930.

Mr. J. L. ROGERS,
605 Manufacturers Exchange, 210 West Eighth Street,
Kansas City, Mo.

MY DEAR SIR: I have your letter of January 27 opposing the independence of the Philippines.

Taking the opposite position are the three great national farm organizations, the national dairy organization, union labor, and a large number of manufacturers.

Personally, I can not understand how it would hurt the cotton business in the slightest degree, either in export sales or price, and I am sure that the Filipinos would greatly resent the placing of opposition to their independence on such grounds.

They are good customers of the United States now, and I assume will continue to be, but, if they are at all human, they will naturally resent the placing of opposition to independence upon the narrow ground of the possible loss of sales of cotton-piece goods.

When we took over the Philippines it was under an express promise of ultimate freedom made by the Congress of the United States and practically every President of the United States, and both political parties since that time have made declarations favorable to independence.

After having had them under American control for thirty-odd years, we are now called upon to redeem this promise; and, in addition, an economic situation has developed which is causing agriculture, dairying, industry, business, and union labor to ask that independence be granted.

If cotton piece-goods manufacturers in the United States are to oppose independence upon the sole ground that it may entail the loss of sales of some yards of cloth, it is just as well that our people in the Philippines should know the basis of this opposition. Personally, I think it is unpatriotic and, in addition, will call for very proper and natural resentment from the citizens of the Philippine Islands who are your customers.

I assume that some alarmist who does not understand the matter, who is not conversant with the hearings now going on before the Senate committee, has given you a false view of the subject.

If you have any reason of an appealing character for your opposition to Philippine independence, other than the remote possibility of the loss of sales of some yards of cotton, I would be glad to have it.

I can not place the sale of piece-goods cotton as a real argument against Philippine independence and liberty, which we have so continuously promised.

We should keep in mind our early struggles, and those of other nations, for liberty and self-determination.

If I were a Filipino I would not buy a yard of cloth or any merchandise from any merchant anywhere who opposed the national aspiration for self-determination and self-government.

Yours sincerely,

HARRY B. HAWES.

Mr. HAWES. Mr. President, the junior Senator from Michigan [Mr. VANDENBERG] finding that there was some discussion as to the constitutional right of the United States to grant independence to the Philippines, very properly placed in the RECORD a discussion on that subject from an impartial source, the legislative drafting committee of the Senate. I now ask to have inserted in the RECORD an additional statement regarding the constitutional right of the United States to grant independence.

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

[Memorandum of Hon. Manuel Roxas, Speaker of the House of Representatives of the Philippine Islands, submitted at the hearings before the Committee on Territories and Insular Affairs of the United States Senate on Wednesday, January 15, 1930]

PRESENT POLITICAL STATUS OF THE PHILIPPINE ISLANDS UNDER THE CONSTITUTION OF THE UNITED STATES

Soon after the acquisition by the United States of the Philippine Islands and Porto Rico many questions arose which required the determination of the political status of such territories within the Union. As Chief Justice Taft said, "Few questions have been the subject of such discussion and dispute in our country as the status of our territories acquired from Spain in 1898." (Balzac *v.* Porto Rico, 258 U. S. 298.)

While at first the question gave rise to doubts and perplexities, a long line of authoritative pronouncements has finally settled this legal and constitutional question. In the case of Downes *v.* Bidwell (182 U. S. 244) it was held that such territories are appurtenant and belonging to the United States but are not a part of the United States within the meaning of the Federal Constitution. When these territories were ceded to the United States under the treaty of Paris they ceased to be foreign. However, they did not become truly domestic. Neither did they constitute a sovereign power, but "came under the complete and absolute sovereignty and domain of the United States." But while thus recognized as a territory of the United States, they did not become incorporated to the United States. Mr. Justice White, in the case of Rasmussen *v.* United States (197 U. S. 516), said:

"Whilst by the treaty with Spain the Philippine Islands had come under the sovereignty of the United States and were subject to its control as a dependency or possession, those islands had not been incorporated into the United States as a part thereof, and therefore Congress, in legislating concerning them, was subject only to the provisions of the Constitution applicable to territory occupying that relation."

Ceded territory can only be incorporated and made a part of the United States by congressional action. The treaty of Paris merely ceded the Philippine Islands to the United States and did not attempt to incorporate them or their inhabitants into the United States. Neither has Congress taken such action. Indeed, the Congress of the United States has expressly declared that the acts passed by the Congress are not applicable to the Philippine Islands unless expressly made so.

Congress possesses plenary and supreme power to legislate over the Philippine Islands under the authority granted by the Constitution to "make all needful rules and regulations respecting their territory or other property belonging to the United States." This power of Congress is broad and is not limited by the provisions of the Federal Constitution. The only limitations that have been recognized are those which spring from those safeguards which guarantee moral and natural rights constituting the unwritten law within and outside the Constitution. But while not an incorporated Territory, and therefore not a part of the United States in the domestic sense, the Philippines is not a foreign country in an international sense. In this respect the Philippines constitutes an integral part of the American Union.

As a consequence of this anomalous political status of the Philippine Islands the status of the inhabitants of that country has also given rise to serious controversy. They are not aliens. They owe allegiance to the United States but are not citizens of the United States. The doctrine of collective naturalization which has been applied to the inhabitants of territories acquired by the United States previously to the Spanish-American War by treaty, purchase, or political incorporation could not apply to the inhabitants of the Philippine Islands. Indeed, article 9 of the treaty of Paris left their civil rights and political status to be determined by Congress.

"This fact," said the United States Supreme Court, "is an implied denial of the rights of the inhabitants to American citizenship until Congress by Federal action shall signify its assent thereto." (Downes *v.* Bidwell (1901), 182 U. S. 244 at 280.)

The Filipinos are citizens of the Philippine Islands, owing allegiance to the United States, but are not citizens of the United States within the meaning of the American Constitution. However, they are American nationals entitled to the protection of the United States in their dealings with foreign countries. Mr. Justice Malcolm, of the Supreme Court of the Philippine Islands, summarizing his discussion of this question, says:

"From a negative standpoint the Philippines occupy a relation to the United States different from that of other noncontiguous territory; not a foreign country; not sovereign or quasi sovereign; not a State or an incorporated Territory; not a part of the United States in a domestic sense; not under the Constitution, except as it operates on the President and Congress; and not a colony. The Filipinos are neither aliens, subjects, nor citizens of the United States. * * * As a keen observer has said, the government of the Philippine Islands is a government foreign to the United States for domestic purposes, but domestic for foreign purposes—a position midway between that of being territory absolutely and domestic territory absolutely."

In the case of the United States *v.* Bull decided by the Supreme Court of the Philippine Islands (15 Phil. 7), Mr. Justice Elliott, following the doctrine laid down by the Supreme Court of the United States, thus defines the status of the Philippines:

"This government of the Philippine Islands is not a state or a territory, although its form and organization somewhat resemble that of both. It stands outside of the constitutional relation which unites the States and Territories into the Union. The authority for its creation and maintenance is derived from the Constitution of the United States, which however, operates on the President and Congress, and not directly on the Philippine Government. It is the creation of the United States, acting through the President and Congress, both deriving power from the same source, but from different parts thereof. For its powers and the limitations thereon the government of the Philippines looked to the

orders of the President before Congress acted, and the acts of Congress after it assumed control. Its organic laws are derived from the formally and legally expressed will of the President and Congress, instead of the popular sovereign constituency which lies back of American constitutions. The power to legislate upon any subject relating to the Philippines is primarily in Congress, and when it exercises such power its act is, from the viewpoint of the Philippines, the legal equivalent of an amendment of a constitution in the United States.

"Within the limits of its authority the government of the Philippines is a complete governmental organism, with executive, legislative, and judicial departments exercising the functions commonly assigned to such departments."

THE CONSTITUTIONAL POWER OF CONGRESS TO DECLARE THE PHILIPPINE ISLANDS FREE AND INDEPENDENT

Having determined the status of the Philippine Islands, it is important to consider whether Congress has the constitutional power to grant them independence. The discussion of this question has been made imperative not only because from time to time doubts have been expressed as to the power of Congress to do so but also because on the floor of Congress itself some Members have seriously questioned that power.

CONGRESS HAS POWER EXPRESSLY GRANTED

The Philippine Islands were acquired by the United States from Spain by virtue of the treaty of Paris. In that treaty it was expressly stipulated that "the civil rights and the political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress." But there is no express provision in the Constitution which authorizes the United States to withdraw its sovereignty from a territory belonging to the United States. The only reference to "territories" in the Constitution is contained in section 3, paragraph 2, Article IV:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

It is insistently argued that this provision does not authorize Congress to alienate territory by renouncing its sovereignty therein but merely confers that power over the public lands within the jurisdiction of the United States. This narrow interpretation of the constitutional provision is justified neither by its clear and express terms nor by its necessary implications. If the provision was intended to be limited to lands of the public domain, it seems difficult to understand why that phrase was not employed instead of the word "territory." Moreover, this clause of the Constitution is the fountain source of the power recognized to reside in the Congress to govern and legislate for Territories, both incorporated and unincorporated, belonging to the United States. If such interpretation can be given to this provision, it is obvious that the word "territory" herein used signifies political subdivisions rather than merely portions of the public domain within any such territorial units.

POWER MAY BE IMPLIED FROM POWER TO DECLARE WAR AND MAKE TREATIES

But to determine this question it is not necessary to resort to express and tacit provisions of the Constitution. The Constitution of the United States is a live instrument that has grown with the country, adjusting itself to the exigencies of progress, power, and importance which both in domestic and foreign affairs have been achieved in the course of time. Thus, it is conceded that the powers of Congress under the Constitution extend to those powers expressly delegated by the Constitution, those powers implied from expressly delegated powers, and those powers implied as a resultant from a group of expressed or implied powers.

The Constitution of the United States contains no provisions authorizing the annexation of territory. But the Constitution grants to Congress the power to declare war. It also grants to the President, with the advice and consent of the Senate, the power to make treaties. If the Federal Government is authorized to make war and make treaties to adjust the relations of the Government with foreign countries, it is clear that as a resultant power the Federal Government has the implied power to annex territory as a consequence of war or by virtue of the provisions of such treaties.

If the power to acquire or annex territory as a resultant from the express powers granted in the Constitution is admitted, there can be no plausible reason to confine this power to the acquisition and not to extend it to the alienation or cession or renunciation of sovereignty over territory as well. Indeed, Willoughby admits it as a matter of course when he says, "Should the alienation be by way of granting independence to a particular territory, as, for example, Porto Rico or the Philippine Islands, this could be done by joint resolution." (Willoughby, Constitutional Laws of the United States, p. 513.)

POWER IS ESSENTIAL ATTRIBUTE OF SOVEREIGNTY

A denial of such right will deprive the Government of the United States of those powers which are essential attributes of sovereignty recognized to reside in the government of all independent countries, if they are to deal effectively with one another in the discharge of their international rights and obligations.

In the Chinese exclusion cases (130 U. S. 581) the Supreme Court said:

"While under the Constitution and form of government the great mass of local matters is controlled by local authorities, the United States in their relation to foreign countries and their subjects or citizens are one Nation, invested with powers which belong to independent nations, which can be invoked for the maintenance of its absolute independence and security through its entire territory."

If the United States is possessed of all the attributes of sovereignty, it must be possessed of all those powers which other independent sovereignties exercise. If other independent nations have granted independence to portions of their territories, can it be maintained that the Government of the United States is devoid of that authority?

Professor Willoughby, in his monumental work on the Constitutional Law of the United States, says:

"In fact it will be seen that the acquiring of foreign territory has been treated as a result incidental to, rather than as a means for, the carrying on of a war and the conducting of foreign relations. This leads to the consideration of the doctrine which, constitutionally speaking, appeals to the author as the soundest mode of sustaining the power of the United States to acquire territory as well as the one which, in application, affords the freest scope of its exercise. According to this doctrine the right to acquire territory is to be searched for not as implied in the power to admit new States into the Union or as dependent specifically on the war and treaty-making powers, but as derived from the fact that in all relations, governed by principles of international law, the General Government may be properly construed to have, in the absence of express prohibitions, all powers possessed generally by States of the world."

In this connection, it is interesting to note the long and important discussion which took place during the early years of the Republic regarding the power of the Federal Government to cede territory of a State without the latter's consent. Both Jefferson and Washington held that no such power existed. Hamilton, on the other hand, admitted that there could be instances when this power might be necessary. After a series of conflicting political and judicial opinions both Marshall and Story arrived at the conclusion that such power existed if the United States was to be considered as one and a single sovereign political Union with the ability to act as such in its dealings with foreign countries. They intimated that it could well be possible that such cession was indispensable for the attainment of peace or the safety of the Nation, and even in order to obtain a similar cession from a foreign power which ceded territory was more important for the real and true interests of the whole Republic than the territory sought to be alienated. As Chancellor Kent aptly says, "the better opinion would seem to be that such a power of cession must reside in the treaty-making power under the Constitution, although a sound discretion would prohibit its exercise without the consent of the interested state." (Kent, Commentaries, sec. 166.)

Professor Willoughby maintains the existence of such power. Those who are inclined to deny it reluctantly admit that many emergencies might occur compelling the recognition of such power. But if the power to alienate territory belonging to a state without the consent of the state is disputed, the power to alienate such territory with the consent of the state or of a territory not belonging to any state has never been seriously questioned.

CUBAN INDEPENDENCE A PRECEDENT

The authority of Congress to grant independence to the Philippines finds a precedent in the case of Cuba. In the case of Downes v. Bidwell (182 U. S. 244), Mr. Justice White, speaking for the court, said:

"True, from the exigency of a calamitous war or the necessity of making a settlement of boundaries it may be that citizens of the United States may be expatriated by the action of the treaty-making power, impliedly or expressly ratified by Congress. But the arising of these particular conditions can not justify the general proposition that territory which is an integral part of the United States may, as a mere act of sale, be disposed of."

After deciding that Porto Rico and hence the Philippines had not been incorporated into the United States, he draws a parallel with the political status of Cuba and uses these significant words:

"It can not, it is submitted, be questioned that, under this provision of the treaty as long as the occupation of the United States lasts, the benign sovereigny of the United States extends over and dominates the Isle of Cuba. Likewise, it is not, it seems to me, questionable that the period when that sovereignty is to cease is to be determined by the legislative department of the Government of the United States in the exercise of the great duties imposed upon it, and with a sense of responsibility which it owes to the people of the United States * * *."

This statement admits that the sovereignty of the United States had been established over Cuba. If this is true, then the recognition of the independence of Cuba must be regarded as a precedent of decisive authority. The fact that upon the declaration of war against Spain the United States disclaimed "any disposition or intention to exercise sovereignty" over said island does not change the legal aspect of the

act. When Spain relinquished sovereignty over Cuba sovereignty was transferred to the United States. Only upon this assumption can the Platt amendment with the restrictions upon Cuban sovereignty and independence imposed by the United States be constitutionally upheld. For if the United States did not possess sovereignty over Cuba it could not by that amendment retain portions of it.

POWER TO GRANT INDEPENDENCE IMPLIED FROM POWER TO GOVERN

It could also be plausibly contended that the power to grant independence to the Philippines arises by necessary implication from the power to govern Territories. If such power exists, then the authority exists to provide self-government for such Territory. The difference is only a matter of degree. In fact, Mr. Justice Brown, in the Insular cases, expressly intimated that the Philippines and Porto Rico "might be permitted to form independent governments."

POWER IMPLIED FROM POWER TO PASS LEGISLATION TO FULFILL TREATY OBLIGATIONS

This question can yet be viewed from another angle. Cases have occurred when laws of the United States have been declared constitutional because based on a treaty. (United States *v.* Selkirk, 258 Fed. 375; Missouri *v.* Holland, 252, 416.) These authorities justify the implication that Congress may have the power to act if it is so granted by a treaty which, without it, would be absent under the Constitution. Now, the treaty with Spain contains the provision already cited that the civil rights and the political status of the native inhabitants of the territory ceded to the United States shall be determined by Congress. This stipulation, if the authority did not exist, would be sufficient to grant Congress the power to declare the Philippines independent. This conclusion is strengthened by the words of the Hon. William R. Day, president of the American Peace Commission, later a justice of the United States Supreme Court, explaining this reservation in the treaty. He said:

"It was thus undertaken to give Congress, as far as the same could be constitutionally done, a free hand in dealing with these new territories and their inhabitants."

It is also significant that in the discussion which took place in the Senate of the United States on the question of ratification of the treaty of Paris, Senator Lodge and other advocates of ratification urged favorable action on the ground that the treaty did not commit the United States to any policy, but placed the future of the Philippine Islands exclusively in the hands of Congress. They asserted that insistence on the various propositions seeking to force Congress either to insert a stipulation in the treaty which would bind the United States to recognize the independence of the Philippines, or by a resolution to express that purpose as a condition to a ratification, was nothing but giving bonds to Spain and an expression of distrust in the judgment of the Congress of the United States and its ability to deal justly and righteously with the Filipinos.

As expressed by Mr. Bryan, "the ratification of the treaty, instead of committing the United States to a colonial policy, really clears the way for the recognition of the Philippine Republic." Quoting Lincoln, he asked: "Can aliens make treaties easier than friends can make laws?" And he added: "Could the independence of the Philippines be secured more easily than through laws passed by Congress and voicing the sentiments of the American people?"

These statements reveal the fact that when the treaty of Paris was ratified it was the belief, at least of those who voted for ratification, that the Congress had the full and absolute power, as the treaty stipulated, to determine the political status of the native inhabitants of the Philippine Islands. A reading of the record of the Senate debates will show that without this understanding the treaty would have failed of ratification.

CONCLUSIONS

The considerations and authorities cited conclusively show that Congress has the full power under the Constitution to dispose of the Philippines. The office of the Attorney General of the United States in 1924 reached the same conclusion. In a letter addressed to the chairman of the Committee on Insular Affairs of the House of Representatives the Attorney General, in response to a request for an opinion on this question, stated:

"The Philippine Islands have never been incorporated into the United States as an integral part thereof. They are held as an insular possession, appurtenant to the United States but not incorporated into the United States. (See Downes *v.* Bidwell, 182 U. S. 244, 341–342; Dorr *v.* U. S., 195 U. S. 138.) The Constitution of the United States has never been extended to the Philippine Islands. It has been so extended to the Territory of Alaska by congressional enactment. (Rasmussen *v.* U. S. 197 U. S. 516.)

"Under the Constitution of the United States Congress has complete control over Territories. It likewise has such control over insular possessions, and may do with such possessions as it may see fit. If Congress deems it expedient to grant complete independence to the people of the Philippine Islands or a limited independence, it may, in my judgment, do so. On the other hand, if Congress should deem it expedient to incorporate the Philippine Islands as a Territory of the United States, extending to it the provisions of the Constitution of the United States, I think undoubtedly the power exists in Congress to do so."

Justice George A. Malcolm, of the Supreme Court of the Philippine Islands, propounds the following questions to maintain the same theory:

"If the United States can acquire or cede territory without express constitutional authority, why can not the same sovereign power, which permits of such action, likewise permit unincorporated territory to be made independent? What difference is there between cession to another foreign power and cession to another people temporarily under American control? If the United States could by treaty pass on the boon of freedom to Cuba, why can she not a few years later, under the power reserved by the same treaty to Congress, pursuant to this power, hand over a similar right to the Philippines? If the freeing of the Philippines is deemed wise from the standpoint of national necessity or advantage, or for reasons which take into consideration benefits to the Filipino people, what individual citizen can be heard to complain?

"If other sovereign powers can recognize former portions of their territory as independent, because forced to do so, why can not the United States, as a power of equal rank, recognize the Philippines as a republic, because she wishes to do so? And if Congress or its agent, the President, shall recognize the Philippines to be a sovereignty, how long on such a political question would a litigant have standing in a court? Plain answers to these interrogatories, if the premises be conceded, must by a logic inexorable and finally lead to an affirmative conclusion. And the premises it is believed can not be undermined."

It is thus to be seen that the power of Congress to alienate territory or to grant independence to the Philippine Islands may be maintained on several grounds: First, because it is granted to Congress expressly in the Constitution; second, because the power may be implied from powers expressly granted; third, because the power resides in Congress by virtue of its resultant powers; fourth, because it is inherent to sovereignty; fifth, because the power exists in the President and in the Senate of the United States by virtue of the treaty-making power; and, sixth, because it resides in Congress as a power implied from the power to pass necessary legislation to carry out treaty commitments.

Mr. BINGHAM. Mr. President, I ask that there may be printed in the RECORD at this point a brief prepared by Judge Daniel R. Williams, of San Francisco, formerly of the Philippine Islands, former secretary of the Taft Philippine Commission, which deals with the power of Congress to alienate sovereignty, with special reference to the Philippine Islands.

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

CONGRESS AND PHILIPPINE INDEPENDENCE

By D. R. Williams

It is traditional that governmental agencies should arrogate all power, all wisdom, and all virtue. On the other hand, our easy-going, sovereign people pay little attention to this idiosyncrasy of their "agents and servants" so long as it remains within the family.

Congress pretends authority, for instance, to grant Philippine independence. Americans generally, harking back to the Revolutionary War and the Declaration of Independence, see nothing unusual in the assumption. Should Congress undertake, however, to sell or give the Philippines to Japan or other foreign power—which it can equally do if empowered to alienate sovereignty—its authority in the premises would be immediately and widely challenged.

In 1916 a partisan majority in Congress, giving slavish adherence to a stereotyped platform plank, recited that it was "the purpose" of the American people to withdraw their sovereignty over the Philippine Islands. While this pronouncement was palpably made without any mandate whatsoever, our press and public have, with rare exceptions, gratuitously treated it as a solemn pledge by the American people to grant such islands independence.

Ratification of the treaty whereunder sovereignty over the Philippines was vested in the United States required and received a two-thirds vote of the Senate of the United States. Apparently nothing anomalous is seen, however, in the existing pretension that such sovereignty can be presently relinquished by a majority vote of the Senate, aided and abetted by a like vote in the House.

There is urgent need to determine, if possible, just how all this squares with our scheme of government. Reenforced by various Senators and Congressmen from beet-sugar States—plus other representatives of special interests—the same partisan element in Congress is now massing for a new drive to scuttle the Philippines, pretending, as heretofore, to speak with the voice and upon the authority of the American people. Such proposal involves the prestige of the United States and will vitally affect the destiny of 12,000,000 Filipinos and their descendants, for whose welfare and happiness we stand sponsor before the world.

What then, briefly, is the situation?

Sovereignty over the Philippines was acquired under treaty cession from Spain. Our Supreme Court, construing the force and effect of this treaty in the Diamond Rings case (183 U. S. 176, 180) stated:

"By the third article of the treaty Spain ceded to the United States 'the archipelago known as the Philippine Islands.' * * * The Philippines thereby ceased, in the language of the treaty, 'to be Spanish.' Ceasing to be Spanish, they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States, over which civil government could be established. * * * The Philippines were not simply occupied, but acquired, and having been granted and delivered to the United States by their former master were no longer under the sovereignty of any foreign nation. * * * Spain granted the islands to the United States, and the grantee in accepting them took nothing less than the whole grant."

If anything further remains to be done or can be done by Congress, or by any other entity, to more fully vest sovereignty and dominion over the Philippines in the United States than here indicated, it is up to those so claiming to show the way.

The rôle played by the Government in the acquisition of the Philippines, as of all other territory added to our national domain since the Republic was founded, was simply that of agent and representative of the American people. In Dred Scott v. Sanford (19 How. (U. S.) 393, 448) our Supreme Court, discussing the Louisiana Purchase, stated:

"It [Louisiana Territory] was acquired by the General Government, as the representative and trustee of the people of the United States, and it must therefore be held in that character for their common and equal benefit; for it was the people of the several States, acting through their agent and representative, the Federal Government, who in fact acquired the Territory in question, and the Government holds is for their common use until it shall be associated with the other States as a member of the Union."

Inasmuch as territory thus acquired must have some form of government pending its admission as a State, it has been held that this obligation devolves upon and should be exercised by Congress. Describing the source and extent of this authority, Justice Brown stated as follows in De Lima v. Bidwell (182 U. S. 1, 196), a case having to do with Porto Rico:

"It is an authority which arises, not necessarily from the territorial clause of the Constitution, but from the necessities of the case and from the inability of the States to act on the subject. Under this power Congress may deal with the territory acquired by treaty; may administer its government as it does that of the District of Columbia; it may organize a local territorial government; it may admit it as a State upon an equality with other States; it may sell its public lands to individual citizens or may donate them as homesteads to actual settlers."

In other words, such territory, while actually the patrimony of the several States and the people thereof, must needs be administered by Congress; this because the States lack necessary machinery, either severally or collectively, to themselves undertake the task.

The same proposition was stated in another form by Chief Justice Waite in National Bank v. Yankton (101 U. S. 129, 133), as follows:

"All territory within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. They bear much the same relation to the General Government that counties do to the States, and Congress may legislate for them as States do for their respective municipal organizations."

Justice Day, in Dorr v. United States (195 U. S. 138, 140), a case arising in the Philippines, stated the limits of this legislative power of Congress over such territory, as follows:

"To this I answer that, in common with all other legislative powers of Congress, it finds limits in the express prohibition on Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law or bill of attainder, and so on in respect to each of the other prohibitions contained in the Constitution."

In Balzac v. Porto Rico (258 U. S. 298, 312), Chief Justice Taft amplified this statement and negatived the prevailing conception that the Constitution does not extend to the Philippines, as follows:

"The Constitution of the United States is in force in Porto Rico as it is wherever and whenever the sovereign power of that Government is exerted. This has not only been admitted but emphasized by this court in all its authoritative expressions upon the issues arising in the insular cases, especially in Downes v. Bidwell and the Dorr cases. The Constitution, however, contains grants of power and limitations which, in the nature of things, are not always and everywhere applicable, and the real issue in the insular cases was not whether the Constitution extended to the Philippines and Porto Rico when we went there, but which one of its provisions were applicable by way of limitation upon the exercise of executive and legislative power in dealing with new conditions and requirements. The guaranties of certain fundamental personal rights declared in the Constitution, as, for instance, that no person could be deprived of life, liberty, or property without due process of law, had from the beginning full application in the Philippines and Porto Rico."

Justice Brown, in Downes v. Bidwell (182 U. S. 244, 290), stated:

"As Congress in governing the Territories is subject to the Constitution, it results that all the limitations of the Constitution which are applicable to Congress in exercising this authority necessarily limit its power on this subject. It follows also that every provision of the Constitution which is applicable to the Territories is also controlling therein."

Despite these express declarations of our highest tribunal, and despite the fact that whatever power Congress now exercises over the Philippines arises under the Constitution, we still find sundry Senators and Congressmen solemnly asserting that the Constitution does not extend to the Philippines, and that it rests with them, in their legislative capacity, to do with such islands as they please. Moreover, while Congress lacks authority to enact any legislation for the Philippines which runs counter to any prohibitions of the Constitution, including that of depriving persons of property without due process of law, it arrogates the despotic power of divesting title and sovereignty of the American people over the entire archipelago; also, the further unrestricted right to alienate such territory, its peoples, lands, and government, to Russia, Abyssinia, or whomsoever it wills, and this upon terms, limitations, and burdens of its own choosing. In other words, Congress would magnify its authority to govern the Philippines, and to legislate therefor in representation of the several States, into a destruction of the very thing over which legislation is authorized and to be exercised. This is a delusion of omnipotence run riot.

NO POWER IN CONGRESS TO ALIENATE TERRITORY

Approaching the problem from another angle, i. e., the power of Congress to alienate sovereignty when measured in terms of the Constitution, a like conclusion confronts us.

As already noted, complete and absolute sovereignty and dominion over the Philippines is in the United States. Further, this dominion and sovereignty were acquired by the Federal Government as the representative and trustee of the American people, to be held and exercised for their common use until such Territory became a member of the Union. Occupying simply the rôle of agent, it is prima facie the Government can not now divest this title and sovereignty, duly vested in the people, until and unless power so to do is delegated to or conferred upon it by the people themselves, the sovereign owners.

"The sovereignty of a State does not reside in the persons who fill the different departments of government, but in the people from whom the government emanates and who may change it at their discretion. Sovereignty, then, in this country, abides with the constituency and not with the agent; and this is true in reference to the Federal and State Governments." (Spooner v. McDonnell, Fed. Cases, 13, 249.)

If the American people have empowered Congress to alienate their sovereignty over the Philippines, or over any other territory of the United States, such authority must be found in the Constitution, which is the power of attorney of Congress in the premises. As stated by Justice Cooley in his Principles of Constitutional Law, 29–31:

"The Government created by the Constitution is one of limited and enumerated powers, and the Constitution is the measure and the test of the powers conferred. Whatever is not conferred is withheld, and belongs to the several States and the people there."

In Kansas v. Colorado (206 U. S. 46, 90), our Supreme Court, speaking through Mr. Justice Brewer, stated:

"The proposition that there can be legislative powers affecting the Nation as a whole which belong to, although not expressed in, the grant of powers, is in direct conflict with the doctrine that this is a Government of enumerated powers."

To the same effect Justice Day in Door v. United States, the Philippine case cited supra, page 140:

"It may be regarded as settled that the Constitution of the United States is the only source of power authorizing action by any branch of the Federal Government. The Government of the United States was born of the Constitution, and the powers which it enjoys or may exercise must be derived either expressly or by implication from that instrument."

Since the United States became a nation—now over 150 years—not a square foot of territory once brought under the American flag has ever been alienated. In certain cases of disputed boundaries, or where question of title was involved, there have been adjustments; but the record discloses no single instance where sovereignty, once admittedly vested in the people of the United States, has ever been transferred or relinquished.

The test to be applied in determining whether Congress is empowered to act in any specific instance is thus stated by Mr. Justice Story in his Commentaries on the Constitution, section 1243:

"Whenever, therefore, a question arises concerning the constitutionality of a particular power, the first question is, whether the power be expressed in the Constitution; if it be, the question is decided. If it be not expressed, the next inquiry must be, whether it is properly an incident to an express power and necessary to its execution; if it be, then it may be exercised by Congress. If not, Congress can not exercise it."

The right to alienate sovereignty of the United States is not among the enumerated powers of Congress in the Constitution, nor is it "properly an incident to any express power and necessary to its execution." To those who believe or pretend otherwise, the suggestion is obvious that they specify where and how such authority is conferred; or, if not conferred, how alienation of American territory by Congress is either necessary or proper under its power to administer and legislate for such territory—in representation of the several States—pending its admission into the Union.

CERTAIN CLAIMS MADE BY THOSE ASSERTING CONGRESS IS AUTHORIZED TO ALIENATE THE PHILIPPINES

It is argued by some that inasmuch as our Government has acquired territory without express constitutional sanction, it can dispense with such authority when it comes to alienation. Even were this premise sound, it amounts simply to claiming that because Congress acted outside its jurisdiction in one instance, it can do so in another, thus making the Constitution a dead letter. The premise, however, is unsound. In American Insurance Co. *v.* Canton (1 Peters (U. S.) 511, 540), Chief Justice Marshall stated the grounds upon which our Government is authorized to acquire territory as follows:

"The Constitution confers absolutely on the Government of the Union the powers of making war and of making treaties; consequently, that Government possesses the power of acquiring territory, either by conquest or by treaty."

In De Lima *v.* Bidwell, cited supra, Justice Brown stated:

"One of the ordinary incidents of a treaty is the cession of territory. It is not too much to say it is the rule rather than the exception that a treaty of peace, following upon a war, provides for a cession of territory to the victorious party."

The acquisition of territory, therefore, is a necessary "incident" of the powers granted the Government to declare war and make treaties. Once such territory has been acquired, however, and sovereignty has vested in the American people, the powers of Congress with respect thereto enter upon an entirely different phase, i. e., legislating therefor pending its admission as a State. The source and limitations of this authority have been placed upon two grounds: (1) The necessities of the case, arising "from the inability of the States to act upon the subject"; and (2) upon paragraph 2, section 3, Article IV, of the Constitution, which authorizes Congress to "make all needful rules and regulations respecting the territory or other property of the United States." Mr. Justice White, in Downes *v.* Bidwell, cited supra, refers to the matter thus:

"In some adjudged cases the power to locally govern at discretion has been declared to arise as an incident of the right to acquire territory. In others it has been based upon the clause of section 3, Article IV, of the Constitution, which vests Congress with the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States. But the divergence, if not conflict of opinion, does not imply that the authority of Congress to govern the Territories is outside the Constitution, since in either case the right is founded on the Constitution, although referred to different provisions of that instrument."

Referring to the powers of Congress under this section 3, Article IV, of the Constitution, Chief Justice Marshall stated in McCullough *v.* Maryland (4 Wheat. (U. S.) 316):

"The power [of Congress] 'to make all needful rules and regulations respecting the territory or other property belonging to the United States' is not more comprehensive than the power 'to make all laws which shall be necessary and proper for carrying into execution' the powers of the Government."

To the same effect our court in the Dorr case, cited supra, page 146, where it is said:

"Regulations in this sense must mean laws, for, as well as States, Territories must be governed by laws."

By no possible stretch of the imagination can alienation of sovereignty be constructed as an "incident" of the power to make laws. In fact, it would not be legislation at all. Legislation operates upon people, or upon people in relation to things and acts. Alienation of sovereignty has to do simply with rights in territory. As well claim that a person authorized "to administer" lands for an owner under power of attorney—that is, to make provision for tenants, collect rentals, pay taxes, etc.—would have the right, without further, to sell or give the property to third persons. Not only would such action not come under the head of "administration," but any person perpetrating such a breach of trust would very soon find himself wearing a striped uniform. By no other method, however, can the Constitution be tortured into sustaining congressional authority to alienate the Philippine Islands.

It has been urged that the power to alienate territory inheres in sovereignty. This is true, but those who argue therefrom that Congress can alienate the Philippines forget that in the United States sovereignty is in the people and not in the President, in Congress, or any governmental agency. As stated by Chief Justice Jay in the early case of Chisholm *v.* Georgia (2 U. S. 419, 471): "Our rulers * * * do not partake in the sovereignty otherwise, or in any other capacity, than as private citizens." In the United States there is no unlimited sovereignty except that which resides in the people themselves. It follows that any expression indulged by Government officials or by Members of Congress—individually or collectively—concerning the Philippines and their future disposition, represent simply their personal views and are in nowise binding upon the American people.

Another argument gravely advanced is that unless Congress has this power to alienate sovereignty our Government, in case of a disastrous war involving loss of territory, could not make the necessary cession "without calling a popular referendum." This reasoning is that of laymen. Any lawyer knows that under stress of force majeure all laws and restrictions go by the board, and whatever action is necessary for self-preservation can be taken. The question here is whether Congress can voluntarily alienate sovereignty of the United States simply to satisfy the preconceived notions or political necessities of a majority of its Members. Moreover, should a cession of territory ever be forced upon the United States, it would not be Congress which would do the "alienating" but the President and two-thirds of the Senate under the treaty-making power. And treaties can only be entered into between two or more independent nations.

It is contended by some that the Philippines are simply "a possession" of the United States, as distinguished from "territory of the United States. Our Supreme Court, however, as heretofore seen, specifically states that they were "territory of the United States over which civil government can be established." As evidencing this, Congress, by its organic act of August 29, 1916, established a complete form of civil government for the Philippines, including executive, judicial, and legislative departments. This organic act or charter differs only in matter of detail from charters of other territory of the United States, and constitutes an equal recognition that the Philippines are "a political subdivision of the outlying dominion of the United States." Every Filipino elected or appointed to any office or position of trust in the Philippines, whether insular, provincial, or municipal, must, before entering upon his duties, take and subscribe an oath declaring that he recognizes and accepts the supreme authority of the United States, and will maintain true faith and allegiance thereto. Passports are issued to Filipinos of all classes under authority of the United States, which passports entitle the holders, when traveling abroad, to the same consideration and protection as American citizens, and to like service from our consular and diplomatic officers. The United States flag flies over all public buildings in the Philippines, as also over all vessels registered by the Philippine government for domestic or foreign service.

Others claim the Philippines have never been "incorporated" as American territory, and hence occupy some hazy and undefined position which enables Congress to override the Constitution and work its will upon them. This term "incorporation," unearthed by our courts to amplify the legislative powers of Congress over the Philippines and Porto Rico, has given rise to many fanciful interpretations. Its actual scope, however, is simply to authorize Congress, in its discretion, to extend to or withhold from Filipinos and Porto Ricans certain political and other rights provided for in the Constitution when not of a "fundamental character." As stated by Chief Justice Taft in Balzac *v.* Porto Rico, cited and quoted, supra:

"The Constitution, however, contains grants of power and limitations which in the nature of things are not always and everywhere applicable, and the real issue in the insular cases was not whether the Constitution extended to the Philippines and Porto Rico when we went there but which ones of its provisions were applicable by way of limitation upon the exercise of executive and legislative power in dealing with new conditions and requirements."

Neither this decision nor any other found in the books remotely authorizes Congress to arrogate powers outside the Constitution in legislating for the Philippines. Recurring again to our analogy of private lands the assertion that Congress can alienate the Philippines simply because it is permitted wide discretion in their administration is tantamount to claiming that an attorney in fact, because he is given a free hand in the management of property, must, ipso facto, have authority to divest title of his principal in the land itself.

Whatever confusion exists as to the status of the Philippines in their relation to the United States arises from failure to appreciate that the civil and political rights of the occupants of such territory—to be determined by Congress—are one thing, and sovereignty and dominion over the territory itself quite another thing. There are seven thousand and odd islands in the Philippine Archipelago, of which possibly 500 are inhabited. No one would seriously contend that United States sovereignty and dominion is limited to the inhabited islands. To so hold would be warrant for any outside power to take possession, fortify, and otherwise use these unpeopled areas at its pleasure. Let us suppose all the islands of the Philippine group were uninhabited when ceded to the United States or that the entire population was presently wiped out through some cataclysm of nature. Would any intelligent person insist that some form of "incorporation" by Congress of this uninhabited territory was necessary to more fully vest title and sovereignty thereto in the United States than already exists? As heretofore seen, our Supreme Court has held that the United States now possesses "absolute sovereignty and dominion" over the Philippines; that such islands were not simply occupied but acquired and

that the United States in accepting them from Spain "took nothing less than the whole grant." It will be noted, furthermore, that the court was here referring to the status of the territory comprising the Philippines and not to that of the occupants. To evidence this the court proceeds:

"The result was the same, although there was no stipulation that the native inhabitants should be incorporated into the body politic, and none securing to them the right to choose their nationality." (Diamond Rings case, cited supra, p. 180.)

This language of the court has reference to Article IX of the treaty, which distinguishes between Spanish subjects residing in the Philippines and Porto Rico and the native inhabitants of such territories. The former were given a right to preserve their allegiance to Spain through making choice to that effect within one year, whereas the treaty provision as to the native inhabitants reads:

"The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress."

The authority of Congress was here limited to determining "the civil rights and political status of the native inhabitants of the ceded territories." This authority not only can not be stretched to include alienation of the territories themselves but completely negatives any such idea. Moreover, even if any such extraconstitutional power was contemplated, it is ineffective.

"The Government of the United States is one of limited powers. It can exercise authority over no subject except those which have been delegated to it. Congress can not, by legislation, enlarge the Federal jurisdiction, nor can it be enlarged under the treaty-making power." (New Orleans *v.* United States, 10 Pet. (U. S.) 662, 736.)

"It need hardly be said that a treaty can not change the Constitution or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government." (Cherokee Tobacco Case, 11 Wall. (U. S.) 616, 620.)

The distinction between legislation for the inhabitants of a territory and the status of the territory itself is further emphasized in De Lima *v.* Bidwell, cited supra, page 198:

"A country ceases to be foreign the instant it becomes domestic. * * * It may undoubtedly become necessary, for the adequate administration of a domestic territory, to pass a special act providing for the proper machinery and officers. * * * No act is necessary to make it domestic territory once it has been ceded to the United States."

In view of this explicit holding of our Supreme Court that no further act by Congress is necessary to make the Philippines "domestic territory"—such islands having already been ceded to the United States—it is pertinent to ask: What process of "incorporation," or otherwise, would Congress adopt to strengthen this title to the Philippines, or to further fortify this sovereignty of the American people over such territory?

In 1924 our Department of Justice rendered an opinion that Congress had the constitutional right to alienate the Philippines. A reference to such opinion, which occupies less than half a newspaper column, discloses it was prepared and submitted by an "Assistant Attorney General," and this within four days after receipt of inquiry on the subject. The affirmative holding of this minor official is predicated entirely upon the theory that the Constitution "does not extend to the Philippines," and that such islands have not been "incorporated" as territory of the United States. Our Supreme Court has ruled, however, that the Constitution does extend to the Philippines, and has used about every expression possible in the English language to indicate that nothing further is required, or remains to be done to more fully "incorporate" the Philippine Archipelago as part of our national territory. Notwithstanding its patent defects, however, the opinion referred to—prepared without detailed investigation, and representing simply the viewpoint of one individual—has since been copiously cited as "conclusive on the subject."

In 1900 one of major political parties undertook to make Philippine independence the "paramount issue" of its campaign; this in lieu of Mr. Bryan's "16 to 1" heresy, which had gone into the discard. Notwithstanding most of the Bryan relics have since been scrapped, this Philippine plank, intended to inveigle voters, has appeared in every subsequent platform of such party. The anomalous situation is presented, however, that after repeating such plank in its latest platform edition, it added a companion plank reading:

"We favor granting to Porto Rich such Territorial form of government as would meet the present economic conditions of the island and provide for the aspirations of her people, with the view to ultimate statehood accorded to all Territories of the United States since the beginning of our Government."

It was apparently overlooked that the treaty with Spain uses identical language in ceding the Philippines to the United States that was used in ceding Porto Rico, and that there is absolutely no basis in law or in logic for differentiating between Philippine territory and Porto Rican territory.

It might also be mentioned, for handy reference, that our other major political party carried a plank in its 1928 platform reading:

"The Constitution which at any time exists, until changed by the explicit and authentic act of the whole people, is sacredly obligatory upon all."

We would stress again that the question involves sovereignty over territory and not the measure of political or other rights which may be accorded by Congress to the inhabitants of such territory in relation to the United States. Sovereignty is indivisible. Once it is completely and absolutely vested in the United States, it can not be split into classes or categories to satisfy the alleged needs of special interests nor to lend wings to the political kite of opportunist party politicians. Stripped of extraneous matter, which simply befogs the issue, the proposition is: Can Congress alienate territory of the United States, property of the American people, over which sovereignty and dominion admittedly apply? If such power is conceded, then where is the line to be drawn, if at all? If Congress can alienate the Philippines, where sovereignty is fully vested, can it alienate Hawaii, Alaska, Porto Rico, and the Canal Zone? Its power over the District of Columbia, as also over Governors Island and other military reservations, is as absolute as that over the Philippines. Can it, therefore, by a majority vote or otherwise, alienate the District of Columbia or transfer sovereignty over these military reservations to a foreign power? California is under United States sovereignty. Would the power of alienation stop at State lines? Chief Justice Marshall, discussing the status of the Northwest Territory in Loughborough *v.* Blake (5 Wheat. (U. S.) 317), decided in 1820, stated:

"The District of Columbia, or the territory west of the Missouri, is not less within the United States than Maryland or Pennsylvania."

This "territory west of the Missouri," here referred to by this great authority on the Constitution, was not held in 1820 under firmer title or more complete sovereignty than is the territory of the Philippines, now functioning under a duly organized government by virtue of laws enacted by the Congress of the United States.

It has been urged by some that the distance of the Philippines, the character of their inhabitants, and the possible dangers involved in retaining them create an emergency situation which can only be met by their alienation, and that unless Congress can act in the matter we are altogether helpless. The time to have considered these contingencies was when the proposed treaty with Spain was pending before our Senate. Having acquired sovereignty over such islands, however, it is now somewhat late to whimper over the possible consequences and attempt to evade duties and responsibilities thus voluntarily and deliberately assumed. The argument at best is one of expediency, to which argument our Supreme Court, in Ex parte Mulligan (4 Wall. (U. S.) 2, 121), referred as follows:

"No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of the provisions of the Constitution can be suspended during any of the great emergencies of government. Such a doctrine leads directly to anarchy or despotism."

It does not follow, however, that the situation conjured by those who would have the United States slough off and repudiate its Philippine obligations is irremediable. Should time or shaping circumstances disclose—either as regards the Philippines or any other Territory of the United States—that it would be well to reverse the policy (or fear) of the framers of the Constitution, and to vest in Congress an unrestricted power to alienate sovereignty in its discretion, it is always within the province of the American people, in whom such sovereignty is vested, to confer such power through an amendment to the Constitution. As stated by our Supreme Court in Kansas *v.* Colorado, cited supra (p. 90):

"The people who adopted the Constitution knew that in the nature of things they could not foresee all the questions which might arise in the future, all the circumstances which might call for the exercise of further national powers than those granted the United States, and, after making provision for an amendment to the Constitution by which any needed additional powers would be granted, they reserved to themselves all powers not so delegated.

It might be well also for those whom our people have clothed with brief authority to read and ponder in this connection the following excerpts from Washington's memorable Farewell Address:

"The spirit of encroachment (upon the Constitution) tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transitory benefit which the use can at any time yield."

The solitary mention of "territory" in the Constitution occurs in paragraph 2, section 3, Article IV, which reads:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property be-

longing to the United States; and nothing in this Constitution shall be construed as to prejudice any claim of the United States, or any particular State."

It has been contended that by virtue of the word "dispose" in this section, Congress is authorized to alienate sovereignty as well as ownership over territory or other property belonging to the United States. Such view is opposed to the plain meaning of the language and to the uniform interpretation given it by our courts. In United States *v.* Gratiot, 14 Pet. (U. S.) 526, 536, Mr. Justice Thompson, after quoting from such section, stated:

"The term 'territory,' as here used, is merely descriptive of one kind of property and is equivalent to the word 'lands.' And Congress has the same power over it as over other property belonging to the United States."

Justice Day, in Dorr *v.* United States, the Philippine case cited supra, page 146, states:

"The framers of the Constitution, recognizing the possibility of future extension by acquiring territory outside the States, did not leave to implication alone the power to govern and control territory owned or to be acquired, but in the article quoted (Art. IV) expressly conferred the needful powers to make regulations. Regulations in this sense must mean laws for Territories as well as States must be governed by laws."

Congress can transfer ownership in lands belonging to the United States or make provisions for their transfer. If it can transfer sovereignty along with ownership, however, then it can set up as many independent sovereignties in the United States as the latter owns pieces of property.

Mr. Justice White, in the case of Downes *v.* Bidwell, heretofore cited, referring to the same subject (p. 314), stated:

"I am not unmindful that there has been some contrariety of decision on the subject of the meaning of the clause empowering Congress to dispose of territory and other property of the United States, some adjudged cases treating that article as referring to property as such and others deriving from it the general grant of power to govern Territories. In view, however, of the relation of the Territories to the Government of the United States at the time of the adoption of the Constitution, and the solemn pledge then existing that they should forever 'remain a part of the confederacy of the United States of America,' I can not resist the belief that the theory that the disposing clause relates as well to a relinquishment or cession of sovereignty as to a mere transfer of rights in property is altogether erroneous."

Considering that when the Constitution was adopted the Government was precluded from alienating sovereignty over any territory then held by the United States, to now contend that the framers of such instrument contemplated conferring such a power upon Congress as to analogous territory thereafter acquired, particularly when no such power or intent remotely appears in the Constitution, is, to say the least, a bit bizarre. The Constitution confers no greater authority upon Congress over one form of territory than another. Neither does distance, nor the status of the inhabitants, make any difference in the title to such territory, nor in the sovereign rights of the American people thereto.

It is to be noted further that this section 3, Article IV, of the Constitution, hereinabove quoted, specifically provides:

"* * * and nothing in this Constitution shall be construed as to prejudice any claims of the United States, or of any particular State."

The Philippine Islands were acquired through an expenditure of blood and treasure by the American people. The United States assumed an outstanding indebtedness of the Philippines amounting to $20,000,000, or, rather, paid that sum to Spain for such account. Eighty per cent of the total land area of the archipelago, aggregating some 60,000,000 acres, is still "public domain," property of the United States. Would any but a casuist argue that a gratuitous or other relinquishment of sovereignty over the Philippines by Congress would not, under these circumstances, operate "to the prejudice" of the several States and the people thereof?

Gov. Edmund Randolph, of Virginia, was a member of the convention which framed the Federal Constitution. In the convention of the State of Virginia, which met on June 2, 1788, to consider ratification of such Constitution, various amendments were suggested thereto as a condition of acceptance. Among these amendments was one providing:

"No treaty ceding, contracting, restraining, or suspending the territorial rights or claims of the United States, or any of them * * * shall be made but in cases of the most urgent and extreme necessity, nor shall any such treaty be ratified without the concurrence of three-fourths of the whole number of Members of both Houses, respectively."

Governor Randolph, who had headed the Virginia delegation in the convention, opposed this proposed amendment, saying:

"Of all the amendments this is the most destructive, which requires the consent of three-fourths of both Houses to treaties ceding or restraining territorial rights. * * * There is no power in the Constitution to cede any part of the United States. The whole number of Congress, being unanimous, have no power to suspend or cede territorial rights. But this amendment admits in the fullest latitude that Congress have a right to dismember the empire." (Debates and Other Proceedings of the Convention of Virginia, taken in shorthand by David Robertson, second edition, year 1805, p. 340.)

The wisdom and prescience of the "Fathers of the Constitution" have been and are a source of pride and exultation to all Americans. Is it not possible that in denying to Congress the right to alienate our national territory, these illustrious men had a prophetic vision of the cross currents of partisan politics, of the ambition of individuals, and the greed of special interests, which might well sacrifice the honor and best interests of the American people to satisfy questionable ends? Dispassionately analyzed, is not this situation actually presented in the forces back of the present attempt to alienate the Philippines?

For good or for ill the United States acquired sovereignty over the Philippine Islands and undertook their government. The responsibility thus assumed was and is that of the American people as a whole, and affects our national honor and good faith regardless of race, creed, or party. Instead of so treating it as an American problem, however, the question of our retention or surrender of such islands was immediately injected into partisan politics, and the future destiny of a primitive and largely helpless people made dependent upon the blind chance of party success or party failure upon entirely unrelated issues. Despite the patent asininity of having Members of Congress split upon the question of Philippine independence—and related issues—according to party label, this grotesque and possibly tragic flummery still persists, all in the holy name of party regularity.

At the Philippine end of the line we have a group of ambitious native leaders agitating for American withdrawal from the islands. The late Maj. Gen. Leonard Wood, a man whose character, ability, and achievements mark him not only as one of our greatest Americans but as a world figure, graphically portrayed shortly before his death the tragic consequences to the Filipino people and to the peace of the Pacific of a present or early surrender of American sovereignty over the Philippines. He stated in part:

"The immediate result of our leaving would be strife, disorder, and bloodshed. They might not come instantly, but they would come soon. Moros, whom we have disarmed and who want us to stay and protect them, and Christian Filipinos would fight. Industry, trade, credit would be ruined, with the inevitable concomitants of idleness, hunger, and anarchy. We should look back upon the plight of these 12,000,000 people, who have never known what it meant to sustain themselves, who have never known any freedom except what our flag gave them; we should look back upon their plight with national sorrow, pity, and shame. Japanese would come in, not necessarily as an army, but with their vigorous business methods, and Chinese would swarm hither for all sorts of pursuits. Nor would that be all. We would unsettle the Pacific and the Far East. We would create a situation replete with sinister possibilities. Political impotence, social disorganization, and intertribal conflicts in the Philippines would not be allowed to continue for a great while. Civilized strength from one quarter or another would move toward this vortex of trouble and suffering, and such a movement might precipitate the worst consequences. In any event, the hope of Philippine independence would be dashed for ages if not for all time. Filipino leaders should be able to see these dangers, but they only see a vision of personal power; they are insensate to encompassing realities; they are bent upon gambling with the fate of their own people and the peace of the Pacific."

Through no volition of their own, the Filipino people became and are wards of the United States and members of our household. Mr. Chief Justice Taft, when Secretary of War, defined the nature and extent of the responsibility thus assumed as follows:

"We are the trustees and guardians of the whole Filipino people, and peculiarly of the ignorant masses, and our trust is not discharged until these masses are given sufficient education to know their civil rights and maintain them against a more powerful class and safely to exercise the political franchise."

Inasmuch as chucking these involuntary wards of ours overboard for purely selfish or partisan ends would hardly comport with American principles, advocates of independence who have or pretend regard for the ordinary decencies of life, are forced into the position of asserting that these polyglot Filipino masses are now fully qualified to establish and maintain, against all comers, that most difficult of all governments, a modern democracy, and that its present grant would redound to their welfare and happiness. In so stating, however, they deliberately ignore the testimony of men like General Wood, who had no axe to grind, and whose authority to speak on Philippine affairs was gained through long, ardous, and intimate personal contact with every phase of the situation. Instead, they accept, and quote at their face value, the utterly distorted and unreliable claims and statements of self-seeking Filipino lobbyists and propagandists, who come to Washington to further their ends at the expense of the insular treasury. It remains for this partisan group, and particularly certain members of the Senate, to square their attitude in this regard with the anathema heaped upon various other "lobbyists"—concerned likewise in furthering or protecting particular interests—whose activities were held to be subversive of the "dignity and honor" of these elect of the people. Possibly "the

divinity that doth hedge a king" absolves them from the rules of conduct held applicable to the common herd.

To this partisan element in Congress, and these ambitious Filipino politicians, alike demanding that we quit the islands forthwith, has recently been added the powerful backing of special interests, i. e., sugar, tobacco, vegetable oil, dairy products, etc., who are prepared to sell their birthright of justice and square dealing, and sacrifice every honorable tradition of the American people, for a mess of pottage.

Given this combination of hide-bound partisans, opportunist Filipino leaders, and sinister special interests, working in unison to force the hand of the American people in the Philippines, it is altogether obvious why the framers of the Constitution were fearful of conferring upon Congress this extraordinary and dangerous power of alienating sovereignty of the United States.

Summarizing the foregoing, what have we?

That the United States now possesses "complete and absolute sovereignty and dominion" over the Philippines; that such islands were not simply occupied but acquired, and that the United States in accepting them from Spain "took nothing less than the whole grant."

That in acquiring the Philippines, the Federal Government acted simply as "the representative and trustee" of the people of the United States, and that it holds such territory "in that character" for "their common and equal benefit" until admitted as a State of the Union.

That congressional authority over the Philippines is limited to governing them—that is, legislating therefor—so long as they occupy a Territorial status which right arises "from inability of the States to act on the subject," or under its power "to make needful rules and regulations respecting the territory or other property belonging to the United States."

That the Constitution extends to the Philippines; that it is the source of any powers now exercised by Congress in the premises, and that it (Congress) is without authority to go outside or override the Constitution in its Philippine dealings.

That the power to alienate sovereignty over the Philippines, or over any Territory of the United States, can not be exercised by Congress until and unless the American people—the sovereign owners—confer such authority upon it.

That the Constitution, which "is the measure and the test of powers conferred upon Congress," not only contains no grant of power to alienate sovereignty of the United States, either expressly or impliedly, but the existence of any such power was specifically negatived by one of the framers of that instrument.

That relinquishment of sovereignty over territory is not an "incident" of the power to legislate therefor, but is diametrically opposed thereto; this because any such action would destroy the very thing which was being administered for and on behalf of its owners, the American people.

That the right of Congress to provide a government for the Philippines and to determine "the civil rights and political status of the native inhabitants" confers no power upon it to alienate sovereignty over the territory comprising such islands, which sovereignty would equally apply if the archipelago was altogether uninhabited.

That while Congress can transfer ownership in "territory or other property belonging to the United States," such transfer does not and can not include sovereignty over the territory itself, which sovereignty is vested and remains in the several States and the people thereof.

That it rests with Congress to "incorporate" the Filipino peoples into our body politic, and, in its discretion, to admit the Philippines as a State of the Union. No action is required or can be taken by Congress, however, to further make such islands "domestic territory" of the United States or to more fully "incorporate" them as part of our national territory.

That if Congress can grant Philippine independence—that is, relinquish sovereignty of the United States over such territory—it can equally alienate such sovereignty to any foreign power, and this upon terms and conditions of its own choosing.

That alienation of the Philippines would be "to the prejudice" of the United States and of the particular States, and in violation of section 3, Article IV, of the Constitution.

That sovereignty over the Philippines having been acquired by treaty, duly executed by the President and ratified by a two-thirds vote of the Senate, can not now be voluntarily relinquished by a majority vote of the Senate and House, nor by any other action of such bodies.

That inasmuch as "our rulers"—Members of Congress and other Government officials—"do not participate in the sovereignty otherwise, or in any other capacity than as private citizens," any expression or "preambles" indulged by them as to the future disposition of the Philippines represent nothing more than their personal views on the subject.

That, given the fact that relinquishment of sovereignty over the Philippines is now largely urged in Congress by a partisan group and its "political allies"—and that they are backed and supported in such attempt by ruthless special interests seeking profit therefrom to the discredit of the American people as a whole—the prescience of the framers of the Constitution in reserving to the people themselves this power "to dismember our national empire," is amply justified.

That if the American people—notwithstanding the sorry exhibition now being staged—are desirous of conferring upon Congress this extraordinary power of alienating their sovereignty over the Philippines, or over any other territory of the United States, it is within their province, as sovereign owners of such territory, so to do; but it must be done, if at all, in manner and form as prescribed in the Constitution of the United States.

There has been much oratory indulged recently about "contempt of the Constitution," and other alleged legal moral shortcomings of the American people, in which hue and cry Members of Congress have led the pack. Should it be contended in any quarter, therefore, that the within argument is not conclusive upon the power of Congress to alienate sovereignty, but at most simply casts a doubt upon its authority so to do, what then should be the attitude of our worthy Senators and Congressmen in the premises? The answer to this, and it will bear careful reading, is set out by Mr. Justice Cooley in his Constitutional Limitations, page 109, as follows:

"But when all the legitimate lights for ascertaining the meaning of the Constitution have been made use of, it may still happen that the construction remains a matter of doubt. In such a case it seems clear that everyone called upon to act where, in his opinion, the proposed action would be of doubtful constitutionality, is bound upon the doubt alone to abstain from acting. Whoever derives power from the Constitution to perform any public function is disloyal to that instrument, and grossly derelict in duty, if he does that which he is not reasonably satisfied the Constitution permits. Whether the power be legislative, executive, or judicial, there is manifest disregard of constitutional and moral obligation by one who, having taken oath to support that instrument, takes part in an action which he can not say he believes to be no violation of its provisions. A doubt of the constitutionality of any proposed legislative enactment should in any case be reason sufficient for refusing to attempt it; and, if legislators do not act upon this principle, the reasons upon which are based the judicial decisions sustaining legislation in very many cases will cease to be of force."

It is up to Congress. Will it have the vision, the sincerity, and the statesmanship to hew to the line, or will it continue, as in the past, to play politics and camouflage the real issue by indulging bromidic formulæ and shopworn slogans?

REVISION OF THE TARIFF

The Senate as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. BARKLEY. Mr. President, in order that both sides may be able to weep over this question sufficiently, I want to offer an amendment reducing the tariff on handkerchiefs.

Mr. SMOOT. That will make the manufacturers weep, so that we will all be weeping.

The VICE PRESIDENT. The amendment will be reported.

The LEGISLATIVE CLERK. The Senator from Kentucky offers the following amendment, on page 223, line 16, to strike out the word "and" and insert the words "finished or unfinished, of whatever material composed, 90 per cent ad valorem."

Also, on page 223, line 24, to strike out all after the word "composed" down to and including all of line 6 on page 224, and to insert the words "75 per cent ad valorem: *Provided*, That any of the foregoing made with hand rolled or hand made hems shall be subject to an additional duty of 1 cent each."

Mr. BINGHAM. Mr. President, I want to make a very brief statement.

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

Mr. BINGHAM. I yield.

Mr. COPELAND. Before the Senator starts his statement, I would like to ask the Senator from Kentucky a question. That amendment would place embroidered handkerchiefs at what rate?

Mr. BARKLEY. Seventy-five per cent.

Mr. COPELAND. And the lace handkerchiefs?

Mr. BARKLEY. Ninety per cent.

Mr. COPELAND. The significance of the amendment is to place the two varieties of handkerchiefs as stated, 90 per cent on the lace and 75 on the embroidered?

Mr. BARKLEY. That is correct. It is simply a restoration of the rates in the present law.

Mr. SMOOT. With the further provision——

Mr. BARKLEY. With the further provision that if they are made with hand rolled or hand made hems they shall bear an additional duty of 1 cent each. That last provision is for the purpose of encouraging the situation in Porto Rico, where these handkerchiefs are made.

Mr. COPELAND. Mr. President, does the Senator recall what the rate is on embroideries?

Mr. BARKLEY. The rate on embroideries generally, as we have agreed to it in the Senate, is 90 per cent.

Mr. COPELAND. Why does the Senator make a distinction?

Mr. BARKLEY. Because there is no necessary analogy between embroideries generally and handkerchiefs which carry a small quantity of embroidery, some embroidered design in one corner or around the border, or at any other place on the handkerchief.

Mr. BINGHAM. Mr. President, the rates in the bill as it passed the House have been slightly lowered by the Senate Finance Committee, and a slight change made out of deference to the handkerchief makers of Porto Rico, as stated by the Senator from Kentucky. It is my understanding that the increased rates in the bill as it passed the House were due to evidence presented before the Ways and Means Committee of the House that handkerchiefs coming in from China came in at such a rate as to make it practically impossible for the handkerchief makers in the United States and Porto Rico to compete. Therefore there has been a very considerable increase in the duty.

I have been furnished by one of the experts of the Tariff Commission with figures showing the rates and the costs as applied to a single sample of a small embroidered handkerchief, such as the one I hold in my hand, which is made in China, and which is a very excellent imitation of the attractive handkerchief made in Porto Rico.

May I say that, although we have done a good deal to help Porto Rico, she has suffered enormously. The losses due to the hurricane ran up to nearly $100,000,000. The amount of aid we have been able to grant is somewhere in the neighborhood of $10,000,000. There are thousands of people, particularly in the eastern end of Porto Rico, whose sole means of livelihood is the making of handkerchiefs.

Handkerchiefs such as the one I hold in my hand cost in Porto Rico about 85 cents a dozen. The handkerchiefs made in China, exemplified by the particular handkerchief I hold in my hand, can be sold in New York at retail at $1 a dozen. The normal retail profit on a handkerchief of this kind would be about 33 cents. The normal wholesale profit on a handkerchief of this kind would be about 17 cents. The present duty and landing charges of bringing a handkerchief of this kind into the United States from China would amount to 22 cents, which leaves, so far as we can estimate it, a cost of 28 cents per dozen for the making of this type of handkerchief in China.

The cost in Porto Rico is about 85 cents. If we were to give an adequate competitive duty, we should have to put on a duty of 175 per cent ad valorem.

I know that there are people who believe that it is very important that the consumers of the United States should have handkerchiefs in which to shed their tears when they will be out of jobs if this bill goes through in the way in which the Senator from Kentucky would like to have it go through. I understand that the Senator, out of sympathy with the workers who will cry when they lose their jobs, wants them to have a chance to buy handkerchiefs to cry into. However, a handkerchief of this kind [showing its size] is not going to receive a great many tears, because it is not large enough; but if we do not increase the duty as the House did, and if we permit the Chinese handkerchiefs to come in and compete with the Porto Rican handkerchiefs, as they are now doing, we are going to cause a great increase in suffering in the island of Porto Rico, which has already suffered so much.

I hope very much that the Senate, out of regard for the thousands of women in eastern Porto Rico, for whom, as I have said, handkerchief making is practically the sole means of livelihood, will consent to grant the rate given by the House and approved by the Senate Finance Committee.

Mr. SMOOT. Mr. President, the amendment offered by the Senator from Kentucky restores existing law, with the exception of the proviso reading:

> That any of the foregoing made with handrolled or handmade hems shall be subject to an additional duty of 1 cent each.

As the Senator from Connecticut said, that change was adopted by the committee, and is now accepted by the Senator from Kentucky for the purpose of taking care of the workers in Porto Rico.

When we survey the handkerchief situation as a whole, handkerchiefs made of cotton and linen and silk, we find that the importations have immensely increased. For instance, take embroidered cotton handkerchiefs. In 1923 there were imported 161,567. In 1928 there were imported 1,088,288. That was an increase of about 800 per cent. Of lace handkerchiefs, in 1923 the total importations amounted to $17,758, but in 1928 they had increased to $117,450. We find approximately the same proportionate increase with respect to linen handkerchiefs. The total importations of linen handkerchiefs in 1923 were 1,543,018, and in 1929 they had increased to 3,287,906. As far as the handkerchief industry itself is concerned, I could show year by year, beginning with 1923, following the passage of the 1922 act, the importations into the United States of every kind of handkerchief—cotton, linen, and silk.

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

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. Certainly.

Mr. COPELAND. Is that true of the embroidered handkerchief?

Mr. SMOOT. It is the same thing. I am speaking now of handkerchiefs generally, although I am speaking in particular of the ones covered by this paragraph.

The testimony before the committee showed beyond a question of doubt, if the testimony is to be given credence, that the amendment found on page 223, lines 24 and 25, and continued on page 224 to the end of line 1, is necessary if we are to check a further percentage of imports of handkerchiefs into the United States and maintain the percentage that the local manufacturers have had in the entire consumption of handkerchiefs in the United States. The amendment of the Senator from Kentucky proposes to strike out the words "valued at not over 60 cents per dozen, 3 cents each and 40 per cent ad valorem; valued at over 60 cents per dozen, 4 cents each and 40 per cent ad valorem," and it also strikes out the proviso "that none of the foregoing shall be subject to a less duty than 75 per cent ad valorem." In other words, as I have already stated, the amendment simply reenacts the present law with the proviso which I have just read.

I was very much pleased, indeed, that the Senator consented to the additional duty of 1 cent each on every handkerchief with hand rolled or hand made hems, because I fully agree with the Senator from Connecticut [Mr. BINGHAM] that the provision applies only to the workers in Porto Rico and that the industry there has been developed. They are very adept at the work. It is about the only work of a manufacturing character, particularly with cloth of any kind, in which the Porto Ricans have made any headway at all. I think they ought to be encouraged, and therefore I am very pleased, indeed, to have that provision agreed to.

Mr. President, to show the difference in the Chinese handkerchief, I exhibit here in my hand some samples. They are of identical size with the Porto Rican product; the linen is perhaps of the same character, but I doubt if the work is equal in any way to the work of the Porto Ricans, because there is one thing certain, and that is that the Porto Ricans have learned this trade. They are very adept at it. On the Chinese handkerchief, as is true of almost any work done in China, the work is done quickly. I suppose the laborer has not very much interest in it, because he merely ekes out of his labor just enough to keep body and soul together, and in many cases not even sufficient for that purpose. That is the kind of work that is coming in contact with the output of the laborers in Porto Rico, our next-door neighbor. It seems to me that the Senate committee amendment ought to have been agreed to.

Another thing I want to add is that here [exhibiting] are six embroidered handkerchiefs made in China, which retail in the United States for 34 cents. There is not a piece of work on any one of the six handkerchiefs that is not good work. Of course, that can be done because human labor in China is not considered as important as the machinery. Human life is not quite as important as the life of a machine there. In other words, the labor in China can be performed by the use of humans at a less rate than if they had machinery with which to do the work. It is for that reason that we wanted to increase the present duty. The amendment of the Senator from Kentucky puts the rate back as it is to-day, and these handkerchiefs, hand-worked, every stitch of it done by hand, will come into the United States from China and sell at retail for 34 cents per half dozen in some of the chain stores we have throughout the country.

Mr. COPELAND. Mr. President, I should like to speak for a moment about machine-embroidered handkerchiefs. If I did not know the Senator from Kentucky, I would believe that he has a particular grievance against my city.

Let me show to the Senator from Utah six Swiss-made embroidered handkerchiefs sold for $1 at retail in my city. We used to make large quantities of these embroidered handkerchiefs. In the Passaic district, because of the importation of these embroidered handkerchiefs, the decrease in the number of operatives in three years has been 64 per cent. The average pay roll has decreased 84 per cent.

I want to point out further that these beautifully embroidered handkerchiefs are made on modern machinery in Switzerland and that the Swiss Government itself, as I am advised, has made an appropriation to repair and improve the machinery.

I would be entirely satisfied with the amendment suggested by the Senator from Kentucky if he would include embroidered handkerchiefs as well as lace at 90 per cent. We have fixed the rate on embroideries at 90 per cent. There is no reason in the world why a distinction should be made as regards embroidery. If we are to preserve the handkerchief industry for America we must give it some protection; otherwise there will be lessened employment and lessened pay rolls wherever such things are made.

I am sorry the Senator from Kentucky [Mr. BARKLEY] is not here at the moment, in order that I might make one further appeal to him. I have not been very successful to-day in reaching his heart. It is a pathetic thing that this industry must be wiped out in the United States in order that it may thrive in China and in Switzerland, where wage conditions are entirely different—of course almost nothing being paid in China, as the Senator from Utah has pointed out.

This morning when the Senator from Kentucky was talking about hats he made the statement that it is not fair to take the cheapest straw hat as a basis, but said that we must take the average. However, when it comes to handkerchiefs, he is proposing an entirely different basis. If his amendment prevails, it will mean a further decline in the number of operatives in my part of the country and it will mean a lessened income on their part. Why is this? For what reason? It is apparently in order that in China and in Switzerland there may be prosperity.

Of course, I am glad there is prosperity there. Sometimes I am inclined to be sorry that I have any humanity in my soul, because if I had not, I could forget all about the suffering of the rest of the world. But, sorrow as we may over foreign distress, we are Senators of the United States and must give consideration to the citizens living in this country.

To increase the rate from 75 per cent to 90 per cent on embroidered handkerchiefs would make very little difference, so far as the average citizen is concerned, but to reduce the rate on embroidered handkerchiefs below that placed upon embroideries generally means unemployment in the United States.

How far do we intend to go? I wish I could stand on this side of the Chamber and always argue for a low tariff, for the destruction of the tariff, in order that prices might be brought down so that we could buy things more cheaply. But if there is going to be employment in our country so there can be money to purchase these things, there must be some consideration given to those who work in these establishments by the imposition of tariffs.

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

Mr. COPELAND. Certainly.

Mr. SMOOT. In the hand embroidering of handkerchiefs alone there are 115 establishments in the United States, and they pay in wages nearly $6,000,000. That $6,000,000, if spent in China, would employ almost one-third of the entire population of China. If we do not take care of our own people, who is going to do it? We will get no protection from China or any other country.

Mr. COPELAND. The Senator is quite right. Let me go just a little further. The gain in imports of embroidered cotton handkerchiefs in 1928 over 1923 was 154,000 pounds—approximately 1,500,000 yards of cotton that might have been made here in our mills, giving employment to American citizens. Then, in turn, the machine embroidery that was placed upon these cotton handkerchiefs made from cotton produced by American workmen could have been placed there by other American workmen and the money used in the upbuilding of the United States. I know how utterly hopeless it is sometimes to stand here and discuss the needs of the American workmen.

Mr. FLETCHER. Mr. President, will the Senator from New York permit an interruption?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Florida?

Mr. COPELAND. Certainly.

Mr. FLETCHER. As I infer from the Senator's amendment, he proposes a change from a specific duty to an ad valorem duty and fixes the ad valorem duty at about 75 per cent?

Mr. COPELAND. On embroidery.

Mr. SMOOT. That is in the existing law.

Mr. FLETCHER. I want to ask the Senator whether the ad valorem duty which he proposes by his amendment is an increase over the duty as proposed by the committee or a decrease?

Mr. COPELAND. I take it that the Senator from Florida thinks that I have introduced the amendment. I have not, but I suggested a modification.

Mr. SMOOT. The Senator from Kentucky has offered the amendment.

Mr. FLETCHER. I refer to the pending amendment.

Mr. COPELAND. The pending amendment is the same as the present law.

Mr. FLETCHER. But it is a decrease over the rate provided by the committee amendment.

Mr. COPELAND. It is a decrease over that amendment.

Mr. SMOOT. Oh, yes.

Mr. COPELAND. Let me call the attention of the Senator from Florida to the fact that we have placed the duty on embroideries at 90 per cent, but when it comes to embroidered handkerchiefs the rate is made 75 per cent. We have a very large market for American cotton textiles; we have a market for operatives who might embroider upon cotton textiles emblems and designs. I referred, I think, before the Senator came into the Chamber, to this beautiful Christmas box of Swiss-made handkerchiefs [exhibiting]. These embroidered handkerchiefs sold in New York for $1 for the box of a half dozen. They were made in Switzerland; and, furthermore, the Swiss Government has, in a sense, subsidized the industry there by appropriating money to buy, retire, or repair run-down machines. So the Swiss are more and more in a strategic position to produce such handkerchiefs.

I wish that the Senator from Kentucky might be induced, in the interest of American labor and the sale of American cotton textiles, to place the rate on embroidered handkerchiefs at the same rate as on lace handkerchiefs, namely, 90 per cent. I appeal now to the Senator from Kentucky. In view of the fact that there has been a serious decline in machine embroidered handkerchiefs, a decrease in three years in the number of operatives of 68 per cent, and in wages of 84 per cent, will not the Senator accept a modification and let embroidered handkerchiefs come in at the 90 per cent rate? I hope he will. I believe such action would be in the interest of American concerns, of American employees, and of Americans generally. I can see no reason why we should aid and abet the efforts of the Swiss Government which is practically subsidizing the embroidered handkerchief business, and at the same time promote destitution and misfortune on our side of the ocean. I wish the Senator might accede to my request.

Mr. BARKLEY. I did not understand what it is the Senator wishes me to do.

Mr. COPELAND. I wish the Senator might modify his amendment so that on embroidered handkerchiefs there will be levied the same rate as on lace handerchiefs, namely, 90 per cent.

Mr. WALSH of Massachusetts. The Senator means machine-embroidered handkerchiefs?

Mr. COPELAND. I refer to machine-embroidered handkerchiefs.

Mr. WALSH of Massachusetts. Of course we can not compete in this country in the making of hand-embroidered handkerchiefs.

Mr. COPELAND. No; I am thinking about machine-embroidered handkerchiefs.

Mr. WALSH of Massachusetts. What rate would the Senator have levied on hand-embroidered handkerchiefs?

Mr. COPELAND. Of course, the Senator from Massachusetts realizes that the Chinese hand-embroidered handkerchief does compete with our machine-embroidered handkerchief. As the Senator from Utah in very expressive speech put it, it is the "human machine" in China, and, as I see it, we ought to give this protection. I trust the Senator from Kentucky will accept that suggestion and let us go home before we shall be snowed in.

Mr. BARKLEY obtained the floor.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Massachusetts?

Mr. BARKLEY. I yield.

Mr. WALSH of Massachusetts. I have here a letter from one of the large wholesale dry goods establishments in the city of Boston which I think I ought to read at this time, or, at least, I should read a part of it. The letter was written in June before the action of the Finance Committee was taken but after the House of Representatives had acted. I quote from the letter, as follows:

> I would like to call your attention to paragraph 1530 of the House bill, beginning on the twenty-first line, relative to lace, embroidered, and initialed handkerchiefs.
>
> The present duty on the lace handkerchiefs is 90 per cent, and on the embroidered handkerchiefs, 75 per cent ad valorem. The new duty as passed by the House bill calls for 4 cents per handkerchief and 40 per cent ad valorem, which would raise the duty on handkerchiefs that retail for 12½ cents each to 152 per cent, goods that retail for 15 cents to 133 per cent, and goods that retail for 25 cents to 96 per cent, which I think is prohibitive. Our domestic manufacturers are able to make the low end, that is, the 12½ and 15 cent goods, and there is very little

competition from the other side, but on all goods that retail for 25 cents we have to depend a great deal on having the novelties from the other side, and it would seriously affect the handkerchief business without these novelties in the line.

I do not object to a reasonable compound duty, but instead of it being 4 cents per handkerchief and 40 per cent ad valorem, it should be only 2 cents and 40 per cent ad valorem per handkerchief, and that would give the domestic manufacturer ample protection.

I should like to ask the Senator from Kentucky if it is not his judgment that handkerchiefs that retail at 25 cents, which I take to be the hand embroidered——

Mr. BARKLEY. No; they are not hand embroidered——

Mr. WALSH of Massachusetts. They are machine embroidered?

Mr. BARKLEY. They are machine embroidered.

Mr. WALSH of Massachusetts. I take it that they do not seriously compete with any handkerchiefs produced here.

Mr. BARKLEY. The hand-embroidered handkerchief is not produced in the United States in commercial quantity. Practically all of the hand-embroidered handkerchiefs imported into this country are from the north of Ireland. The embroidered handkerchiefs that come in from Switzerland are machine made; they are made on the same type of machines that are used in the manufacture of American machine-embroidered handkerchiefs. If the Senator would compare a machine-embroidered handkerchief made in Switzerland with a machine-embroidered handkerchief made in the United States he would very readily understand why almost all American women prefer the Swiss handkerchief to the American product, because the Swiss handkerchief is made with such skill, and sufficient time is taken to make it, that it is almost impossible to tell the right from the wrong side, whereas in our country the handkerchiefs are produced by "mass methods," very little pains are taken with them, and when the underside of an American machine-embroidered handkerchief is examined anybody who has any taste will understand why the imported article is preferred by the average American woman.

Mr. SMOOT. Every stitch in the Chinese handkerchief is made by hand. I showed the Senator six Chinese handkerchiefs selling for 34 cents, and every stitch in those handkerchiefs was made by hand.

Mr. BARKLEY. I am not disputing that fact, but I have a statement here by an American manufacturer of machine-made handkerchiefs, talking before a convention of his fellow manufacturers, stating that the trouble with the American handkerchief industry is not importations from China, especially embroidered handkerchiefs, but the trouble is that by reason of the change in styles embroideries are not now generally worn, and hundreds of machines which formerly were used in the manufacture of embroidery generally have become useless for that purpose, and have gone into the manufacture of embroidered handkerchiefs, and, as a result, they have overproduced; they have, to use the common expression, flooded the American market to an extent that the condition of the American embroidered handkerchief maker is depressed. In the handkerchief field our forte is in the making of plain handkerchiefs; there is no other country that can really compete with the American manufacturer of ordinary plain handkerchiefs; but when we get into the embroidery field we find a difficult situation because the factories, men and machines which formerly were employed in making embroideries generally, finding no market for those products because of the change in styles, have undertaken to go into the handkerchief field, and have thus contributed very largely to the condition which now exists in the handkerchief market.

Mr. WALSH of Massachusetts. It will be noted that the correspondent to whom I have referred criticizes quite severely the rate proposed by the House.

Mr. BARKLEY. Yes.

Mr. WALSH of Massachusetts. He says that that rate would be injurious to the handkerchief business, but he does intimate that the business would not suffer by some slight increase.

Mr. BARKLEY. As I have suggested, I am going to modify my amendment.

Mr. WALSH of Massachusetts. I think American women should have the opportunity of getting high-class embroidered machine-made handkerchiefs at a reasonable price, and we ought not to impose such a duty as would preclude that opportunity.

Mr. BARKLEY. I think the Senator is right; and I will say that, so far as the cheaper embroidered-handkerchief field is concerned, the depression in the industry is not limited to the United States; the domestic-handkerchief market in Switzerland, where most of these machine-made embroidered handkerchiefs come from, is equally depressed with that in the United States, and for the very same reason.

Mr. WALSH of Massachusetts. I so understand, and the evidence so shows. Will the Senator state what he proposes?

Mr. BARKLEY. I am going to modify my amendment so as to make the rate 90 per cent as to both lace and embroidered handkerchiefs.

Mr. COPELAND. I thank the Senator from Kentucky.

Mr. WALSH of Massachusetts. Let us have a vote on that, and let the amendment then go to conference.

Mr. BARKLEY. In my amendment, where it reads 75 per cent on embroidered handkerchiefs, I wish to change it to read 90 per cent.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kentucky as modified.

The amendment, as modified, was agreed to.

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 amendment of the House to the joint resolution (S. J. Res. 7) for the appointment of a joint committee of the Senate and House of Representatives to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

RECESS

Mr. SMOOT. If there is no other business desired to be transacted at this time, I move that the Senate take a recess until to-morrow at 11 o'clock a. m.

The motion was agreed to; and (at 4 o'clock and 27 minutes p. m.) the Senate took a recess until to-morrow, Friday, January 31, 1930, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 30, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker.

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

We approach Thee in repentance and confession. Hear us, gracious Master, dwell in fellowship with our souls, exalt our ideals, enlarge our vision, fill the veins of our thoughts with the throbbings of immortal courage, and lift us into the very presence of God. Take our entire country under Thy guidance. Thou art calling us not by the whispered vision of the night but loudly thundered by the voice of the day. Yes, Thou art calling us to help, not by the might of arms or the conquest of commerce but by the sovereignty of service. O God, our noblest triumph will be in the expansion of our holy faith in the world's Saviour. Persuade us, we pray, that to save our own land we must help save the world. In the name of Jesus. 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 a joint resolution of the House of the following title:

H. J. Res. 217. Joint resolution making an additional appropriation for the support of the Federal Radio Commission during the fiscal year 1930 in accordance with the act approved December 18, 1929.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3152. An act to legalize a combined sewer and submarine cable constructed under the Grand River near the pumping station on Market Avenue at Grand Rapids, Mich.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 5616) entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," 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. PHIPPS, Mr. MOSES, and Mr. MCKELLAR to be the conferees on the part of the Senate.

FEDERAL FARM BOARD

Mr. BRAND of Ohio. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BRAND of Ohio. Mr. Speaker and Members of the House, I have been in correspondence with the Farm Board for, I think, several months, trying to find out the interest rate that will be charged to the cooperatives. There has been considerable discussion of that point in the newspapers, and considerable discussion in some of the committees of the House and of the Senate.

I have a letter this morning in reply to a letter I wrote to Mr. Schilling, a member of the board. He does not answer, but the secretary of the board, Mr. Chris L. Christensen, has answered. I will ask that the Clerk read the letter. I think it is a definite response for the first time.

The SPEAKER. Without objection, the Clerk will read the letter.

The Clerk read as follows:

FEDERAL FARM BOARD,
Washington, January 25, 1930.

Hon. CHARLES BRAND,
House of Representatives.

DEAR MR. BRAND: In reply to your letter of January 17, addressed to Mr. Schilling, there is quoted below for your convenient information the provision contained in the agricultural marketing act approved June 15, 1929, governing the rate of interest to be charged on loans made by the Federal Farm Board to cooperative associations:

"SEC. 8. (a) Loans to any cooperative association or stabilization corporation and advances for insurance purposes shall bear interest at a rate of interest per annum equal to the lowest rate of yield (to the nearest one-eighth of 1 per cent) of any Government obligation bearing a date of issue subsequent to April 6, 1917 (except postal-savings bonds), and outstanding at the time the loan agreement is entered into or the advance is made by the board, as certified by the Secretary of the Treasury to the board upon its request: *Provided*, That in no case shall the rate exceed 4 per cent per annum on the unpaid principal."

The interest rates applicable to the loans which the Federal Farm Board has agreed to make to the National Cheese Producers Federation, Valley of Virginia Milk Producers Association, and National Wool Marketing Corporation are based on the provisions of the act above quoted.

The loan to the National Wool Marketing Corporation, however, is on a slightly different basis than the loans to the other two organizations mentioned, in that the National Wool Marketing Corporation, instead of using the borrowed funds itself, will relend them to its member organizations. As you know, the National Wool Marketing Corporation has state-wide or regional wool cooperatives as its member stockholders. The rate of interest on the loan to the National Wool Marketing Corporation must always be determined as provided in the section of the law previously quoted. In acting as agent for its member associations it will, of course, incur some additional expense. To cover this expense it may be expected to charge its members interest at a rate somewhat above that at which it borrows from the board. This situation has not developed far enough as yet to make possible any statement as to the exact amount that will be charged to cover these expenses. It may be pointed out, however, that any profit accruing to the National Wool Corporation as a result of such a difference in interest rates will, of course, inure to its member stockholders, who are paying the interest in the first place.

Very truly yours,

CHRIS L. CHRISTENSEN, *Secretary.*

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

Mr. BRAND of Ohio. I yield.

The SPEAKER. The gentleman's time has expired.

Mr. BRAND of Ohio. I ask unanimous consent for two minutes more.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. HASTINGS. Do you regard that as responsive to your inquiry, except as a mere quotation of the law?

Mr. BRAND of Ohio. Yes; I do. I have studied it. I think it means that the board is going to follow the law.

Mr. HASTINGS. What else could they do but follow the law?

Mr. BRAND of Ohio. I was afraid they were not going to follow the law.

Mr. HASTINGS. What information does that really give you, except that they will follow the law? The law is mandatory.

Mr. BRAND of Ohio. It has been charged that Julius Barnes had received assurances from Alexander Legge, chairman of the Farm Board, that at least some cooperatives would not receive the benefit of the rate of interest provided in the law. This letter is the clearest statement that has been made, and the board seems to bind itself to the provisions of the law.

PERMISSION TO ADDRESS THE HOUSE

Mr. CRISP. Mr. Speaker, I ask unanimous consent that on Saturday, following the special order already made, I may address the House for 20 minutes on prohibition enforcement, to answer one of the statements made by the gentleman from Wisconsin [Mr. SCHAFER].

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

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, I make a similar request, to address the House on Saturday, following the gentleman from Georgia, on the same subject.

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

There was no objection.

TAKING THE PROFIT OUT OF WAR

Mr. WINGO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the address delivered by Major Bodenhamer, commander of the American Legion, last evening on certain legislative proposals of the American Legion.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD by printing the address of the commander of the American Legion. Is there objection?

There was no objection.

The address is as follows:

It has now been more than 11 years since the conclusion of the World War. From that war the American Legion was born. In that conflict the 800,000 American citizens, who now compose the Legion, learned the futility of war and, at the same time, saw the disastrous results of unpreparedness. Since its inception, therefore, the Legion has given unselfishly of its best thought and energy toward the safeguarding of our Nation against any future crisis of a similar nature. Having seen and experienced the torture and suffering of war, the personnel of the Legion wants no more of it. We are sincere in our desire for universal peace, but we are just as sincere in our belief that America should never again be found in a condition of such utter unpreparedness as that which characterized our country at the time of our entry into the great conflict.

The Legion has been and still is in favor of a safe and sane policy of national defense. Such a defense policy should be in keeping with the value of our property and with the magnitude of our people. Year after year the Legion has affirmed and reaffirmed its position on this important matter. We have had a great deal to say about the subject of adequate preparedness. We advocated the passage of the national defense act of 1920. We are firm in our conviction that this defense plan, while nonmilitaristic in tendency and inexpensive in nature, would prove effective in case of another national emergency, provided one additional principle were written into the fundamental plan.

In the establishment of our defense policy we must recognize the fact that any major war will be fought by the civilian population rather than by professional soldiers. This is particularly true of our land forces. Our wealth and population demand that our Navy shall be equal to that of any other nation in the world. Sound judgment would require that all component parts of land and sea forces be developed in keeping with modern methods.

But over and above the question of equal naval strength, and over and above the question of the standing armed forces of land and air, there is still a greater and more fundamental principle upon which must depend any real preparedness, any real adequate national defense, and any real guarantee of permanent peace. This principle should be written into the national defense act. You may call it what you will—universal service or universal draft—that principle is wrapped up in the spirit of union and unity, the spirit of one for all and all for one.

We of the Legion favor universal draft in time of war, because it is our conviction that the underlying principle is right and fair and just. We believe that all men and all property share, proportionately, the benefits accruing from victory, and that all men and all property would share proportionately in the loss accruing from defeat. All men and all property, therefore, should share equally and proportionately the burdens of war. In order to share the burdens of war equally and proportionately, it is necessary that all men and all property serve equally during the time of war, and that they share equally the burdens developing as a result of war.

The most severe critic of this universal-draft idea must admit that the burden of war is the Nation's burden. It, therefore, should fall equally upon all men and upon all property. There should be no slackers and no profits in war. War is a national sacrifice, and every citizen, and the property of every citizen, should join in that sacrifice. But such has not been the case in the past, and the Legion is saying to the American public that we ought to have a system of national defense which would make it impossible for any one element of our people to

make a profit by the waging of war. The present situation is very much as follows:

The soldiers don their uniforms, go to war, risk their lives, work for a menial pay, return to their homes, and then help pay the war debts. Now if there is to be equal responsibility in paying the war bills, then there should be equal service and equal responsibility during the time those war bills are being created. If all men and all property are to share equally after war in paying the war debt, then all men and all property should serve equally during the time of conflict. Let us, therefore, as public-spirited citizens, insist that our national-defense program be so prepared that all citizens and all property must bear the equal punishment of war if war ever comes again. Let us pay in material as well as in men.

If this principle is fair and right and just, then it should be written into the law of the land at this time rather than to wait until a national emergency arises. Just as the principle of universal draft was put into effect imperfectly during the recent World War, just so it will be put into effect again, perfectly or imperfectly, in case of another war. Why is it not wise, therefore, for us, in time of peace, to sit down around the conference table and determine upon a plan which will be fair and more nearly perfect than any possible plan which might be agreed upon during the stress of war?

And this is just what the Legion is asking for to-day. The Reed-Wainwright resolution, in which we are vitally interested, calls for the creation by Congress of a special commission to study this problem and to report back to Congress a bill, as agreed upon by the different elements of American life represented on that commission. This special commission would be composed of Members of the Senate and House, together with representatives of labor, capital, industry, and the other elements of American life vital to the successful conclusion of modern warfare. This commission would study the universal draft principle and would report back to Congress a specific piece of legislation.

What plan of procedure could be more equitable to all parties concerned than this? Certainly the Legion does not favor, and would not favor, any plan which would place an unfair burden upon any one element of our people. The Legion believes that no man in time of war has a right to roll in the lap of luxury while another of his comrades rolls in the mud and the mire of the battle field. Such conditions and tendencies as existed in the World War are undemocratic in nature and should be, and can be, corrected to a large extent, by the passage of a proper selective service act.

Now, some of these statements may be rather general in nature, but it is not difficult to find concrete examples of the constructiveness of this principle if put into effect. Victory, or a successful conclusion of warfare, is the ultimate result sought by each nation engaged in conflict. The purpose of war, therefore, after its declaration, is victory, so far as each contestant is concerned. Each warring nation hopes and fights for victory. Every effort is made by each nation to accomplish victory. Certainly a nation that uses all men and all property, within their proper places of service, has the best opportunity for victory. If America ever goes to war again, we would expect to be victorious. We should, therefore, decide upon a plan by which all men and all property can be used properly in order to insure our victory.

While the existence of a proper plan for the operation of the principle of universal draft would tend to serve as a guaranty of victory in case of war, still it has a greater advantage, in that it would tend to retard the declaration of war by our own country. In other words, we would have no group or element of our people interested in a declaration of war, provided it were understood that each citizen, and the property of each citizen, would be subjected to the punishment and the burden of war, and that there could be no slackers and no profits developed as a result of such conflict. With the profit of war made improbable, and with a positive reduction in the number of slackers, there would be no selfish interests in America which would encourage the declaration of war. War on our part, therefore, would be one of defense and not of offense. A principle which would have this kind of a beneficial tendency certainly should be studied and investigated.

Not only would the universal-draft idea tend to retard a warlike spirit in our own Nation, but it would likewise tend to retard the declaration of war against us by any other nation. This Nation would be virtually invincible with a plan in existence by which all men and all property could be thrown into the defense of our country. Since defeat would be assured, certainly there would be few nations which would desire to declare war against the United States. A principle which would thus encourage the peace of the world, so far as America is concerned, certainly deserves to be studied and investigated.

Now, this principle, although it would serve a most constructive and beneficial purpose, would cost the United States not one single dollar for maintenance. If war is never declared, the plan would never be called into operation. If war should be declared, then it would serve as an economy measure, because the waste and delay experienced in past wars would be prevented. The existence of the universal draft prior to the World War would have reduced the cost of that war to America by millions upon millions of dollars, thus reducing the burden of taxation to every American citizen. During the first three months in the World War our expenditures were at the rate of $2,000,000 per day. During the next year they averaged $22,000,000 per day, and for the final 10 months they averaged more than $44,000,000 per day. The direct and total cost to the United States was approximately $22,000,000,000—nearly enough to pay the entire cost of running the United States Government from 1791 to 1914; enough to have carried on the Revolutionary War continuously for more than 1,000 years at the rate of expenditure at the time it began. Such is the cost of modern warfare. At the close of the World War the United States was just beginning to produce efficiently war material and war man power. The dollar had depreciated to as low as 40 cents because it had not been stabilized. The price of living increased, and the cost of labor increased accordingly. War was declared April 6, 1917. We had no Food Administrator until August 10. We had no act on our statutes forbidding trading with the enemy until September 12. We had no War Trade Board until October 12. It was the spring of 1918 before we had a finance board.

This chaos and uncertainty as to a definite plan of procedure were responsible for the confusion and extravagance and reckless expenditure of money and of life, which accompanied our entry into that war. The existence of the universal draft plan would have prevented this confusion and this extravagance. It would have saved millions upon millions of dollars.

While the Government was losing this enormous sum of money, because of the lack of a definite plan of action, the civilian population was experiencing its problems with the cost of living. Let us turn to the report of the World Almanac of 1921 on the subject of millionaires for 1920, the year which followed the close of the war.

"War profits are known to have increased the millionaire class. In 1917 it numbered slightly more than 26,000. With a population estimated at 105,000,000, the United States in 1920," according to this report, "had a millionaire group numbering one for each twenty-one hundred in population."

This means 24,000 additional millionaires, and hundreds of thousands of others not quite up to the millionaire mark, were created during the war period in the United States, while more than 4,000,000 of our men in uniform were fighting and suffering and dying on a pay basis of some $30 per month. Surely some plan should be devised which would make impossible such profits and such profiteers arising from the suffering and the tortures of warfare. Patriotism may demand that a man give the best that he has in time of war, as well as in time of peace, but patriotism should not demand that a man serve in the uniform of his country for a less pay than that which is received by his fellow man for labor requiring the same effort and the same ability.

Former President Coolidge once made this statement:

"Undoubtedly one of the most important provisions in the preparation for national defense is a proper and sound selective service act. Such a law ought to give authority for a very broad mobilization of all the resources of the country, both persons and materials. There is little defense which can be made of a system which puts some men in the ranks on very small pay and leaves others undisturbed to reap very large profits. In the advent of war, power should be lodged somewhere for the stabilization of prices as far as that might be possible in justice to the country and its defenders."

Former President Harding, in one of his addresses, made the following statement:

"It is not enough to draft the young manhood. It is not enough to accept the voluntary services of both men and women. It will be righteous and just, it will be more effective in war and marked by less regret in the aftermath if we draft all of capital, all of industry, all of agriculture, all of commerce, all of talent and capital and energy of every description to make the supreme and united and unselfish fight for the Nation's triumph. When we do that there will be less of war."

The Nation in its entirety—labor, capital, man power—would be peace advocates; but while advocating peace they would have the full knowledge of their strength and of their ability to defend the Nation and its honor in case of necessity.

I maintain that the universal draft law, if put into effect, would reduce the cost and burdens of war. Such a law would lend itself to a well-planned system by our War Department of mobilizing the resources of America in the event of conflict. The existence of such a plan would prevent confusion and would permit of an immediate effectiveness in the war activities of the Nation. The principle of the universal draft does not contemplate a large standing army and navy, but it does contemplate the existence of a well-planned program of national defense. A lack of such a program will not stop a war, but it will increase the loss sustained because of not having such a program. Preparedness, even, will not stop a war, but it will decrease the loss sustained as a result of unpreparedness. You can not stop a nation from fighting just because it is unprepared, provided it feels that its national honor has been violated. Being properly prepared does not indicate, necessarily, a warlike spirit—it is just good, common horse sense in the life and welfare of the Nation. The cost of war is the burden of the Nation; it should not be made the burden of any one particular class. If the burden of war can be reduced, then all citizens share, and share alike, in the reduction of that burden. If you reduce the cost of war, you do more than reduce the burden; you pave the way for perfect

preparedness. The Nation which can organize and expend $10,000,000 a day for a military effort which would cost another nation $50,000,000 per day puts itself in a strong and safe position. By cutting out the profit of war and by placing the burden equally upon all of the resources, and by having a program for the systematic employment of all of the different forces and resources of this country, thus preventing confusion and lost motion, we would be in position to carry on a war at a minimum cost to our citizens. President Coolidge, in a recent address, gave statement to his belief that the universal draft law would reduce the cost and burden of another conflict. He said: "These profits add to the Government cost in the prosecution of the war. A universal draft would prevent this profiteering and would thus reduce the cost of the war and the resulting taxation necessary to retire such costs." Military authorities agree that the existence of the universal draft law prior to the beginning of the World War would have reduced the cost of that war to America by millions upon millions of dollars, thus reducing the burden of taxation to all American citizens.

Now, if the universal-draft idea is fundamentally fair and right and just, and if it would have a tendency to preserve universal peace, and, if it would tend to equalize the burdens of war, thus making this Nation more effective, in the event of another international conflict, and, if its adoption would cost the United States not one single dollar, then, certainly that kind of a plan or principle is worthy of the consideration of an unbiased and competent commission of the United States Congress.

The Legion has already studied this problem. We are convinced that it has merit and that it should become a part of the fundamental law of the land. There are some, however, who oppose, for one reason or another, the adoption of this universal-draft idea. In fairness to them, as well as to ourselves, we believe that this plan has enough promise and enough merit to justify its study and investigation by a special commission of Congress, appointed for this particular purpose. There have been presented to Congress some bills providing for the universal-draft plan, as such. These may or may not be constitutional. It is the Legion's conviction that this principle should be studied and that its workability should be investigated, and that a plan of procedure, which would be in keeping with the Constitution of the United States, should be formulated and reported back to Congress for consideration. We are pledged, therefore, to the adoption of the Reed-Wainwright resolution. We believe that this is the shortest and surest course to be followed in determining upon the proper universal service act. Certainly, an equitable plan can be more quickly arrived at by conference between representatives of the different elements concerned than by long-distance arguments between contending groups.

We are convinced, also, that the passage of this Reed-Wainwright resolution will have a most wholesome effect upon our entire population. Nor will it be out of harmony with the present efforts toward the establishment of universal peace. This is best evidenced by the fact that Senator REED, joint author of this resolution, and a member of the American delegation to the London naval parley, introduced and urged immediate consideration of this resolution in the Senate on the very eve of his departure for this conference. But over and above this question, we of the Legion are convinced, based upon our study and upon our experiences during the World War, that a law should be written, and written now, which would coordinate and control every man, every industry, every natural resource, and every manufacturing enterprise into the service of the common cause, in case of another war. If you will do that, you will take the profit out of war, as nearly as profit can be taken out of international conflict. You will take the burden from the shoulders of the men who carry the rifle and distribute it again, equally, as between all men, whether in or out of uniform. If you will do that, you will reduce the probability of slackers and profiteers. When such a principle is written into the fundamental law of the land, and made effective during the time of national emergency, then, in my humble opinion, we would have a fundamentally well-prepared Nation, because all would serve and, at the same time, we would have a sincere and peace-loving people, because there would be none who would favor war, except to defend our native land and to preserve our national honor.

ADDRESS OF HON. HENRY L. STIMSON

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of the Conference on the Limitation of Armaments, now in session in London, and to insert in the RECORD a speech delivered in London on yesterday by the head of the American delegation, the Hon. Henry L. Stimson.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks concerning the London conference, together with the address delivered by the Secretary of State, Hon. Henry L. Stimson. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, under the unanimous consent granted me yesterday to extend my remarks in the RECORD, I am inserting an address delivered over the radio from Great Britain on Wednesday by the Hon. Henry L. Stimson, head of the American delegation to the Conference on the Limitation of Armaments now in session in London. I trust every Member of the House will read this address and familiarize himself with its contents. It is a very important utterance and one that has great bearing on one of the most far-reaching subjects with which we are now dealing.

Mr. Stimson's address follows:

LIMITATION OF ARMAMENTS

My friends of the unseen audience, under these peculiar circumstances which find me abroad in London and you, my unseen audience, at home in the United States, it would be a far greater pleasure to me if modern science could collect the voice of the American people and bring it over here to me for my inspiration and guidance rather than take my own voice and distribute it among you. Nevertheless, while I can neither see you nor hear you, I can get comfort from talking to you.

The American delegation at the Naval Arms Conference here in London, as you know, consists of Mr. Charles Francis Adams, the Secretary of the Navy; Senator JOSEPH ROBINSON, of Arkansas, leader of the Democratic Party in the Senate; Senator DAVID REED, of Pennsylvania, chairman of the Senate Committee on Military Affairs; General Dawes, the American ambassador here in London; Mr. Hugh Gibson, the American ambassador to Brussels; Mr. Dwight Morrow, the American ambassador to Mexico, and myself. We have come over here to try to negotiate a treaty between the United States, Great Britain, France, Italy, and Japan, by which each of these nations will limit and reduce its navy.

TWO GREAT PURPOSES CITED

We believe that this will accomplish two great purposes: First, it will put an end to the ill will, suspicion, and fear that inevitably is aroused by competition in naval building; and secondly, it will reduce the cost of our navies and thus relieve the taxpayers of each country from some of the burdens that rest upon them.

We believe that we can do both of these things, and yet at the same time add to the security of our country, for there are times when less navy and more good will in the world will give greater security than more navy and less good will, and we think that this is one of those times.

The reaction from the Great War is still with us. As with individuals, so with nations; periods of wisdom follow periods of triumph. The pressure of public opinion arising out of the sorrows of the Great War has made possible several great constructive international agreements in the last six years. Perhaps the greatest of these was the one which was promulgated in Washington last July, the pact of Paris, somtimes called the Briand-Kellogg pact, by which virtually all the nations of the world renounced war as an instrument of national policy, and agreed in the future to settle their differences only by pacific means.

URGES BELIEF IN SINCERITY OF ALL

In America we believe when we signed the pact that we meant what we said. We should give the credit of equal sincerity to the other nations who signed with us. In the light of all these circumstances we here, of the American delegation, believe that this is a time when the limitation and reduction of navies should be possible.

A few days ago Mr. MacDonald, the Prime Minister of Great Britain, told you over the radio of the sacrifices which Great Britain has already made and the steps she has already taken to accomplish the reduction in her naval armament. America also has already shown her attitude in this cause by similar sacrifices and similar steps.

Eight years ago, when she called the first disarmament conference in Washington, she was engaged in building a fleet of battleships larger and more powerful than those of any other nation in the world. Fifteen of such capital ships were already in the course of construction, and over $330,000,000 had been spent on their construction.

In order to stop naval competition and to put an end to the consequent rivalry, suspicion, and fear between the nations which would grow out of such competition, America destroyed all of these new ships, together with 13 older battleships in her possession, and signed the Washington treaty with Great Britain, France, Italy, and Japan. This treaty has put an end to all competition in battleships from that day to this between those nations.

UNITED STATES' ACTIONS REASSURE JAPAN

More than this, and with the special purpose of reassuring Japan, America at the same time agreed to stop all work on her naval bases in the Orient, and to leave them unfinished and unprotected.

Nothing could have shown better the confidence in Japan, nothing could have shown more fervently that instead of regarding that great country as a menace to herself, she regarded her as a friend and as a stabilizing influence in the Far East which would make for peace in that troubled portion of the world.

The subsequent events have shown that America was right. Japan has responded most cordially to this action and the relations between Japan and America have become more friendly and mutually confident than ever before. Coupled with the 4-power Pacific treaty, by which America, Great Britain, France, and Japan agreed to respect each

other's possessions in the western Pacific, and to consult together if ever any controversy should arise between them as to these possessions, this action of America and of those other countries of the Pacific has produced a feeling of security in that neighborhood which even the great civil wars on the mainland in China have been unable to disturb.

RELATIONS WITH GREAT BRITAIN

So far as our future relations with Great Britain are concerned, we believe that the most effective way for us to create and maintain the good will between us, which we both expect, is by agreeing with Great Britain to an equal limit upon the total strength of our navies.

The Washington treaty of 1922, to which I have just referred, created such parity between us as to our battleships and airplane carriers. We now seek to extend that parity to all the rest of our respective fleets, a policy with which I am glad to say Great Britain is in entire accord.

Parity between Great Britain and America is not a doctrine of naval rivalry; rather, it is a slogan of mutual confidence, as well as a means of mutual disarmament. We in America know that so long as we have a Navy equal in power and efficiency to Great Britain's Navy, with only such minor differences as the differing problems of the two nations make necessary, America has a Navy adequate for its national defense. Furthermore, we know that so long as parity is maintained we can safely reduce our Navy down as far as Great Britain is willing to reduce her navy. Instead of producing rivalry it removes it; instead of arousing apprehension it insures confidence and creates a standard by which both navies can be reduced in safety.

M'DONALD'S STATEMENT CLEARED AIR

Mr. MacDonald's announcement in Washington last December, that Great Britain agreed to this policy of naval parity with America, did more to relieve the feeling of anxiety and irritation which had followed the failure of the naval conference in Geneva in 1927 than any other single event.

We are also interested in the limitation of the navies of France and Italy, for although we have no immediate interest in the Mediterranean, where these countries border on each other, it is nevertheless a fact that every great navy in the world influences every other navy. Therefore, the civility and security of the world and the serenity of mind on which international good will rests can not be fully attained until all nature of competition in naval building is removed by agreements of limitations.

This being the general situation which confronts us and these being the public purposes and motives which actuate us, we are trying to accomplish the following results:

In the first place, we hope to make an agreement with the other foreign nations represented here which will put an end to competition between them in cruisers and destroyers. These vessels are now not covered by any agreements.

WOULD LIKE TO ABOLISH SUBMARINES

In the second place, we should like to abolish submarines. If we can not abolish them, we wish to reduce their number as much as possible, and at the same time to make an agreement which will prevent their being used against merchant vessels in the ruthless and inhuman way in which submarines were used in the last war. Then we want to reduce the battleship programs below the programs which were provided in the Washington treaty. It is present competition in respect to cruisers, destroyers, and submarines which has caused the chief anxiety and irritation during recent years.

An agreement as to them would be the greatest contribution to international good will and for some countries it would also provide economy. For us the chief economy would lie in the reduction of the battleship programs, for unless that program is reduced we shall be faced with an expenditure of approximately $300,000,000 on battleships alone in the next six years, and in the following six years thereafter, another $300,000,000.

These are the problems which the American delegation has before it and on which all the delegations here are hard at work. We have been getting acquainted with the members of the other delegations and have been studying the conditions of each of their countries which effect their naval programs. The organization of the conference has been effected and members of our delegation have been holding conferences with each other and with their colleagues from other countries almost all day for every day that we have been here.

We know the other delegations, and they know us far better than when we landed here 10 days ago. We know their problems and their point of view with an intimacy that was impossible before. I think I run no risk in saying for them and for us that we have confidence in each other's determination to make a long step forward in human progress before we leave here, and that that confidence not only augurs well for the success of this naval conference but for that international good will in the future which is the main object of the conference.

Let me add one little word of caution: Some 400 newspaper reporters and representatives are gathered here in London to report this conference, and hardly a day passes but what some excited reporter comes to me with a rumor of some crisis of which he has heard which is going to wreck the conference. Crises make good news, much better news than mere reports of good progress. I can only tell you that thus far every rumor of such a crisis which has come to my ear has been quite unfounded. No such crises have in fact occurred; nothing but hard work and friendly good will exists among the various gentlemen of the delegations who are getting together every day.

BE NOT TROUBLED, HE ADVISES

I therefore recommend that you be not troubled with reports of crises until they are confirmed by us. We intend to make this conference a success, and we think we can do so. Our own delegation is a unit in energy, good will, and determination to accomplish such a result, and everything that we have seen points to a similar state of mind on the part of our colleagues from the other countries.

The members of the American delegation here in one capacity or another went through the Great War. Most of us have had to study national defense in the course of our official duties. We are united in believing that our national defense, our national interests, and our prospects will continue; peace and prosperity can best be served by naval limitation and its consequent good will. In the belief that the same agreement which holds out such prospects for us holds equal prospects for the other nations here, we go at our task with the assurance of the support of the people of these five great nations.

CHAUNCEY M. DEPEW

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting my remarks concerning former Senator Chauncey M. Depew at the dedication of a chair of public speaking in his memory at George Washington University, and certain other remarks made about his life and public career.

Mr. UNDERHILL. Reserving the right to object, Mr. Speaker, does the gentleman intend to include the whole program of the evening and the speeches delivered there?

Mr. FISH. I want to include chiefly the addresses concerning the life, character, and career of former Senator Chauncey M. Depew.

Mr. UNDERHILL. Made by whom?

Mr. FISH. Made by myself, Professor Yeager, the new professor of public speaking at George Washington University, and William F. Butler, a distinguished Washington lawyer.

Mr. UNDERHILL. I have no objection to the gentleman including his own remarks in the RECORD, but I think we had better exclude the remarks and speeches made by gentlemen outside our own body.

Mr. FISH. Would the gentleman exclude the remarks made by Mr. Butler on the life and character of former Senator Chauncey M. Depew?

Mr. UNDERHILL. Well, in case Mr. Butler did not go beyond that I will not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include an address by myself and Charles Henry Butler at the dedication of the Chauncey M. Depew chair of public speaking at George Washington University on Friday afternoon, January 24, 1930.

The speeches follow:

SPEECH OF REPRESENTATIVE HAMILTON FISH, JR.

It is a great honor to stand on this platform, with all these learned and distinguished university officials, and speak to you on the subject which has been assigned to me—the value of training for public speaking. At the outset of my remarks I desire to commend Mrs. Chauncey M. Depew, who has rendered a great public service in establishing a chair of public speaking at George Washington University as a memorial in our National Capital to her illustrious husband, who was the intimate friend and adviser of many Presidents, and who rendered distinguished service to the State of New York for 12 years in the United States Senate.

Chauncey M. Depew was the last of those brilliant orators who took up the mantle of eloquence left by Webster, Clay, and Calhoun. The Civil War and reconstruction eras produced great orators in Abraham Lincoln, Edward Everett, Charles Sumner, and Wendell Phillips, who were followed later by such masters of eloquence as Robert Ingersoll, William M. Evarts, Henry W. Grady, James G. Blaine, Roscoe Conkling, and Henry Ward Beecher. Chauncey Depew and Joseph H. Choate belong to this old school of eloquence and, with the exception of William Jennings Bryan and William Bourke Cockran, they continued to be preeminent among our American orators during the last 50 years.

It is often stated that if you search for the secret of eloquence that you will find truth to be the strength of all great orators, like Demosthenes and Cicero, and of all those who have succeeded them among the famous orators of medieval and modern times. That being the case, we should not hesitate to be guided by the truth or be fearful of admitting the truth that to-day the art of oratory in the United States has almost disappeared and might at the present time be termed a "lost art." It is a sad commentary that in spite of the growth in population in the United States and of the splendid educational opportunities afforded to

our people that there are not a half-dozen men throughout America who enjoy a national reputation for eloquence, and not one of them ranks among the foremost American orators of the past. Charles Evans Hughes, Senator WILLIAM E. BORAH, former Senator James A. Reed, of Missouri, John W. Davis, and Representative JAMES M. BECK would surely be considered as among our most gifted speakers, but it is not likely that their fame will be handed on to the next generation as great orators.

The purpose of the Chauncey M. Depew chair of oratory will be to develop and train the on-coming generations in the main objective of oratory, which is the art of persuasion. I know of no service that is more needed for preparing our future lawyers, clergymen, and public officials. Oratory may be a lost art temporarily, but it can be revived through the establishment of special courses of instruction such as is being inaugurated to-day at George Washington University.

A study of the lives of the most famous orators of the past, such as Demosthenes, Cicero, Burke, Mirabeau, and Webster, demonstrates that they excelled in the art of oratory only through severe training and preparation. There is no royal road to oratorial success, except through hard work and preparedness. The great masters of the past were trained as intellectual athletes and only excelled because of their arduous efforts and determination to succeed.

The schools of oratory in Athens, Rhodes, and later in Rome, attracted pupils from all parts of the known world. Cicero and Cæsar studied rhetoric at both Athens and Rhodes. To-day there are few, if any, schools for oratory in the United States and none have an international reputation. The training of Americans for public speaking has lagged behind our other educational efforts. Training in public speaking is the great want of our day. Our free institutions and the traditions and ideals of our Republic demand oratory.

The four outstanding oratorical triumphs in our history were the speeches of Patrick Henry at Richmond, Daniel Webster in his answer to Hayne in the United States Senate, Wendell Phillips in Faneuil Hall, and President Lincoln at Gettysburg. These orations are still read and reread, and are the best examples of American oratory. However, the last of these famous speeches was delivered over 65 years ago.

Music, painting, sculpture, literature, and other fine arts should be encouraged in America, but none more than the art of public speaking. The establishment of the Chauncey M. Depew chair of oratory should have the united support and encouragement of the American people for every reason of humanity, religion, and patriotism.

This chair should be a great inspiration to the students of George Washington University, as it symbolizes the talents and the attainments of Chauncey M. Depew, who will always rank among the foremost American orators, and it is hoped that other institutions of learning will establish similar departments of public speaking in order to help revive the almost lost art of American oratory.

SPEECH OF CHARLES HENRY BUTLER

President Marvin, Chairman Larner, ladies, and gentlemen, Mrs. Depew has asked me to act on her behalf, and it is a great honor to represent her on this auspicious occasion, and to advise Doctor Marvin and Mr. Larner of her desire to establish under their able leadership a School of Public Speaking in the George Washington University as a memorial in honor of her illustrious husband, whose name it is to bear.

As my good friend HAMILTON FISH will tell you, all of us Westchester County people knew, loved, and will ever revere the memory of, Chauncey M. Depew, and will ever remember that charm of manner and kindliness of nature that endeared him to, and really made him a member of, every family in that county, where his name will ever be a household word synonymous with integrity, affection, wit, humor, and sympathy.

In fact, he was fitly described at the Westchester County dinner on his ninetieth birthday "as one who had spread sunshine and happiness for 90 years and with inexhaustible wisdom, wit, and humor had demonstrated that the real elixir of life lies in devotion to duty, a good story, and a hearty laugh; and who, as lawyer, statesman, orator, wit, and profound thinker was one of America's greatest, and Westchester County's most loved and distinguished, son."

Mrs. Depew, indeed, showed real genius when she determined that the most appropriate memorial she could possibly erect to the memory of her distinguished husband was one that would in a practical manner perpetuate his fame as an orator and furnish others with the means for so developing and training their ability as to enable them to follow him in that direction in which he was, facile princeps, the leader.

It was her equally brilliant thought to select for the establishment of the memorial this university in the Capital of the Nation where Mr. Depew spent so many years of his public life as the representative of his loved and native State, and where Mrs. Depew has now established her own residence.

And so, it gives me great pleasure, as well as a great sense of personal satisfaction, to reassure you, on behalf of Mrs. Depew, of her desire and intent to assist you in every way possible within her power, to establish this school of public speaking with complete confidence that, under your able leadership of this institution which has taken its proper place as one of the leading universities of the country, it will become one of the important features of its curriculum. It is also to be hoped that from George Washington University there will emerge many who by reason of the training and inspiration of this course in public speaking will keep alive in this country that perfect and effective style of forensic public speaking that will always be associated with the name of him, the foremost orator of his time, and in whose honor this school has been appropriately and affectionately endowed and named—Chauncey Mitchell Depew.

PERSONNEL OF THE ARMY, NAVY, AND MARINE CORPS

Mr. SNELL. Mr. Speaker, I call up the conference report on Senate Joint Resolution No. 7, and ask unanimous consent that the statement accompanying the conference report be read in lieu of the report.

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

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 joint resolution (S. J. Res. 7) for the appointment of a joint committee of the Senate and House of Representatives to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service 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 amendment to the title of said joint resolution.

BERTRAND H. SNELL,
EDWD. W. POU,
Managers on the part of the House.
W. H. MCMASTER,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference of the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 7) providing for the appointment of a joint committee of the Senate and House of Representatives to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service submit the following written statement, explaining the effect of the action agreed on at the conference:

The House amended the title of the joint resolution by including the Lighthouse Service among the several other services that were to be investigated. Upon further study of this question the conference managers ascertained that the pay of the Lighthouse Service came under the provisions of the classified civil service act, and therefore was not eligible to be considered along with the other services enumerated in the title of the joint resolution that did not come within that act. The managers on the part of the House, therefore, recommend in their report that the House recede from its amendment.

BERTRAND H. SNELL,
EDWD. W. POU,
Managers on the part of the House.

Mr. SNELL. Mr. Speaker, the statement as read explains fully the reasons of the managers on the part of the House for receding from the House amendment. I do not know of any other information to give the House, but I have agreed to yield 10 minutes to the gentleman from North Carolina [Mr. WARREN].

Mr. WARREN. Mr. Speaker, when this resolution was under consideration last week the gentleman from Michigan [Mr. MICHENER] who not only always impresses this House with his ability but also with his fairness and generosity, agreed to accept an amendment to the title of the act at my suggestion, because, as he expressed it, he did not wish to see an injustice done in this matter.

Now, gentlemen of the House, the statement of the conferees is certainly not convincing and is entirely inconsistent so far as the remainder of the resolution is concerned. As I understand from the gentleman from New York [Mr. SNELL], they have omitted the Lighthouse Service from the scope of this resolution on the ground that that service is under civil service, which is admitted, but at the very same time they have retained in

the resolution, I am glad to say, the Coast and Geodetic Survey, which has no enlisted personnel whatever.

Mr. SNELL. Will the gentleman yield for a question?

Mr. WARREN. Certainly.

Mr. SNELL. I will say we left that in the resolution because it was not within the power of the conferees to take it out. In my personal judgment, it does not belong there, but the resolution was passed in that way by the House and Senate, so it was not in the power of the conferees to take it out, and that is the reason why we left it in.

Mr. WARREN. Let us see whether the Lighthouse Service belongs in the resolution or not. I will read a paragraph from a letter written by the Secretary of Commerce, Mr. Hoover, to the Hon. James W. Wadsworth, jr., chairman of the Congressional Joint Committee on Pay and Allowances of the Army and Other Services, dated September 7, 1921. Secretary Hoover at that time said this:

The Lighthouse Service was the only branch of the Government liable by law to transfer to military duty in time of war which was not included in the provisions of the act of May 18, 1920, now under consideration by your committee. It is believed that this omission was not intentional on the part of Congress but was due to the matter not then coming to notice under the circumstances under which this legislation was enacted. The result of the omission, however, has been to place the Lighthouse Service at a considerable disadvantage in conducting its work and in the cooperation it is required to render under the act of August 29, 1916, as compared with other branches of the Government having duties of comparable character and having no greater responsibilities or technical requirements. The existing legislation leaves the personnel of the Lighthouse Service in this relation in an anomalous and unsatisfactory position, according to the expressed views of both the Navy Department and this department.

At that time the joint commission held that as the resolution had already been enacted it had no authority to investigate this matter.

Now, gentlemen of the House, in bringing them within the scope of this resolution the commission is merely given the right to say whether their present pay and allowances should be considered or not. I think that a manifest injustice is being done to this splendid service when it is singled out as the only one of the war agencies to be omitted.

I know the House considers a conference report as the final thing, and I know that in this case the gentleman from New York is wrong, but I shall not delay the House in likewise adopting that same wrong if it desires to agree to the conference report.

Mr. Speaker, a pamphlet entitled "The United States Lighthouse Service," after reciting the work of the Bureau of Lighthouses in all other wars, has the following to say of its work in the World War:

The naval appropriation act of August 29, 1916, authorized the President, whenever in his judgment a sufficient national emergency exists, to transfer to the service and jurisdiction of the Navy Department or of the War Department such vessels, equipment, stations, and personnel of the Lighthouse Service as he might deem to the best interests of the country. On April 11, 1917, the President issued an Executive order transferring 30 lighthouse tenders to the War Department and 15 lighthouse tenders, 4 light vessels, and 21 light stations to the Navy Department, including a total of 1,120 persons employed thereon. The tenders transferred to the War Department were subsequently transferred to the Navy Department.

These vessels and stations after that time performed various duties under these departments, and also continued the maintenance of the aids to navigation and other duties necessary for the Lighthouse Service. On January 31, 1918, another light tender was transferred, making 1,132 persons and 50 vessels transferred. In addition to this number of persons 152 employees of the service joined the Army or Navy, making with those transferred a grand total of 1,284 employees who entered the military service, or approximately 22 per cent of the normal force of the Lighthouse Service. These persons were all awarded victory medals of the Navy Department. In July, 1919, all vessels and personnel were retransferred to the Department of Commerce.

The superintendents, assistant superintendents, and chief clerks of the various lighthouse districts (46 persons) also reported to the Navy and Army authorities for service in coordinating the military and lighthouse duties of the transferred portions of the Lighthouse Service. Officers of the service served on joint committees with representatives of the military departments for arranging and improving the coordination of the work of the Lighthouse Service units. Also the officers of the Lighthouse Service throughout the war were in direct communication with the various bureaus of the Navy Department for this purpose.

The vessels of the Lighthouse Service did practically all of the work on the defensive-entrance nets; they did mine laying; they placed floating practice targets, buoys, and marks for military uses; they were employed as patrols and much special duty. The light vessels and lighthouses acted as lookouts and reporting stations. Diamond Shoal light vessel, off Cape Hatteras, was sunk on August 6, 1918, by a German submarine, thus warning and saving many vessels. The larger lighthouse tenders were almost continually in the danger zone, and were sent to buoy the wrecks of the torpedoed vessels. During the raid of 1916 by the German submarine *U-53* in the vicinity of Nantucket Island the crews of three torpedoed vessels were given refuge aboard the Nantucket Shoals light vessel. At one time there were 115 shipwrecked men on board the lightship, and 19 small boats cared for. By the evening of October 8, 1916, these men were all safely transferred to vessels of the United States Navy in response to radio messages from the lightship. Had it not been for the light vessel, it is probable that few of these shipwrecked men would have been saved, as on the next two days heavy shifting gales and very rough seas were experienced in that locality.

The naval representatives on an interdepartmental board stated: "The service being performed by these tenders in the various naval districts is extremely valuable. In some cases they are the main reliance of the district commandants for seagoing vessels; in some instances the work being performed by these tenders is of a nature for which the Navy has no suitable vessels, as, for example, the laying of the defensive submarine nets."

The commandant of a naval district wrote: "The district commandant wishes to use this opportunity to express his high appreciation of the cordial cooperation of the Lighthouse Service in the solution of many problems arising during the period when they were under Navy control. The Lighthouse Service has responded quickly and efficiently to every demand made upon them by the naval district. The services of the lighthouse vessels were of immense value in the laying of submarine-defense nets, and after the armistice, in removing these nets. This was a task which would hardly be possible of accomplishment without the assistance of the lighthouse vessels."

In addition to the work done by the tenders, and other units transferred, directly under the orders of military officers, the Lighthouse Service cooperated in a number of other ways. At the General Lighthouse Depot, Staten Island, N. Y., facilities were provided for the establishment of a naval base, including large dock frontage for berthing vessels and a large amount of building space for barracks, storage, and offices. Repairs were made at this depot to naval and quartermaster vessels, and buoys and other supplies were issued. Repairs were made and supplies were furnished at other depots. Numerous buoys and other aids were placed, changed, or discontinued to meet special needs, and buoys and moorings were purchased for the War and Navy Departments. Keepers of important coast lighthouses and masters of light vessels were instructed to keep a lookout for submarine and other enemy activities, special publications were furnished them, and reports were promptly forwarded. There was also cooperation with the Navy and Treasury Department in the improvement of coast communication facilities by telephone and radio, and a large number of lighthouses, light vessels, and tenders were provided with such facilities under various appropriations.

Protective works were built around Navy radio stations and coast-patrol boats were supplied and repaired. The tenders assisted harbor fortifications in moving heavy articles.

At various times light vessels were taken off station and a number of primary seacoast lights were extinguished at the request of the Navy Department, and all light stations, depots, etc., were closed to visitors under special orders from the Department of Commerce.

Various investigations were made at the request of the Department of Justice and the military and naval information services. Officers of the Lighthouse Service assisted the Shipping Board in various matters respecting the design and sea trials of various types of vessels. Other cooperative duty included the work of the chain section, War Industries Board, having to do with the standardization and allocation of iron and steel chain for the different activities of the Government; and the Wage Adjustment Board for the study of wage scales and other disputed questions on tugboat and other craft in New York harbor.

Mr. SNELL. Mr. Speaker, I want to say just a word in answer to the statement made by the gentleman from North Carolina. When we had the other joint committee on the pay of the Army and Navy in 1922, if I remember correctly, they went into this matter very fully and it was decided at that time that the Lighthouse Service should not be considered in that connection. The reason we have brought up this resolution for a study of the pay of the Army and the Navy is that we desire to coordinate the various services in the different branches. These services all have military rank with the exception, perhaps, of the Coast and Geodetic Survey. It is because we want this whole thing straightened out and smoothed out that we desire to have this study made. The whole of the Lighthouse Service is under the classified civil service, and we certainly would be doing an injustice to the rest of the classified civil service if we picked this one branch out at this time and made a

study of it without regard to the other branches that are under the classified civil service.

Mr. WARREN. But the gentleman has included the Coast and Geodetic Survey.

Mr. SNELL. I have explained my position on that to the gentleman. If I had had the power to take it out I would have done so, but if that had been done the conference report would have been subject to a point of order. The gentleman well knows it was not within the power of the conferees to take that service out of the resolution and, therefore, I think the conferees acted justly.

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.

PERMISSION TO ADDRESS THE HOUSE

Mr. O'CONNELL of New York. Mr. Speaker, I ask unanimous consent that immediately following the gentleman from Indiana [Mr. GREENWOOD] I may be permitted to address the House for 10 minutes on the subject of the municipal airport at New York City.

The SPEAKER. The gentleman from New York asks unanimous consent, following the address of the gentleman from Indiana, to address the House for 10 minutes. Is there objection?

There was no objection.

FLOOD RELIEF IN THE WABASH AND WHITE RIVER VALLEYS

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from Indiana [Mr. GREENWOOD] for 30 minutes. [Applause.]

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by including therein certain press accounts and editorials on the question about which I am going to address the House this morning.

Mr. UNDERHILL. Mr. Speaker, I object to editorials going into the RECORD.

Mr. GREENWOOD. The editorials are on the question I am to speak on and they are incorporated in my remarks.

Mr. UNDERHILL. The gentleman can incorporate them in his remarks without giving credit to the particular newspaper, which would be advertised here in the RECORD, when they sell their columns at good, fat prices when used for advertising purposes.

Mr. GREENWOOD. I will withdraw the request and include them in my remarks by reading them.

Mr. Speaker, my purpose in speaking to-day is to inform the House of the distressing flood conditions in southwestern Indiana. The Wabash and White River Valleys have experienced many floods, but none more devastating and few, if any, accompanied by such widespread suffering and hardship. At many points this phenomenal overflow has risen above all former high-water marks. Levees that have withstood ordinary floods for years have been swept away. So widespread in expanse and unprecedented in volume, this inundation removes all hope of State and local government to control the flood waters of these rivers. To provide adequate and permanent relief the Federal Government must intervene.

When the Mississippi River flood control bill was before this body I gave it my most enthusiastic support. I was pleased to know this legislation also recognized the urgent appeal and necessity for Federal aid in controlling floods on the tributaries. These several projects are now being surveyed by engineers of the War Department. It is encouraging to feel that soon the reports of these engineers will be before the Committee on Flood Control of this House. I am sure that these many worthy projects of the tributaries will be received sympathetically by that committee and legislation will shortly be favorably reported.

It has always occurred to me that the flood waters of the Mississippi Valley were a part of one gigantic project. To properly control the floods on the main river will necessitate first the impounding and controlling of these on the tributaries. The Wabash and White Rivers constitute one of the great tributary systems of the Ohio and Mississippi Rivers. Federal money spent to control floods in the Valley of the Wabash will be a great contribution toward relief from overflows on the main stem of the lower Mississippi.

The Wabash and White Rivers carry the rainfall of approximately 35,000 square miles of territory. Almost all of Indiana, a large section of eastern Illinois, and a small portion of western Ohio is drained by this system. The Wabash is 550 miles in length and each of the White Rivers almost one-half that length. Formerly the Wabash was navigable for 300 miles from its mouth and was connected by a canal with Lake Erie. To-day, with many including the President, advocating a system of inland waterways, I can conceive the time, not far distant, when navigation from the great valley to the Lakes will again be established along this route of the Wabash, which engineers of that former day, believed to be feasible.

Navigation, however, is not my theme here to-day. The emergency now compels us to press for Federal aid to control the extreme floods along the tributaries of the Mississippi. We feel that these tributary projects must first be understood and controlled. Their solution will contribute to the solution of the flood problems on the main river.

Every river has its eccentricities. Floods arise from various contributing causes. Geographic location has much to do with overflows. The Middle West, as to climatic conditions, appears to be the battle ground of the elements. Heavy periodic rainfalls occur with sudden changes of the weather. The storms and blizzards from the Northwest and lake regions are merged in the Wabash and Ohio Valley with the warmer currents from the Atlantic and Gulf sections. The storms and changes of weather are often accompanied by snow and heavy rainfall. We are subject, at certain seasons, to heavy, sudden, and widespread precipitation. In 1913 we had a gigantic flood with Dayton, Ohio, as the storm center. Every year we have smaller ordinary overflows. This year, with increased volume, the center of devastation, is around Vincennes. At other times it has been at other places in the Middle West.

Originally Indiana was heavily timbered. There were lagoons, shaded by vegetation, where surface water remained throughout the year. Nature had her own system of impounding and conserving her rainfall. This water was released slowly through sinuous streams. Because of its great fertility this black swamp land was reclaimed by dredging and drainage. Streams are straightened and the water, no longer retarded by timber and marshes, is now mobilized with speed and uncontrollable volume in the lower stretches of the main rivers.

Man can learn much from nature. Without claiming any special knowledge of engineering, nor having any desire to anticipate the survey now being made, I think there is merit in the system of flood control that will impound the water on the smaller streams. It would prove expensive, but has contributing factors which would compensate. Among these are electricity, water power, public utility in water and irrigation, navigation, timber, and recreational resources. Such treatment would be largely self-sustaining.

The straightening of the larger streams, building revetments, and constructing a levee system will in the present emergency bring great relief. We are therefore especially anxious that these surveys be completed with all possible speed. The emergency on the tributaries is great. The people in the flooded districts are deeply discouraged and are looking to the Congress for solution of the flood problems.

The Federal Government, through the War Department, has been sympathetic and active in the present emergency. Funds provided in the recent flood control bill have been used for relief work. Army airplanes have searched for refugees and have carried food, clothing, medicine, and physicians to those surrounded by water. There have been many heroic struggles to save every life. The Red Cross, that angel of mercy to humanity wherever distress is found, has been on the field administering to the flood victims. For all this assistance the people of flood districts are deeply grateful.

In the expenditure of Government funds I hope that too close a distinction is not drawn between "rescue" and "relief." The people driven from their homes are not fully rescued from starvation and disease until the floods recede and they are restored to their homes. There will also be need for the expenditure for funds under the emergency clause of the recent act to repair broken levees. Many of these communities have lost so heavily that Federal aid will be needed for these repairs.

There are many narratives of individual heroism, hardship, and courage connected with the rescue work of this catastrophe. The city of Vincennes, although itself partly under water, has been the base of operations. Being somewhat familiar with floods, the citizens of this city and surrounding communities have made a valiant fight. In this connection I read an editorial from the Indianapolis Star entitled "Indomitable Vincennes":

> The pioneer spirit of the early frontier settlement has blazed forth in the self-reliance of modern Vincennes amid the peril and distress of flood waters. The eyes of the Nation have been focused on the city, which was most seriously threatened by the floods that inundated wide areas in this section of the Mississippi Valley. Aid would have been extended gladly to the flood sufferers, or the financial burden, at least, would have been shared.

The Knox County seat, however, has taken some pride in its own ability to cope with the situation. With the exception of State highway workmen and employees of the steam and electric railways, the city has conducted the flood battle without appealing for State or Federal aid. Mayor Joseph W. Kimmell and William H. Hill, chairman of the local chapter of the American Red Cross, issued the following joint statement:

"The city of Vincennes is not asking for flood-relief funds or supplies. The local chapter of the Red Cross went on record to assume full responsibility for the local situation and to raise needed funds here in the city. Heroic work saved Vincennes from inundation, and we have little distress in the city. The only real distress is in the lowlands of the Wabash Valley. Vincennes will not accept a dollar for local relief, and outside funds contributed will be expended for the relief of farmers and tenants living in the overflowed lands of southern Indiana and Illinois."

This message does not attempt to minimize the peril or the damage, as similar reports from other States sometimes have done. It simply expresses the determination of the community to cope with the relief situation by the same energy and pluck which were successful in the struggle with the surging waters of the Wabash.

Mr. DUNBAR. Will the gentleman yield?

Mr. GREENWOOD. Yes.

Mr. DUNBAR. Mr. Speaker, I want to ask if the House will not grant the gentleman from Indiana [Mr. GREENWOOD], permission to insert these editorials regarding the flood situation in Indiana which permission was denied him a short while ago. Nobody realizes or comprehends the suffering of these people in Indiana. They have never heretofore received relief or consideration and therefore I would ask that unanimous consent be given the gentleman to insert the editorials in the RECORD without reading them.

Mr. GREENWOOD. This is the only editorial I am inserting. I can finish reading the newspaper articles very shortly.

The spirit of the people, described in this editorial, is typical of the smaller communities of the valley. A few press accounts will give you a picture of the distress. The Evansville Journal of January 16, 1930, is as follows:

One hundred and fifty thousand acres under water.

Living on a small hill 150 people, marooned, living in a schoolhouse. The zero weather causing much illness. Frozen surface prevents the use of boats to carry refugees from the flooded territory. The Government airplane carries the doctor. Provisions and medicine are landed upon the island with great difficulty.

It was at this place that the pilot made a hazardous landing upon a small island and the take-off was equally perilous. An old lady, well up in the eighties, who had never flown, begged the pilot to convey her from the island, but this could not be done. Another dispatch from Evansville, January 22, headed "Harrowing Tales of Escape from Waters Told," narrates the leaving of homes from the roof. Household furnishings under water; grain, implements, and livestock swept away; the inhabitants saved nothing but their lives.

These newspaper accounts estimate the territory under water to be as much as 300,000 acres. The number of people, whose homes are surrounded, are known to be in the thousands.

I also read an account of individual hardship which shows that floods are no respector of persons:

FLOOD ZONE BABY BORN IN CORN CRIB

VINCENNES, IND., January 19.—The stork flew into the flooded section near Emison, north of here, and left a baby daughter to Mrs. Robert Mullens, it was revealed at Red Cross relief headquarters to-night.

The baby was born in a corn crib, where the mother had taken refuge when a levee break submerged her home last week. A neighbor woman was the only attendant.

Lance Hall, of Oaktown, broke his way through the ice in a motor boat and took food to the woman.

The flood brings disease in its wake. The local doctors have been busy day and night. Here is a portion of another dispatch to the Indianapolis Star of January 25:

FINDS FLOOD PLIGHT EXCEEDS 1913; SMALLPOX HITS SECTION

VINCENNES, IND., January 25.—Suffering in flood-swept Decker Township is much greater than it was in 1913, Dr. M. L. Curtner, who spent last night at Orrville administering treatment to a score or more persons, some of whom have pneumonia, said to-night.

Doctor Curtner, who returned this afternoon, said there were two cases of smallpox and that many others had light attacks of influenza and colds. * * *

RELIEF FOR 37 IN ONE HOME

Relief for the first time was taken to the home of George Gremore, where 37 persons are marooned. They were in need of provisions and clothing.

* * * * * * *

Several scouting trips were made this afternoon in search of marooned families who are still unaccounted for. Much attention is being centered at Orrville, located on two small knolls in the heart of the flood district. On the Claypool Hill there are 15 homes, and on Black Oak Hill there are 3. There is an average of 20 persons to a house, and sickness is reported in each of them.

Doctor Curtner, on his return to-day, recommended that all of the persons at Orrville be vaccinated against the spread of smallpox. Dr. E. S. Small, who left this morning to make a health survey in the district, had not returned early to-night. He drove his automobile as far as possible and then set out afoot across the ice. He planned to visit as many homes as possible.

Mr. ARNOLD. Will the gentleman yield?

Mr. GREENWOOD. Yes.

Mr. ARNOLD. Has the gentleman received any estimate or does the gentleman know anything about the extent of the loss of life in this section of the valley?

Mr. GREENWOOD. I will say to the gentleman that they will be unable to check up the loss of life until the waters recede and they are able to make an examination of the homes that were occupied in these flooded areas. They only know about those they have rescued.

Mr. HASTINGS. Of course, a great many contract disease and die from exposure.

Mr. ARNOLD. I have noticed from press reports that these Army airplanes have been going about the flooded area viewing these marooned people, and they state that where there was formerly evidence of life, recently they can not discern any existing life, and it now looks as though there might be very serious loss of life.

Mr. GREENWOOD. That is true; but they can not tell whether the people have survived or have been rescued until they are able to land their planes and go to their former homes and ascertain the exact situation.

As the gentleman from Oklahoma says, of course, many die from disease or from exposure.

These newspaper accounts give us specific information as to the widespread calamity of this record-breaking overflow in my congressional district and surrounding territory. Because of several ice jams the water has been held to great depths in lakes and reservoirs that are still a menace. There are many places where the overflow is 20 feet in depth over farm lands. The Wabash River is reported to be 10 miles in width in several places. Many highways paved by contributions of Federal funds are submerged by the high waters.

The Congress will understand and visualize a valley, rich and fertile, dotted with farms under full cultivation, in the very heart of the Corn Belt, where fine cattle and hogs are fed for market. Dairying and poultry farming are successfully pursued. Around Decker, in Knox County, Ind., are the farms made famous by their cantaloupes. This flooded section of diversified farming is well improved and intensely cultivated. Floods cause immense damage to highly improved farms of this character.

Standing as a constant menace to this happy valley are the ever-recurring floods, which no local community can control. The same as upon other tributaries of the great Father of Waters, the floods of the Wabash and White Rivers are interstate in their magnitude. The distress, in proportion to the territory covered, is just as great, the destruction just as complete, the demand for Federal aid just as appealing as upon the larger streams.

There need be no speculation here as to the resources to be conserved. These lands are fertile and are now producing food, clothing, and other necessary commodities for the life of the Nation. There may be mountain regions that do not need this kind of relief. There are seaboard sections where Federal money has been expended upon ports and harbors. We have assisted arid parts with needed irrigation. The problem in this valley is too much water. It has potential value where it falls, but becomes a menace when uncontrolled. To properly control these overflows is a task too great for a State. We must have the aid of the Federal Government.

We know that flood control on these tributaries will call for the expenditure of perhaps a billion dollars. But when figured in the lifetime of our Nation and the conservation of her resources, this will not be extravagant. With the conservation of these rich natural resources we are preparing for the future feeding, clothing, and housing of a nation which will likely have a population of from three to four hundred million souls. We want a happy, self-sustaining people. We can not, like the great empire of China, allow our great resources to be wasted by erosion and the very life and sustaining quality of our lands to be carried down into the sea. We will need our farm lands to produce food. We will want inland waterways for cheap exchange of commodities. These will be needed to serve a

thickly populated and highly developed civilization of the coming era.

Out in the fertile valleys of the Middle West is the garden spot to produce our food. It has been termed the "bread basket of America." These alluvial valleys are far removed from seaboard attack. Here, in spite of war or turmoil, the fields, richly endowed by the Creator, will, if protected from floods, continuously and complacently respond to produce the food of the Nation. Here likewise is the market place for our ever-increasing output of manufacturing industries. Federal money spent for conservation in these valleys will yield a high return.

The soil, after all, is the foundation upon which a nation stands. A people can not endure that will not conserve her agricultural resources. I therefore come to you with this appeal, knowing that you appreciate its merit. The Congress of the United States is composed of men with a vision and a sympathy for great projects of human welfare. The challenge is to the whole Nation. I have confidence that Congress, after deliberation, will formulate a constructive policy that will provide flood control on the tributaries as well as on the main trunk of the Mississippi. It is a duty and should be a rare privilege to us to make our contribution to this end. [Applause.]

I have a few minutes remaining, and if anyone wishes to ask any questions, I will be pleased to answer them.

Mr. RAGON. The gentleman stated in his address that they had been utilizing airplanes to get supplies to the people who are marooned. Is that due to an ice condition that prevents the boats from going in there, as they would in normal times?

Mr. GREENWOOD. Yes. This is a very phenomenal flood, in that it is not only more extensive than the ordinary flood but when it was at its height the extreme zero weather came on and the whole surface of the water was frozen and the motor boats and skiffs and other small craft that ordinarily could reach these isolated homes could no longer be utilized.

Government airplanes had to be used in order to locate the homes where the people had not been rescued or relieved; and not only this, but they also carried food, clothing, and bed clothing and dropped them from the airplanes in bags in order to relieve the people in this isolated section—something that had never before happened in the valley.

Mr. RAGON. The same conditions, I will say to the gentleman from Indiana, existed in my State and in southeastern Missouri on the St. Francis River. They had a flood there this year that was 6 feet higher than the flood of 1927, and at the height of the flood the backwaters were frozen and the boats were unable to go in there. They had to use airplanes to drop food to the people who were marooned on the housetops and in the high places in order that they might live through the extreme cold weather.

Mr. GREENWOOD. Where there was the least bit of land above water that offered any opportunity at all for these Government pilots to land, they landed their planes and very often they were obliged to take off from a very perilous situation from some of these small islands, which was quite phenomenal.

Mr. DUNBAR. Will any of the editorials or news items which the gentleman will submit with his remarks give an account of the fact that scores and scores of miles of roads and highways, a number of miles away from the Ohio River and the White River, have been overflowed to the extent that the State highways commission was required to get out a list of more than 50 highways over which travel had been suspended?

Mr. GREENWOOD. I mentioned that in my address, but I am very glad to have that contribution from the gentleman from Indiana.

Mr. ELLIOTT. Will the gentleman yield?

Mr. GREENWOOD. Yes; I yield.

Mr. ELLIOTT. What is the condition of the flood on the Wabash River at this time; is it receding or not?

Mr. GREENWOOD. It is receding now, and the water would be within banks in most places were it not for these gigantic ice jams that are holding it back in pools and reservoirs in many places; and even after the water recedes there is a blanket of ice over this entire area of farm lands that only warmer weather can remove.

Mr. ELLIOTT. Are the people who are marooned among these hills and islands receiving food now?

Mr. GREENWOOD. They are receiving food from the Red Cross from different bases, especially one at Vincennes and one at Evansville, as well as at other places. The Red Cross and the local authorities are taking care of the relief work. Food, clothing, and medical relief has been furnished.

Mr. CANFIELD. Will my colleague give some idea as to how much of the levees have been swept away, and what repairs will be necessary?

Mr. DUNBAR. And also include how many roads are rendered impassible.

Mr. GREENWOOD. Many of the roads built by Federal contribution have been covered and had to be closed because they are impassible. We do not know what the damage will be to the highways until the water recedes. Almost all of the levees have crevasses. Much damage to levees has been reported; the aggregate damage is not known.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. WHITTINGTON. Is the Wabash an intrastate river or an interstate river?

Mr. GREENWOOD. It is an interstate river, the boundary line between Illinois and Indiana.

Mr. WHITTINGTON. Is it used for navigation purposes?

Mr. GREENWOOD. Not a great deal; the lower stretch is used some. Formerly about 300 miles up to Logansport was navigable in high-water time.

Mr. WHITTINGTON. Is there any water power developed on it?

Mr. GREENWOOD. There are some power plants.

Mr. WHITTINGTON. Are there a good many miles of levees up there?

Mr. GREENWOOD. I could only give the gentleman an estimate. In many counties there are 50 or 60 miles on each side of the river. The individual levees run from 5 to 6 miles to 12 or 15 miles in length.

Mr. WHITTINGTON. And those have been constructed by bond issues?

Mr. GREENWOOD. Entirely by contribution of the local property owners.

Mr. SHORT of Missouri. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Missouri.

Mr. SHORT of Missouri. Mr. Chairman, I have been tremendously interested in the remarks of the gentleman from Indiana, not merely because I am a member of the Flood Control Committee of the House but because my district is directly affected by flood waters. The indescribable misery, the awful suffering, the terrible loss of property, and the jeopardy to human life has been great in Indiana, and can likewise be said of the people of Missouri.

The St. Francis River has been on a rampage. Farm buildings have been destroyed, livestock has likewise been destroyed, and these people have been forced to move to higher ground; and unless the Government takes some positive action there can be no relief.

Mr. ARNOLD. Will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. ARNOLD. As to the release of these ice gorges, is it not a fact that the War Department has said that if it blew out the ice gorges or jams and released the water it might sweep down the river and cause great destruction to some of the lower towns?

Mr. GREENWOOD. That statement is correct. The War Department says that the ice jams should be allowed to go out in the natural way rather than to blow them out.

Mr. ARNOLD. The ice jams, if they remain as they are, cause the water to back up and flood the land farther up the river, and have caused great loss and destruction of property on the lowlands.

Mr. GREENWOOD. That is true. Lands are covered by the ice jams, with a wide expanse of water, that never were covered before.

Mr. ARNOLD. The War Department informs me that if they should blow out the ice jams the probability is that the water would come down with such a sweeping force that it might cause vast damage to the city of Vincennes and other towns on the river.

Mr. DUNBAR. Will the gentleman yield again?

Mr. GREENWOOD. I yield.

Mr. DUNBAR. I presume the purpose of the gentleman's address is to call attention to the fact that in Indiana we have floods which devastate and destroy property, which shuts down industry and causes thousands of acres of farm land to be inundated, and yet very little attention has been given to it by the Federal Government; and it is your intention that the Federal Government should take cognizance of the situation and provide some relief, as it has done in the Mississippi Valley?

The SPEAKER pro tempore (Mr. BACON). The time of the gentleman from Indiana has expired.

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to proceed for two minutes in order to answer the question of the gentleman from Indiana.

Mr. DUNBAR. Mr. Speaker, I ask that the gentleman's time be extended 10 minutes.

Mr. CRAMTON. Mr. Speaker, I do not want to interfere with the gentleman, but I think the time ought to be limited because of the legislation scheduled for to-day.

Mr. GREENWOOD. Mr. Speaker, I ask for only two minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, in answer to the gentleman from Indiana [Mr. DUNBAR], my purpose is to join with others in the valley who represent districts upon the tributaries to show the Members of the House that the relief is just as much needed and that the appeal for relief is just as great as any other, and that the task is one that can not be handled by local authorities. Also, that in solving the flood-relief problems on the tributaries we are thereby contributing to the solution of the flood control on the main stem, on the Mississippi, and on the larger rivers.

It is my hope that there will be a bill, constructive legislation, come out of the Flood Control Committee of the House of Representatives, which will carry several of these important tributary projects in one combined bill, and I believe that under that constructive policy we will be helping to settle the entire flood-control problem of the Mississippi Valley. [Applause.]

FLOYD BENNETT FIELD AIRPORT

The SPEAKER pro tempore. The gentleman from New York [Mr. O'CONNELL] is recognized for 10 minutes.

Mr. O'CONNELL of New York. Mr. Speaker, through the genius of Clarence Chamberlin, noted trans-Atlantic flyer, there is now approaching completion a magnificent airport which will be worthy of the city of New York and of the American people. This great airport now being built by the city of New York will invest air terminals with a dignity and importance equal to that of railway and sea terminals.

Mr. Chamberlin has not sought the limelight but quietly and persistently has gone ahead in the creation of a gateway by air to the world's greatest city. He was chosen for the task by Mayor James J. Walker who has shown a rare discernment in selecting good men for important posts and giving them free rein in the execution of their projects. Mayor Walker and Borough President Byrne, of Brooklyn, are enthusiastically in favor of placing New York in the vanguard of aviation terminals in America.

Mayor Walker commissioned Mr. Chamberlin consulting aeronautical engineer for the greater city of New York and this brave, earnest, and talented expert and exponent of aviation has gone ahead to quietly perform a great constructive work for aviation in America.

The great municipal airport will be officially known as Floyd Bennett Field in honor of the late Floyd Bennett who gave his life on a mission of rescue. It is located at the end of Flatbush Avenue, Brooklyn. It is 10 miles distant from the main Brooklyn Post Office.

The area of the new municipal airport is 387 acres, approximately the size of Le Bourget and Croydon Fields, each of which is approximately 400 acres. Fourteen million cubic yards of sand have been dredged in from Jamaica Bay to raise the level of the airport to a height of 16 feet above mean low-tide level. One and a half million square yards of topsoil suitable for sustaining a growth of thick grass has been imposed upon the field.

The grass has been sown. Two main runways of concrete for take-off purposes, each 100 feet in width, have been constructed. One of these, running from southeast to northwest, is 3,110 feet in length, and the other, running from southwest to northeast, is 4,000 feet long.

The dimensions of the field are 5,700 feet east and west and about 4,000 feet north and south. On January 8 last bids were opened for a million-dollar contract for eight hangars of steel and brick, 120 by 140 feet, and each about 25 feet in height. The Greater New York City budget of 1929 carried an appropriation of $2,500,000 for Barren Island Airport, the unused balance of which is utilizable until December 31, 1930. It is planned ultimately to extend the area of this airport to 814 acres. This very location is destined to become the gateway to the greater city and the United States has expended $10,000,000 for its development.

A feature of the airport will be a seaplane base located in Jamaica Bay Channel, comprising a paved bulkhead area 400 by 800 feet and including 4,800 square feet of hangar space. North of the bulkhead area there will be provided a beach 1,200 feet long, on which planes that do not wish to come up to the hangars may be beached and the passengers taken ashore or embarked by means of a gangplank. A concrete ramp 100 feet wide and approximately 260 feet long will run from the 16-foot level of the field to 5 feet below low water, thus assisting seaplanes or amphibians in entering and leaving the water. At the seaplane base will be a station with waiting room, ticket offices, restaurants, and so forth. An aquaplane base on the Jamaica Bay side will have a concrete run from water to shore of 4 miles.

Free of obstructions, almost surrounded by broad waterways and easy and safe of approach by air from any direction, this great airport, located near a favored resort section, will become a great center of public recreation. Floyd Bennett Field will be like a great public park near which all may gather to watch the planes arriving and departing.

But even more important is the industrial stimulus this magnificent enterprise will give to the city of Brooklyn and the greater city.

New industries, huge factories manufacturing light articles, a base for ship-to-land airplane mail service, a passenger air terminal surpassed only by Grand Central Station, a trans-Atlantic liner service direct to the airport through Jamaica Bay, a pneumatic mail tube service direct from the airport to the Brooklyn post office and serving the entire section with a speedy underground mail service, and a boom in realty values that will leap to many millions within the next 10 years, are among the predictions of Clarence Chamberlin, noted trans-Atlantic flyer, Arthur W. Gelston, executive secretary of the Brooklyn Real Estate Board, John E. Ruston, president of the Brooklyn Chamber of Commerce, and James J. Byrne, president of the Borough of Brooklyn.

Mr. Chamberlin is himself actively engaged in airplane manufacturing. He is president of the Crescent Aircraft Corporation, which is building planes for passenger and air mail service—six to eight passenger cabin monoplanes. He is much impressed over the boom the airport will give to Flatbush realty values.

Real estate follows the crowd and the modern airport is becoming the gateway to the city which it serves. It may be directly compared to a metropolitan railway terminal in its functions and general character.

Said Mr. Chamberlin.

We expect that air travelers from all parts of the country will come to New York via the new airport. Air mail, too, will undoubtedly be received at Floyd Bennett Field, and it is very desirable that it should be shot through pneumatic tubes to the Brooklyn post office. Pneumatic tubes thus installed would also serve the five post offices and the Flatbush territory en route to and in the vicinity of the airport. Floyd Bennett Field will eventually require hotels, shops, restaurants, and a large field personnel. Industries show a disposition to arise in the vicinity of great activity, and I firmly believe that in the area adjacent to Barren Island will soon spring up many manufacturing industries.

But, sir, New York City will surely lose a great deal of the advantage of its magnificent enterprise for development of aviation if air mail entering New York at this great airport must be carried through crowded streets to the Brooklyn post office. It is inconsistent that our air mail pilots should perform heroic feats in an effort to annihilate time and distance only to have air mail retarded by antiquated methods of dispatch and delivery at either end of the route. Mr. Chamberlin has recommended that the Government install underground pneumatic tubes between the Barren Island airport and the post office.

This young crusader, who is devoting his genius, his energy, and his time unstintedly and unselfishly to the development of commercial aviation, foresees aviation taking its rank with the steamship and railway. He foresees the vast development of air-mail service. He sees aviation as a factor in the commercial development of cities. He knows that the great airport will mean much to the city of Brooklyn. He believes that the installation of underground pneumatic tubes between the airport and the post office will not only mean much to aviation but that the service rendered by the tubes to the populous section of Brooklyn between the airport and the post office will add greatly to the wealth of this city.

I understand that the cost of installation would be defrayed in a very few years by the improved business activity in the Flatbush Avenue section of Brooklyn.

The 58 miles of pneumatic-tube service now employed by the New York post office in the expedition of the mails is directly connected with the Brooklyn tubes. Therefore underground pneumatic-tube service would connect airplanes arriving at Barren Island with all parts of New York City.

The installation of pneumatic mail tubes from the airport to the Brooklyn post office would be an even greater service to the densely populated district along Flatbush Avenue—

Said Mr. Chamberlin recently in a newspaper interview—

than it would be to aviation. And it would be economical. The maintenance of a big fleet of trucks to carry air mail to the Brooklyn post office would be done away with as well as the doing away with the great number of mail trucks in Manhattan whose work is carried on by the pneumatic mail tubes. The tubes would greatly encourage business, construction, and manufactories by giving a downtown metropolitan type of air-mail service to the five post-office stations in this thickly populated district between the Brooklyn post office and the airport, which

contains more than one-half of Brooklyn's 2,300,000 population. It is inconsistent that on the arrival of a mail plane that the mail should be obliged to remain upon the field until a truck accumulates a load or a part of a load. It will take a mail truck at least 50 minutes to carry air mail from the airport to the arriving Brooklyn post office and arriving air mail can be shot at 30 miles an hour or more, without interruption, through the underground tubes leaving the airport at intervals of 7 to 13 seconds.

Brooklyn needs this airport to keep pace with aerial development.

Said James J. Byrne, borough president of Brooklyn:

I am certain that Floyd Bennett Field will prove a tremendous boost to all of New York and Manhattan, and will attract thousands of people through the Flatbush section.

John E. Ruston, president of the Brooklyn Chamber of Commerce, said in an interview in a Brooklyn newspaper:

There is no point in the city of New York where steamship lines, railroad lines, and motor transportation highways meet as they will at Barren Island Airport. Brooklyn expects that in the area immediately surrounding this field great factories will arise to manufacture airplanes and for the manufacture of parts for servicing planes. This will give rise to steady employment at good wages to thousands in our community. The development of Jamaica Bay as a part of the port of New York will focus in one point, railroad, steamship, and airplane traffic.

Arthur W. Gelston, executive secretary of the Brooklyn Real Estate Board, is most enthusiastic over the development Barren Island will lend to Brooklyn and the Flatbush section.

This is an area that has lain dormant for years.

Said Mr. Gelston:

Turning it into an airport gives New York and Brooklyn an ideal airport outlet. Pneumatic mail tubes such as Mr. Chamberlin advocates are ideal and would materially boost businesses in the Flatbush area. Arteries leading to other fields are too indirect and the distance too great. I can see large manufacturers constructing great plants about this area for the building of light articles.

In 1919 the assessed valuation of a certain definite area of land including the site of the airport and a large area of adjacent territory was $4,195,466. The value of the land in this definite area and improvements in 1919 was $5,780,511. In 1928 the value of the land in this identical area was $18,068,700, and the value of the land and improvements was $28,068,700. These figures are from assessed valuations by the city which are usually lower than the true value, and cover advances in exactly the same area. Since the land has increased in value over four times an dthe improvements over five times in the last nine years, it is reasonable to expect even more startling advances in the next nine.

Barren Island contains a land-locked harbor. The water is always quiet, ideal for seaplanes and all water traffic. Twenty years from now Jamaica Bay will be sought as a seaport base. Then will come the realization of a transatlantic merchantman landing within a stone's throw of what will then be one of the world's greatest airports. And it may not take 20 years to come true, for we already have available deep waters in the Barren Island district to carry on such a tie-up. Already, the *Bremen* lands in Brooklyn and it is but a 20-minute taxi ride from her dock to Floyd Bennett Field.

[Applause.]

GEORGE WASHINGTON MEMORIAL PARKWAY

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution No. 132, which I send to the Clerk's desk and ask to be read.

The Clerk read as follows:

Resolution 132

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 26, a bill for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Buildings and Grounds, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BANKHEAD. Mr. Speaker, this is an important and far-reaching proposition, and I think we ought to have a quorum present for its consideration. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Alabama makes the point of order that there is no quorum present. Evidently there is not.

Mr. ELLIOTT. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 7]

Adkins	Doxey	Kendall, Pa.	Schneider
Aldrich	Doyle	Kurtz	Sears
Arentz	Eaton, Colo.	Lambertson	Seiberling
Aswell	Estep	Lanham	Sirovich
Auf der Heide	Evans, Mont.	Lindsay	Smith, Idaho
Baird	Fenn	McCloskey	Spearing
Beck	Fitzpatrick	McCormack, Mass.	Sproul, Kans.
Bland	Foss	McCormick, Ill.	Stobbs
Boylan	Gavagan	McSwain	Sullivan, N. Y.
Cable	Hall, Ind.	Mead	Sullivan, Pa.
Campbell, Iowa	Hall, Miss.	Murphy	Sumners, Tex.
Carley	Hardy	Nelson, Wis.	Taylor, Colo.
Clark, Md.	Haugen	O'Connor, La.	Timberlake
Collins	Hoch	O'Connor, N. Y.	Tucker
Connolly	Hogg	Oliver, Ala.	Underwood
Cooke	Hopkins	Oliver, N. Y.	Welsh, Pa.
Craddock	Hudspeth	Parker	White
Crail	Hughes	Porter	Wolfenden
Curry	Igoe	Pou	Wood
Dickinson	Jenkins	Pratt, Harcourt J.	Woodruff
Dickstein	Johnson, Ill.	Pritchard	Woodrum
Douglas, Ariz.	Jonas, N. C.	Quayle	Zihlman
Douglass, Mass.	Kemp	Ramey, Frank M.	
Doutrich	Kendall, Ky.	Sabath	

The SPEAKER. Three hundred and thirty-eight Members have answered to their names, a quorum.

Mr. STAFFORD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. MICHENER. Mr. Speaker, when the point of no quorum was made the Clerk had just finished reading House Resolution 132, making in order H. R. 26, commonly known as the Cramton bill, which provides for the acquisition of certain territory adjacent to the District of Columbia, for park purposes, for its development, and also for the development and purchase of additional lands within the District of Columbia, for park purposes. This bill has been thoroughly explained to the House. During the last several days extensive maps and pictures have been exhibited in the corridors, illustrative of just what is contemplated. The gentleman from Michigan [Mr. CRAMTON] on Monday last took an hour to explain the bill. I think at this time no particular explanation of the bill is required. The rule is the usual rule. The time is to be divided equally between the chairman of the Committee on Public Buildings and Grounds and the ranking minority member of that committee. Two hours of debate are permitted by the rule. At the expiration of general debate, the bill will be considered under the 5-minute rule. Does the minority desire any time?

Mr. BANKHEAD. Mr. Speaker, I should like to make a brief statement.

Mr. MICHENER. Mr. Speaker, I yield to the gentleman from Alabama.

Mr. BANKHEAD. Mr. Speaker, I think the vote in the Committee on Rules on the resolution was unanimous for the consideration of this bill. It has developed since the resolution was agreed to that the War Department and a very substantial group of the Members of the House of Representatives desire to have it made clear before the bill is passed as to whether or not its passage in its present form would prohibit the development of water power and navigation on the Potomac River in this area involved. I think that is a very important proposition and one which, if it stays in the bill, I say frankly I do not believe that I could support. That is merely a personal opinion. I understand, however, that some negotiations have been going forward between the two elements on this question, in which it has been tacitly agreed at least that an amendment safeguarding that proposition will be adopted. I do not know whether I am in error in making that statement or not, but that information has been conveyed to me.

Mr. CRAMTON. Mr. Speaker, would the gentleman yield at that point?

Mr. BANKHEAD. Yes. I would be very glad to have the gentleman's views at this time.

Mr. CRAMTON. Mr. Speaker, on Monday an amendment was suggested to the House having reference to that point by the gentleman from New York [Mr. DEMPSEY]. It was new to me at that time. It was my theory in that bill, as I urged on Monday, that questions as to power and navigation development were not determined by this bill, and would be entirely in the hands of Congress in the future. I want, if I may, to emphasize the resolution that I put in the RECORD of yesterday, which appears on page 2635, of the National Capital Park and Planning Commission, adopted December 15, 1928, which says in part after urging immediate acquisition of lands for park purposes—

Leaving it open for Congress at any future time to authorize the development of the navigation, flood-control, and power potentialities of the area should such development become of greater importance and be justified in the public interest.

I put in the RECORD of yesterday a letter from Mr. L. W. Wallace, executive secretary of the American Engineering Council, which had already asked for an amendment as to this matter. I quote from that letter, as follows:

AMERICAN ENGINEERING COUNCIL,
Washington, D. C., January 28, 1930.

Hon. LOUIS C. CRAMTON,
House of Representatives, Washington, D. C.

MY DEAR MR. CRAMTON: I have read with much interest your address of yesterday before the House of Representatives concerning H. R. 26. You will perhaps recall that at the luncheon of the American Society of Landscape Architects I said the Nation was indebted to you for the efforts you had made to preserve the natural beauties of Washington and its environs. I further stated that American Engineering Council was in full sympathy with your bill, but held that flood control, navigation, and hydroelectric development could be realized without in any way destroying the scenic beauties of the Potomac Valley; and also if there were any real conflicts we would agree that scenic beauty should take priority. Hence there is little, if any, difference of opinion between you and the council.

It goes on to speak of the amendment as being very desirable. I will say that I have consulted those in whose judgment I have great confidence, who advise me that the adoption of the suggested amendment would not injure the bill, does not alter its effect, and would not declare priority for power and navigation, to which I would be reluctant to agree. But it does make it clear it is for Congress to determine in the future. I have discussed it with the gentleman from New York [Mr. DEMPSEY], and I find our views seem to be entirely in harmony as to what will be accomplished. I have also consulted with the gentleman from Indiana [Mr. ELLIOTT], the chairman of the committee which reported the bill, and with the consent of the gentleman from Indiana I have assured the gentleman from New York [Mr. DEMPSEY] that I am willing to accept the amendment he proposes.

Mr. BANKHEAD. I am glad to hear the gentleman state that, because I think it clarifies the situation and tends to clear away any opposition that may have existed in regard to that phase of the bill. But Members should realize that hereafter this is a proposition that will involve the expenditure of a large amount of money. I believe there is a sentiment in the country that justifies the making of an immediate appropriation, not only for the beautification of the Capital but its environs also. That seems to be the sentiment of the country, and if we are going to acquire this property at all, it is desirable to procure it at the earliest possible moment to prevent the necessity of paying a great increase of price. On that basis I see no objection to the consideration of the bill by the House.

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Speaker, I have asked for these five minutes in order to call to the attention of the House a departure of the Committee on Rules from its former practice in dividing the time equally among those favoring and those opposing the bill. In the rule now pending before us and in the rule reported a few days ago the time is controlled by the chairman of the committee and the ranking Democratic member, both of whom are for the bill. The opponents have the control of no time. As to the division of time in the pending rule, the gentleman from Michigan [Mr. MICHENER] stated the rule as being in the usual form, providing that half of the time should be controlled by the chairman of the committee and half by the ranking Democratic member of the committee. The rule that preceded this one was in the same form.

My recollection of the form usually adopted during the period of my service on the Rules Committee is that it provided for the time of general debate, and then provided that the time should be equally divided between those favoring and those opposed to the bill. When the other bill was up a few days ago all the time was in the control of Members who were for the bill.

I do not know what the situation is to-day, and I do not know what it will be on the next rule, as to whether there will be time in control of the opposition or not. I am addressing myself to the principle involved, and this rule in its present form is, I think, a violation of the fundamental principles of the House, on which the rules of the House are based and which provide that the opponents of a bill should have the same chance to present their views and control time in opposition to the bill as those favoring the bill.

It is just as important to give the opponents of legislation full opportunity to present their views as to the proponents of legislation. It is just as important to kill bad legislation as to enact good legislation. If there is anybody opposed to a proposed piece of legislation, he should have control of the time in opposition to that legislation.

Now, in the consideration of bills that are considered under the general rules of the House, the rules of the House provide that persons opposed to a bill shall have as much time as those in favor of the bill. When bills are read in the Committee of the Whole for amendment under the 5-minute rule, the Chair recognizes a Member in favor for five minutes and then a Member in opposition for five minutes. When a bill is up under the suspension of the rules, under the rules 40 minutes are allowed, half to those in favor and half to those opposed. In a case where the previous question is ordered before discussion on the merits of the bill, there is 40 minutes' debate; half of the 40 minutes is given to those opposed and half to those for. Under the general rules of the House, in the case of a House bill the Speaker recognizes some one in favor of the bill for an hour, and then he must recognize some one opposed to the bill for an hour, and that is kept up as long as there is discussion, under the general rules of the House.

I am simply calling this to the attention of the Members of the House, and I wish to impress upon the Committee on Rules the fact that this form of rule is not fair.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield there for a question?

Mr. RAMSEYER. I yield.

Mr. BANKHEAD. I am much impressed with what the gentleman from Iowa has said, and as a member of the Committee on Rules I would like to see tested out the gentleman's proposition. If the House conforms to his views, the procedure would be to vote down the rule.

Mr. RAMSEYER. I do not think I will take that course to-day which is suggested by the gentleman from Alabama. I am sure that the Committee on Rules, after a reconsideration of what I am offering against this form of the rule, may go back to the old practice. I do not know why the Rules Committee departed from the old practice, which is in harmony with the general rules of the House.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. MICHENER. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. RAMSEYER. I do not know what prompted the change by the Rules Committee, but it is evidently unfair. I know that sometimes Members do get up and state they are opposed to a bill in order to get control of time, and I know there is a feeling among some of the Members that we have some bushwhackers in the House who ought to be controlled by special rules. But the general rules of the House give every Member an equal chance. Those opposed to a bill have the same opportunity to present their views and control the time as those in favor of a bill. The rights of those opposed to a bill are safeguarded strategically as to the opening and closing of debate the same as those who favor a bill. I sincerely hope the Rules Committee will give the few observations I have made very serious consideration, because I think if this practice is indulged in in reporting subsequent rules it will cause a great deal more trouble in this House than the old practice ever did. [Applause.]

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. MOORE of Virginia. Do I understand that the Committee on Rules has never seriously considered this question with a view of determining which is the better course?

Mr. RAMSEYER. Well, I stated a while ago that during my time on the Rules Committee the almost universal practice was—and the Rules Committee has always been fair and always wanted to give ample time for discussion and wanted to give those opposed to a bill the same opportunities as were enjoyed by those in favor of a bill—to use the form I have suggested; that is, to state the length of time general debate should continue and that the time should be equally divided between those for the bill and those opposed to it.

Mr. MOORE of Virginia. I understand that, but do I further understand that there has never been any deliberate consideration by the Rules Committee as to which is the better course?

Mr. RAMSEYER. I do not know just what prompted the Rules Committee to use this new form.

The SPEAKER. The time of the gentleman from Iowa has again expired.

Mr. MICHENER. Mr. Speaker, I assure the gentleman from Iowa that we appreciate his suggestions. We were sorry to lose him from the Rules Committee and miss him. However, I am advised that the form adopted in the present rule was the form used in the House for years, but that later the practice to which the gentleman from Iowa has referred was adopted. After trying both forms it was thought advisable to adopt the present form.

Now, as a matter of fact, the Rules Committee does not want to prevent the minority from being heard on any proposition, and I challenge the gentleman from Iowa to show a single instance where the time has been unfairly divided under this form of rule. We feel that this is the best procedure. As a matter of fact, under the general rules of the House the minority always has more time in general debate than the majority has, because the time is equally divided between the minority and the majority.

So far as the Rules Committee is concerned, the gentleman from Iowa, I think, understands that it is the policy of the present chairman of the Rules Committee that when a rule is called up he yields to the minority such time as the minority may desire, even to the detriment very often of the majority. So I think he will find no complaint along that line. If there is any question as to the division of time, the question is always brought up on the floor, and where the chairman of a committee controls the time on one side and the ranking minority member controls the time on the other side, he always yields, and always has yielded, to those opposing a bill.

Mr. RAMSEYER. The gentleman has been addressing himself to the division of time in the consideration of a rule. Of course, everybody understands that the chairman who presents the rule has an hour at his disposal, and that he always fairly divides the time on the rule, but I was addressing myself to the division of time on the bill itself.

Mr. MICHENER. I think I appreciate exactly what the gentleman is talking about.

Mr. RAMSEYER. I was not addressing myself to that. Of course, we are operating right now under the rules of the House, and I was speaking of the rule that will be in force in the consideration of this bill.

Now, nobody knows to-day whether the time is going to be controlled in opposition to the bill by somebody honestly opposed to the bill. It should be in the hands of somebody opposed to the bill.

When we speak of the minority, or those opposed to a bill, we do not necessarily mean the Democratic side, because everybody knows that on most pieces of legislation there are no party lines. There may be just as many on the Republican side opposed to a bill as there are on the Democratic side. I am contending now for those who are opposed to a bill, whether it be on this side or on the other side.

Mr. MICHENER. Mr. Speaker, I yield three minutes to the chairman of the Rules Committee [Mr. SNELL].

Mr. SNELL. Mr. Speaker, as far as the Rules Committee itself is concerned, they care nothing one way or the other with regard to this proposition, except they want to comply with the wishes of the Members and do what seems to promote orderly procedure in the House. When I first went on the Rules Committee practically every rule was reported out in the form we are using at the present time. When I first became chairman there was some discussion in the committee, the same as the discussion made by the gentleman from Iowa [Mr. RAMSEYER]. It appeared to me at that time that that way perhaps was the better way to do it, so that practically all the rules I originally drafted myself provided that the time should be controlled, one half by those in favor of the bill and one half by those opposed. However, my experience in the House was this: That practically every time we reported a rule providing that one-half the time should be controlled by those in favor of a bill and one-half by those opposed, and there was no one on the committee who opposed the bill, that some one on one side or the other would rise and say, "I demand the right to control the time," and when he obtained control he used it entirely as he individually saw fit. Every time that question has arisen there has been more or less controversy in the House. Sometimes it has not been decided at all, and the chairman of the committee has controlled the time in recognition.

This was done simply with the idea of having a little more orderly procedure and with a desire to have the time equally divided at all times on both sides of the House and on both sides of the question. We thought from experience that it worked out better to provide in the rule that some definite person should control the time and that person on the committee; and, so far as I know, there has never been any question raised about the time not being fairly divided among those opposing and those favoring the legislation.

Mr. RAMSEYER. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman.

Mr. RAMSEYER. The gentleman concedes then that in adopting the practice provided for in this rule and the one following, he is going back 5 or 6 or 8 years, or perhaps longer, for his precedent; and also concedes that for four years prior to this time the universal practice of the Rules Committee, for which the gentleman is entitled to credit, was to report a rule dividing the time equally between those for the bill and those opposing the bill.

Now, the gentleman speaks of difficulties under the rules providing for equal division of time between those for and against the bill. I do not recall any such difficulties because when there is any question who should control the time in opposition, the Speaker determined who was entitled to control.

Mr. SNELL. I recall several cases of that kind and I will point them out to the gentleman if he will permit.

Mr. RAMSEYER (continuing). And, of course, if the House is in committee, the Chair has to determine who shall control the time. Naturally, he recognizes the chairman of the committee in charge of the bill to control the time in support of the bill and some member of the minority on the committee who is opposed to control the time in opposition. If there is nobody among the minority on the committee opposed, the Chair recognizes somebody else.

Mr. SNELL. Has the gentleman ever heard a single complaint about the division of time from any man who could not get time who was for or against a bill?

Mr. RAMSEYER. I had a very sad experience along that line five or six years ago when a matter in which I was very much interested was under consideration, where I was promised time——

Mr. SNELL. That is just what has caused the trouble in the past. The gentlemen who were promised time could not get it.

Mr. RAMSEYER. No; the gentleman in charge of all the time yielded as much to the opposition as to the proponents of the bill, but he so arranged the speakers that debate was closed with four or five speakers all for the bill, which, of course, was very unfair, and which would not happen in case somebody in opposition controlled the time.

Mr. SNELL. That has nothing to do with this situation, because we were then operating under the old procedure.

Mr. RAMSEYER. No; we were then operating under the general rules of the House, and not under a rule.

Mr. SNELL. Oh, that was not under a rule.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. SNELL. Yes.

Mr. LINTHICUM. I remember that just a short time ago we had up the Haitian resolution and as the ranking Democratic member of the Committee on Foreign Affairs I claimed the time, but I found out that the rule said the time should be divided between those in favor and those opposed, and the gentleman from Alabama being opposed to the resolution, got the time. Has the gentleman changed the system since then?

Mr. SNELL. That was one resolution that was submitted a short time ago and the argument that took place on the floor at that time was one reason why we changed the procedure.

Mr. LINTHICUM. There had been several occasions before that when I wanted the time, but the time was given to some one who was opposed to the bill.

Mr. SNELL. We have only tried this out in the last three or four resolutions. Let it work a little while until we can find out about it. We do not care anything about it except to provide for more orderly consideration of legislation in the House.

Mr. LINTHICUM. To-morrow we have a matter coming up to which I am very strongly opposed, and I presume I shall be able to get very little time, because the majority of those in favor of the bill will probably control the time on both sides.

Mr. SNELL. As a matter of fact, I will guarantee that the gentleman gets his fair share of the time under that rule.

Mr. LINTHICUM. That will be quite satisfactory provided my friends also get sufficient time. [Laughter.]

Mr. SNELL. We have provided for four hours of general debate and one-half of that time is to go to those opposing the proposed legislation.

Mr. MICHENER. If there is any question about this rule, I think we can assure the House that the time will be equally

divided between those favoring and those opposing the bill, if that is desired.

If there is no further debate, Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. Under the resolution the House resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 26) for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital, with Mr. KETCHAM in the chair.

The Clerk read the title of the bill.

Mr. ELLIOTT. Mr. Chairman, I ask unanimous consent that the reading of the bill be dispensed with.

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

There was no objection.

Mr. ELLIOTT. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, ladies and gentlemen of the committee, we have been working in the Public Buildings and Grounds Committee of the House of Representatives for some four or five years on legislation that was designed to rebuild the Government buildings in Washington, as well as a large number of much-needed buildings throughout the country—to do away with a lot of old buildings and eyesores in the National Capital and put in their places new buildings that are not only needed to carry on the Government business but sadly needed to beautify your Capital and my Capital.

We have progressed in this line until we have, perhaps, adopted the greatest building program that this or any other nation ever adopted at any time during the history of the world.

The parks of this city—and every city, for that matter—are the lungs of the city. Were it not for Rock Creek Park and the Mall and other beautiful parks about the National Capital, it would be a poor place, indeed, for the people to live. But we have established magnificent parks which are the wonder of the world. They are appreciated not only by the inhabitants of the National Capital and by people of our country but by the people of the world who have come here from time to time.

This bill that we have now before us in my estimation is one of the most important bills that we have ever had before Congress. Up at the north end of the tract we have what is known as Great Falls, one of the most scenic falls there is in the country. Thirty miles below it we have Mount Vernon, the home of our first President, which we might properly term the "American cradle of liberty."

When the great George Washington Memorial Highway is built from the end of Arlington Memorial Bridge to Mount Vernon it will be the most magnificent highway in the world. It is necessary that this strip of land between the District of Columbia and Mount Vernon, along this highway, between the highway and the river, be parked and kept in the condition that it should be along this magnificent boulevard which is to be built in honor of the greatest man this country ever produced.

Another thing, this bill provides for parking the banks on both sides of the beautiful Potomac River from Mount Vernon to Great Falls; it will enable the Government to take control of the river banks on both sides and keep off from these places a lot of undesirable things that might from time to time be injected upon us under the guise of commercial activities.

It has not been more than a year since I heard in this Chamber an argument over a proposition of whether or not we would allow an abattoir or slaughterhouse to be built on the Virginia side of the river, which would have been a most undesirable addition to the great Capital of the United States. It is for the purpose of getting rid of such things as that as well as for preserving the parks for posterity and the scenic beauty of this great river and this Great Falls that this bill is urged.

This bill will cost some money, but there are other things in this world that are more valuable to the people than dollars and cents. One of them will be the effect upon the people of this country when they come to visit Washington and see that the American Congress has not only provided a magnificent Capital for this great country but that we have seen to it that this great river and all its scenic and historical places along its banks are taken care of.

I am not going to take up any more time in describing the provisions of the bill, because the gentleman from Michigan [Mr. CRAMTON] spoke for an hour the other day and told you about what it would cost and what it was intended to do.

Mr. YATES. How much will it cost?

Mr. ELLIOTT. Twenty-three million dollars, $16,000,000 of which will be furnished by the District of Columbia. The National Government will furnish the money and it will be paid back by the District $1,000,000 a year, without interest.

Mr. PERKINS. Will the gentleman yield?

Mr. ELLIOTT. I yield.

Mr. PERKINS. Will the gentleman inform the committee how much we appropriate for buildings in the District of Columbia?

Mr. ELLIOTT. For building itself, $190,000,000.

Mr. PERKINS. Does the gentleman know how many parks and park spaces there are in the District of Columbia?

Mr. ELLIOTT. I can not tell offhand.

Mr. PERKINS. I read in a book the other day that, including triangles, circles, and parks, there were 600. I also read that there were 600,000 trees in the city.

Mr. ELLIOTT. I would say for the benefit of the gentleman from New Jersey [Mr. PERKINS] that it is absolutely necessary to carry out this provision in order to complete the park program of the District.

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

Mr. ELLIOTT. Yes.

Mr. TREADWAY. The gentleman spoke of the Mount Vernon-George Washington Memorial Boulevard. Four and a half million dollars was appropriated for that in a bill about two years ago, was it not?

Mr. ELLIOTT. I think the gentleman is correct.

Mr. TREADWAY. And the contract for that has been or is about to be let?

Mr. ELLIOTT. I think they are at work on it now.

Mr. TREADWAY. Then may I ask why this bill takes away from the Secretary of Agriculture control of the maintenance of that road after it is completed and puts it into the hands of the National Park and Planning Commission?

Mr. ELLIOTT. So far as that is concerned, all of this park will be under a park system when it is done, and I think the Department of Agriculture probably wanted to surrender jurisdiction of it to the Capital Park and Planning Commission.

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

Mr. ELLIOTT. Yes.

Mr. CRAMTON. This proposes that the highway should be administered the same as the park areas adjacent to and in the District, and it is my understanding that it is with some embarrassment that the Bureau of Public Roads looks forward to the task of maintaining the highway after its completion. My understanding is that they prefer not to have that task.

Mr. TREADWAY. Are we assured of that situation? In other words, my thought is this: Without making any reference to it in the bill itself, you are assuming that you are going to turn over the Washington Memorial Boulevard to the Park and Planning Commission, whereas under the act of 1928, it is specifically provided that the maintenance as well as the construction of that boulevard shall be in the hands of the Secretary of Agriculture.

The CHAIRMAN. The gentleman from Indiana has consumed 10 minutes.

Mr. ELLIOTT. I yield myself two minutes more.

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

Mr. ELLIOTT. Yes.

Mr. McDUFFIE. The gentleman will recall that in the Seventieth Congress we passed a resolution, I think presented by the gentleman from Michigan [Mr. CRAMTON], providing that nothing should be done in the way of issuing permits, that no action should be taken in that regard, until the Congress had had an opportunity to settle the question of the development of this river and its basin for park purposes, and for possible commercial uses. It provided further that nothing should be done until after a consideration by the Congress of the report of the park commission and the report of the Federal Power Commission. The gentleman will also recall that the Corps of Engineers is to-day engaged in making a study, not only of this stream but of all the streams of the country, probably some 200, with a view to determining the possible development for three or four purposes, to wit: Navigation, flood control, development of hydroelectric power, and so forth; and the sum of $180,000 has been allotted for the study of this stream. That report has not reached the Congress, but probably will reach the Congress by next July. Why should the House rush to pass this bill without having the benefit of the study made by the Federal Power Commission and the Corps of Engineers of the War Department?

Mr. ELLIOTT. Mr. Chairman, I do not understand that it is the intention of this bill to disturb navigation rights or power rights in this river, and I do not understand that we could pass anything here to-day that would bind any future Congress from handling that as it saw fit. However, I understand that an amendment will be offered here that is satisfactory, and which, if adopted, will settle that question.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. ALMON. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. McDUFFIE].

Mr. McDUFFIE. Mr. Chairman and gentlemen of the committee, I do not wish to assume the attitude of opposing any measure designed for the beautification of this Capital City and its environment. Unquestionably it should be the most beautiful place in the world. We are agreed on that. I rise to submit at least a few observations and to make the suggestion that the Congress should not at this time act upon this question in the light of its former position, which was a very wise one, that is to say, not to take any steps for park purposes or any other purpose involved in the Valley of the Potomac River or its basin until a complete study is made and submitted to the Congress by the best and probably most disinterested experts of our Government. That study has not been completed. We have appropriated money to make that study, and I can not see why we should rush in here six months ahead of the time when a report of it will be presented, and pass this bill before having the benefit of expert information as to what might be necessary for the complete development of the valley for all purposes.

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

Mr. McDUFFIE. Yes.

Mr. CRAMTON. I direct the attention of the gentleman to the fact that Resolution 67, which I introduced, does not in any way attempt to tie the hands of Congress. It attempts to and does tie the hands of the Power Commission. It provides that the Power Commission can not issue a permit for the reason that such action by the Power Commission would have tied up the whole situation; but as to park development, under authority of Congress, there is nothing in Resolution 67 to tie the hands of the Congress or to promise delay.

Mr. McDUFFIE. But was it not in the mind of the gentleman and of the Congress not to take any steps at all until a complete study was made?

Mr. CRAMTON. Entirely the opposite was the intention, and the resolution I speak of does not even direct reports to be made. It provides for the consideration of such reports as may be made, but the intention was to not permit power development that would have made any other action impossible.

Mr. McDUFFIE. The gentleman is more familiar with this present bill than I am. I think the gentleman ought to give the House the assurance if he can that under the language of the bill we are now considering there is not given any priority to parkway development over other uses to which this great river might be put in the years to come. Suppose we invest millions of dollars here, acquiring title to lands, and develop a parkway along this stream on both sides. The time might come when such work and expenditures may be found useless for broader and more extended development both as a park and for other purposes.

We are not acting for to-day or even to-morrow on questions of this kind. The gentleman knows that the question of navigation is of prime importance to the American people, because it so much affects the question of transportation, which is the life blood of the Nation. The gentleman also understands that as yet we have merely scratched the surface when it comes to the development and use of electric power in this country. This talk about a monopoly of power on this stream does not frighten me. I am not interested in that just now. That question will be taken care of at the proper time. We are merely at the beginning of the development of the multiplied uses of electricity in this country. Suppose 20 or 25 years from now it becomes necessary to build on this stream by the Government or private capital a power plant in connection with navigation, connecting with the improvement of the Mississippi from its head waters to the Gulf with a 9-foot channel, we may need to acquire lands incident to such development if deemed necessary. Of course, a future Congress may annul what this Congress does. But we should not take a step in the dark and without a complete survey. Experts say we may not only have the scenic features and scenic effects with lakes, and so forth, but we can have, together with these features, a vast scheme of important development on this stream for commercial purposes.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. McDUFFIE. Mr. Chairman, may I have three minutes more?

Mr. ALMON. Mr. Chairman, I yield to the gentleman three additional minutes.

The CHAIRMAN. The gentleman from Alabama is recognized for three additional minutes.

Mr. McDUFFIE. I hope you gentlemen will read in the RECORD the dissenting opinion of a former Chief Engineer, General Jadwin, who says the development of the system in the Potomac Valley will save the people about $48,000,000 annually. I do not mean we will build a canal connecting the Potomac with the Ohio basin next week or next month, but with the improvement and development of our harbors, necessitated by our increasing commerce, I believe it behooves us to approve every sound project for water navigation and protect every possible development which may become an important route of transportation. Judging by freight rates between the Ohio Valley and this city, it is estimated that we could save on coal alone many millions a year by a canal up the Potomac. That may be a comparatively small item; but it is not a matter to be simply brushed aside or wiped away to-day because of our enthusiasm over any project to make Washington the most beautiful city in the World. I say, let us have a park system, but let us not refuse to consider things of importance in future development which may be so essential to the comfort and convenience of the people. Therefore, if you plant your money and as much of it as may be necessary in these lands along the water courses, in 10 or 15 years or less in the future, as it may become necessary and important from the standpoint of our national welfare and development, it may mean in the end that you will have wasted the funds of the public Treasury.

This may be a popular procedure, but I say you should not take such a step as this hastily or hurriedly, and I fail to see good reason for putting this measure through in a hurry. I do not think there is any sound reason why we should pass this bill now. Let us wait until we get a full and complete study of this wonderful stream. Why spend money to survey it and before the survey is completed rush through a measure which may interfere with a future program, decided upon by another Congress after studying the reports we have asked for on this subject.

I would not permit a power company, or even the Government, to destroy the scenic beauty of the Potomac. I believe we can have navigation, power development, and a most beautiful park. This is what I desire; but let us get all the information from every angle and then decide what is best. I think this opinion of General Jadwin is sound.

General Jadwin did not concur in the above action and views of the commission, and submits his views as follows:

1. The National Capital Park and Planning Commission is organized by act of Congress as a planning commission as well as a park commission. The broad official representation and the varied technical and business representation are intended to assure broad, well-rounded planning and consideration of the interests of the District, its taxpayers, and of the Federal Government. There is enough data available to now consider the development at Great Falls as a whole. We should give due weight to every element which affects the best interests of national planning as well as the specific matters bearing on parks. These other elements are the development of power, navigation, flood control, and other allied economic interests. The parks should fit into the scheme of the Nation and not the Nation into the scheme for parks. Large areas of ground should not now be bought and funds spent in developing them as a park, if they are to be flooded later to develop power and navigation on the river.

2. The potential value of a national development of the power possibilities of the river is tangible and too great to be ignored in the determination of the present policy for the development of this reach of the Potomac.

The potential power of the Potomac was held by the Federal Power Commission in its review of the Tyler project to be "a national asset of incalculable value." Hydroelectric power is dependable. Since the water power is not subject to disturbance because of shortage of coal, labor, and transportation, as is steam power in times of stress, there would be assured the continuous functioning of activities essential to the normal operation of the National Capital when those commodities are at a premium.

Abundant power and cheap power will tend to create new markets, new wealth, and new taxes. Interconnections with other large power systems will be mutually advantageous in extending and interchanging the advantages of cheaper power in large quantities, not only to the area adjacent to the Potomac but also to the middle Atlantic section. That one of the leading utility companies of the country wishes authority to develop the project is practical evidence that a market is in sight.

If the power plants at Great Falls are built by private companies, the annual taxes thereon, estimated to be over $850,000, at 6 per cent represent a capital value of over $14,000,000.

The District engineer, Maj. Brehon B. Somervell, estimates the cost of power produced by such a hydroplant at approximately a million dollars per annum cheaper than equivalent steam-produced power. These savings capitalized at 6 per cent represent a capital value of $15,000,000.

Not only will there be a capital saving by the cheaper generation of power, but there will result a saving of fuel coal. Annually there should be consumed 500,000 tons. The ultimate depletion of the ground reserves of coal will be deferred by the noncombustion of this large annual decrement. The resulting undepleted reserves of coal have a present appreciable value and a future value probably so large that it is difficult to estimate.

3. The potentialities for navigation on the Potomac are great.

The intracoastal waterway is assured from Massachusetts to Florida. Soon insistent demands may be expected that its benefits be extended up the Potomac to Cumberland.

The canalization of the Ohio River assures 9-foot navigation from the coal fields of Pennsylvania and West Virginia on the Monongahela down the Ohio and Mississippi to New Orleans and a connection with world sea trade. Improvement of Mississippi tributaries is under way. A connection between the Potomac and the Monongahela will naturally follow, thus joining the vast Mississippi system to the intracoastal waterway by a waterway of adequate capacity along the route selected by the first President of the Republic.

The dams built for the development of power will then likewise be useful for navigation and will save some $14,000,000 which would otherwise have to be spent for construction costs for that purpose.

The district engineer reports that conferences with the chief examiner of the Interstate Commerce Commission indicate a prospective annual saving of $3,000,000 on a completed 12-foot project between Washington and Cumberland. This is based on present traffic and without allowance for the normal great future increase or that which can logically be expected to follow the construction of the connection with the Mississippi River system. The larger traffic which may be expected in the future will increase these savings. Better navigation and cheaper water rates would result with a series of high dams and deep pools than with low dams and narrow channels. Therefore the $14,000,000 saving in the construction cost is not a full measure of the dual employment of the dams.

4. Other incidental advantages accrue from the placing of dams across the river. The reservoirs which afford the power development would reduce the cost of operating the purification system of the Washington water supply. The item for chemicals in the Budget for 1930 is $70,000, and this will increase yearly. The district engineer estimates that due to the aid of the reservoirs created by the river dams, the bill for chemicals would be reduced three-quarters. This average annual amount represents a capital value of about $1,000,000.

The protection of certain low areas in and around Washington would cost in the neighborhood of $175,000. The local works for this purpose would not be entirely satisfactory and would interfere to some extent with the street and park system. So it does not appear feasible to protect all the threatened property by local works. If the flood damages were 5 per cent of the assessed valuation for a maximum possible flood, the protection afforded would be $6,000,000. Studies indicate that the average annual flood damage below Great Falls over a long period of years will be about $60,000. Capitalizing this amount at 6 per cent, the value of flood protection may be taken as at least $1,000,000.

Two toll bridges which are contemplated if the power project is not constructed would in the power project be provided on the top of the dams and thereby save about $3,000,000.

5. A summation of the various potential values which would inure to the financial benefit of the people by rational development of Potomac River resources would be approximately $48,000,000:

(a) Savings on production of hydropower instead of steam power, capitalized on a 6 per cent basis at	$15,000,000
(b) Saving by elimination of 2 bridges	3,000,000
(c) Savings in the form of income from taxes at the rate of 2 per cent, capitalized at	14,000,000
(d) Savings which the power structures would produce if navigation should be extended up the Potomac River, amounting to	14,000,000
(e) Savings on preliminary treatment of the Washington water supply and estimated value of flood protection	2,000,000
Total	48,000,000

With the present population, about $10,000,000 of the total savings would fall to the specific benefit of the residents and the government of the District of Columbia and $38,000,000 to the adjacent States and to the country at large.

The value due to the conservation of the coal should, when more definitely determined, be added to the above $48,000,000. The same is true of the increased net freight savings which will come from the navigation improvement and the growth of commerce.

6. Should the development be by the Government, the benefits from taxes on the private enterprise should, if the plant be properly managed and regulated, be replaced by a similar reduction in the total cost of generating the current.

7. This $48,000,000 is equivalent at 6 per cent to about $2,880,000 per year. This is too large an amount to be sacrificed without the most careful consideration. Let us see whether it is justified as an expenditure for parks in the District in addition to the amounts already spent and those otherwise in contemplation for park purposes.

8. It is important that Washington, the Capital of the Nation, should have an excellent system of parks. The existing park area and that planned by the commission for the National Capital region—that is, Washington and its environs—total some 21,532 acres. To this figure should be added about 7,500 acres for the smaller and local parks in the region outside the District of Columbia. This makes a total of 29,032 acres, or about 45 square miles, roughly equal to three-fourths of the total land area of the District of Columbia and about 10 per cent of the 288,000 acres affected in the District and its environs. In addition, the city has a relatively large mileage of wide streets lined with beautiful shade trees. This park system of the District is being carefully studied by the Planning Commission and is being continuously added to as found justified. It is a park system of which any city or any nation might be proud. The valley of the Potomac should be included in the system. Now, shall its park resources be utilized? Shall a park of the low-level type be developed at the sacrifice of over $48,000,000 plus the cost of low-lying land and its development? Or can a plan be devised that will save this sum to the taxpayer without sacrificing park values? To assist in determining this, a special joint committee was appointed by the executive officer of the Planning Commission and the district engineer of the War Department. The plan known as scheme "C" proposed in the report of this special joint committe contemplates a high-level park development of an area equal to that in the low-level park, with two lakes substituted for the lowest most ragged part of the flood plain. These parks contain more recreational features than the parks without these lakes. The major scenic feature of the gorge, the Black Pond area and Difficult Run, are common to both developments. The remainder of the low-level park is a park around four small lakes separated by rapids, while the remainder of the high level is based on two large lakes separated by rapids.

With the latter plan, the spectacle at Great Falls and in the gorge below them will be maintained in comparable but modified form. The regulation to be secured from the upper storage reservoirs would assure an amount of water to pass over the rocks of the falls sufficient to produce scenic effects comparable with those which would exist with flows in the river in its present condition. At the time of flood flow, less flow will pass over the falls. In dry periods more water would pass over the falls due to the regularization of the flow from storage.

The low-level park is costly to improve as a park, costly to maintain on account of the floods that would ravage it from time to time, and would probably afford less real recreation and enjoyment to the public than would the delightful boating waters and wooded shores incident to the high-level park.

9. Consideration must be given to the general interests of the District and the country as well as to parks for the District. It is not sound to ignore the financial situation of the Federal Government and that of the District of Columbia where expenditures are double and where funds raised through local taxation have trebled during the last 10 years, nor to disregard the rights and interests of Maryland, Virginia, West Virginia, Pennsylvania, and other States in the power resources of the Potomac River, and the navigation possibilities of the Potomac as a feeder to the intracoastal waterway and as a connection from that system to the Mississippi Valley system.

10. To summarize, comprehensive planning for the National Capital demands that all major elements of the situation be considered. The decision lies between a park prodigal of the latent resources of the Potomac and an equally good park conserving these resources. Combined park and power development is feasible, and the waste of more than $48,000,000 of potential values for debatable minor scenic consideration is neither necessary, desirable, nor sound.

Very respectfully,

For the commission:

EDGAR JADWIN,
Major General, Chief of Engineers, Chairman.

Mr. ELLIOTT. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. DEMPSEY].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. DEMPSEY. Mr. Chairman, I have listened with great interest to the argument advanced by my very warm friend from Alabama [Mr. MCDUFFIE].

Briefly stated what he says is this: That we provided a year or more ago for a survey of the Potomac River; that that survey is not as yet complete; and that we should wait until we have the survey before we pass this bill. Now, if that were so I would agree with my friend from Alabama. He and I very often agree. It is very rarely we are apart, and I believe that we will be together when I answer his argument.

This bill is for the acquisition of lands. As the gentleman from Alabama says, the report will not come in until July. Is there anybody in this Chamber who for one moment believes

that these lands, stretching from across the river here up to 4 miles above Great Falls, will be acquired before July? Is there the slightest belief on the part of anyone familiar with such proceedings that we will have half the lands or one-third the lands before that time? Why, of course, we will not have, and, of course, all the information will be available long before the lands are acquired; long before you can plan what you will do, because you can not plan what you are going to do until you know what land you have. On that I call attention to the language of the bill, in which it is provided that we shall not acquire any lands that are unduly expensive; that we shall only acquire lands which can be acquired at a reasonable rate, and so you can never tell until all the lands are acquired which are necessary for the project how you can plan or what you can plan, and long before that is done you will have all of this information to which the gentleman refers.

To show that this is logical and reasonable I call your attention to the fact that when I present, as I will present later, an amendment to this bill providing that these very interests to which the gentleman adverts, navigation, flood control, drainage, irrigation, and power, shall all of them be protected—when I present that amendment, as I shall present it, I will present it not as the amendment of an individual Member of Congress, but I will present it as the amendment suggested and favored by the two Secretaries constituting the Power Commission now in the city, and as an amendment which will cure all of the evils which the gentleman imagines might result from passing this bill now. I will present it under the signature and indorsement of the two Secretaries, the only two who are in the city, the Secretary of War and the Secretary of Agriculture, as in every way protecting all of these great and vital interests.

Then we come to the only other objection which you by any possibility might see and that is the objection that the title to the lands acquired might not be absolute; that there is a possibility that some of the lands might revert to their present owners. I say that is impossible for two reasons. First, those who acquire the title and those who give the title are both put upon notice by my amendment that this land is to be used not alone for parkway purposes but is to be used as well for all of these other purposes, for power, for navigation, for drainage, and for irrigation, every one of them. Such an amendment will be adopted, and it gives full and fair and complete notice, both to those who part with their title and to the officials who act for the United States in acquiring it, that that land is to be used, may be used, and may be subjected to every one of those uses.

Mr. CRAMTON. If the gentleman will yield, my suggestion is, as the gentleman has just stated, not that it is to be used but it may be used.

Mr. DEMPSEY. That it may be subjected to all of those uses.

Mr. CRAMTON. As Congress may determine.

Mr. DEMPSEY. Yes.

Mr. WILSON. Will the gentleman yield for a question?

Mr. DEMPSEY. Yes.

Mr. WILSON. I would like to ask the gentleman relative to this amendment. This bill provides certain control of the Great Falls gorge for scenic purposes, and provides that no appropriation under this bill or no use of land made under this bill shall interfere with navigation. Suppose there should come a conflict in the use of the Potomac River for navigation and for scenic purposes at these places?

Mr. DEMPSEY. Then it would come back to the Congress of the United States to solve that conflict and determine what should be done, and no one contending for a particular use could contend in reason or in fairness that there had not been abundant and full notice that every one of these uses might be brought into play.

No one can claim that any priority in use which might exist at any time would confer any legal or moral right in fairness or in justice—and they would all stand on an equal plane—for the Congress of the United States to determine at any time what the interests of the National Capital and what this wonderful industrial area to the west of us demanded as time has developed the conditions which shall then exist.

Mr. WILSON. In the gentleman's judgment we would be secure against any preference for scenic purposes, or uses in that way, over that of navigation?

Mr. DEMPSEY. Navigation would stand on an equal basis with the other uses, and only on an equal basis, and it would be a question for the Congress to determine in the light of conditions as they exist when the matter is resumed before Congress.

Mr. WILSON. This bill authorizes the acquisition of a certain portion of the Chesapeake & Ohio Canal. Suppose this Park Commission were to say that it is dedicated to purposes which would conflict with the use of it for navigation? Then where is the control going to be?

Mr. DEMPSEY. The control would be as provided for in this amendment. But, as I understand, the Chesapeake & Ohio Canal will not be the course which navigation will take under the modern evolution of engineering thought upon that subject.

Let me say this one thing more: In my judgment, the Attorney General of the United States would have no right under this bill to take any title except an absolute, indefeasible title in fee; in other words, there is no reversion in case there should be a use for any one or all of the purposes to which my amendment refers.

Mr. WILSON. I am glad to have that suggestion.

Mr. DEMPSEY. I call the gentleman's attention to the fact that the bill specifically provides that the title must be a title satisfactory to the Attorney General of the United States as vesting such a title in the Government.

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

Mr. ELLIOTT. Mr. Chairman, I yield the gentleman from New York three more minutes.

Mr. TREADWAY. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. TREADWAY. I understand the gentleman's argument is that there will be the same opportunity to use the land, and adjacent lands, for purposes other than for the parkway system, provided his amendment is adopted; am I correct in that inference?

Mr. DEMPSEY. Yes; that is correct.

Mr. TREADWAY. May I ask the gentleman where his amendment will be offered?

Mr. DEMPSEY. It will be offered on page 2, after the word "canal," in line 19.

Mr. TREADWAY. In subsection (a)?

Mr. DEMPSEY. Yes.

Mr. TREADWAY. Let me ask the gentleman his legal construction of this language. You are authorizing an appropriation of $7,000,000 for acquiring and developing, in accordance with this act, such lands in the States of Maryland and Virginia as are necessary and desirable for the park and parkway system of the National Capital in the environs of Washington, what other authority can one get under that language than to take this land or purchase this land for park and parkway system? It seems to me if the gentleman's amendment is to be adopted we must cut out that language.

Mr. DEMPSEY. No; I do not think so, and I will tell the gentleman why. A primary rule of construction is that an act shall not be construed in or by the language of a particular clause or section but that the act shall be constructed as a whole. This land is acquired for parkway purposes. That is the clause which the gentleman read. But we follow that by saying that we confer no authority to acquire it except subject to this proviso which is to be inserted, that the acquisition shall not debar or limit or abridge its use for any of these other purposes.

If we stopped at the end of what the gentleman read, the construction which he suggests would be inevitable and necessary, but we do not stop there. We add to the section, and at the end of it that the acquisition shall be subject to this proviso and to these other uses.

Mr. McDUFFIE. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Alabama.

Mr. McDUFFIE. In the light of the fact that there is some difference of opinion on the floor here as to the very question the gentleman is discussing, would it not be better to clear that question by proper language before we pass this bill?

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. ELLIOTT. Mr. Chairman, I yield the gentleman two more minutes.

Mr. ALMON. Mr. Chairman, I yield the gentleman from New York five minutes.

Mr. McDUFFIE. Will the gentleman give me his attention for a moment?

Mr. DEMPSEY. I will.

Mr. McDUFFIE. At the end of the gentleman's amendment, which I think improves the bill wonderfully, and while I am not in entire accord with him even after the gentleman's very illuminating argument, and that may be my fault, what is the harm and why would it not make the bill perfectly clear with respect to what we are going to do with these lands after we acquire them, if we provide further that in acquiring the title to any lands under the terms of this bill the title so acquired shall be unconditional and in fee simple? In other words, we could then use the lands for any purpose, even sell them in the

future. Suppose a man sells to the Government for park purposes, regardless of the gentleman's amendment, and the land is acquired for park purposes, the gentleman takes the position that such can not or will not be done under the language of his amendment, but there seems to be some question about that. The gentleman from Massachusetts has just suggested, under the first section of the bill, we might acquire the land for park purposes and then determine to use it for navigation. The vendor comes in and says, "Oh, no; I did not sell the Government this land for navigation purposes or for the development of hydroelectric power." And even though the Government itself wanted to build its own power plant or develop a canal, which might be entirely possible or might be necessary, along this valley, then Congress would likely have to buy the land again. Will we not get into more trouble in acquiring title for park purposes, which I think could be done under this bill despite the gentleman's amendment; would not this language I suggest absolutely make clear or eliminate any question as to the purposes for which the title is given? Should we not have a fee simple, absolute, and unconditional title, with the possibility of no reverter, as the gentleman himself has suggested?

Mr. DEMPSEY. I would say, in answer to the gentleman, I think it is absolutely clear under the bill, with the amendment, that we would have no right to purchase any lands, to take a dollar from the National Treasury for any lands, except for an indefeasible fee simple title. Now, whether the officials who have this in charge would feel at liberty to accept donations with a reverter on certain conditions is not so clear, although I do not think that they would have the right to do that; but I do think, for the reason I have stated, there should not be any possibility of accepting the donations with any strings to them, because it may be that a single, isolated tract, small in area, of trifling value, may through the development of this park and parkway system, and through its becoming an absolutely inseparable and necessary part of the parkway system, become of great value. In this event it would be impossible, of course, for us to part with the title, or allow the title to revert, even at many times its value at the time we acquired it.

Mr. McDUFFIE. If the gentleman will permit, the whole tenor of this bill is based upon park development exclusively, even in its provisions as to the dealing of the Federal Government with the adjoining States of Maryland and Virginia. There is no question about that. It is a park bill.

Mr. DEMPSEY. Yes.

Mr. McDUFFIE. That is the whole tenor and purport of it, and then I say it is very important——

Mr. DEMPSEY. But the whole tenor of the bill is changed by the amendment. The amendment just as squarely, just as unequivocally, just as plainly, just as much without mistake states that these lands shall not be acquired, and no one shall have the right to acquire them except subject to their future possible uses for any of the purposes of navigation, power, drainage, irrigation, or flood control.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. WILLIAM E. HULL. I want to ask this question in regard to the amendment we are putting in: Whether it does not give priority to any of the proposals?

Mr. DEMPSEY. No.

Mr. WILLIAM E. HULL. In other words, the gentleman from Michigan [Mr. CRAMTON] said that it would give priority to the parks.

Mr. DEMPSEY. The gentleman from Michigan did not, so far as I heard, say so.

Mr. WILLIAM E. HULL. He said so to-day.

Mr. DEMPSEY. I did not hear him.

Mr. WILLIAM E. HULL. My understanding was that it gave priority to nothing. Is that correct?

Mr. DEMPSEY. As I understand, it is absolutely correct. We are acquiring this land at the moment for park and parkway purposes, but with the express reservation of the right at any time we desire to do so—to-morrow, or next day, or next week—to use it for any other of the enumerated purposes, or for all of them.

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

Mr. ALMON. I yield the gentleman five minutes more, in order to answer some questions.

Mr. BANKHEAD. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. BANKHEAD. I think it rather important that we should have a meeting of our minds, if possible, to get the proper conception of the gentleman's amendment. As suggested by my colleague, the apparent tenor and the general purpose of the bill is to set up these parks. The gentleman's amendment merely seeks to limit the general purposes of the bill. Under the gentleman's amendment undoubtedly the Park Planning Commission, with the cooperation of Virginia and Maryland, would have the right to go ahead and complete their parking system to the extent of acquiring the land adjacent to the Potomac to Great Falls for park purposes.

Mr. DEMPSEY. Not under this bill.

Mr. BANKHEAD. Why not?

Mr. DEMPSEY. I will answer that. Let us skeletonize this bill.

Mr. BANKHEAD. Oh, do not disarticulate it to that extent. [Laughter.] Will the gentleman answer the question in a few words?

Mr. DEMPSEY. I will answer it, but I will have to anatomize the bill. The bill provides that $7,000,000 shall be appropriated out of the Treasury of the United States for the acquisition of lands for park and parkway purposes. Then it says, Subdivision A, that we shall be allowed to acquire lands in the Potomac Valley.

Mr. BANKHEAD. For parkway purposes?

Mr. DEMPSEY. No; they say Subdivision A, that they shall be allowed to acquire land in the Potomac Valley and a portion of this canal. Right at that point, where we give the authority to acquire these lands—that is in Subdivision A of the bill—we say as to these lands, and that is all that we are talking about—these lands in the Potomac Valley—as to these lands you shall acquire them for these purposes, but subject to the further purpose, to the further burden and further use of navigation, power, flood control, drainage, and irrigation.

Now, that is all there is to that provision. The amendment is just as long, occupies just as much space in words, and will be just as pertinent, will have the same force as the authority in the act to acquire the land.

The right to acquire the land is on condition to its being subject to the other uses to which it may be put by Congress whenever the Congress sees that it is advantageous.

Mr. BANKHEAD. Yes; but the gentleman gets away from my query. I asked the gentleman if he does not agree that the purpose is to authorize the Planning Commission to acquire these lands for park purposes, and without the gentleman's proposed amendment there would be absolutely no doubt about that. Unless your amendment steps in and interferes, this authority is plenary for acquiring the land between Great Falls and this part of the valley.

Mr. DEMPSEY. That is true.

Mr. BANKHEAD. Now, then, you are giving priority——

Mr. DEMPSEY. No.

Mr. BANKHEAD. You are giving priority to other purposes over the parking.

Mr. DEMPSEY. Point them out.

Mr. BANKHEAD. Oh, I hope the gentleman will let me finish.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. ALMON. Mr. Chairman, I yield five more minutes to the gentleman from New York.

Mr. BANKHEAD. Then the gentleman steps in with his amendment, and, in effect, says that we recognize that under the terms of the bill the Park and Planning Commission has a right to acquire these lands, but if in the future Congress desires to exercise the right to give a permit for power development, or to extend navigation, then you will have to come back to Congress and put the burden on the proponents of the character of development to get special legislation. Is not that true?

Mr. DEMPSEY. That is absolutely true.

Mr. BANKHEAD. So that under the terms of this bill, unquestionably the right of priority is absolutely vested in the Park and Planning Commission to acquire these lands for park purposes, and they will continue to have that right until the burden is met from some other source to set it aside. Is not that the correct theory?

Mr. DEMPSEY. That is absolutely correct; but it does not lead to the point where the gentleman thinks it does. There is no demand at the present moment for the use of this stream for navigation beyond Great Falls, or beyond Washington, and I regard that as far and away the most important of these excepted uses and rights. We can not step in and develop navigation when the time is not ripe for it. There has not even been a survey, but, of course, the question of its development for that purpose has been in the public mind since the foundation of this Republic. That development is certain to come, although it is not here yet; but, on the other hand, the time has arrived and is here now when we want to use these lands for park purposes, when we want to beautify the National Capital, and we say, and what the bill says here, is that we will acquire these lands.

We want to use them for park purposes to-day, and we will begin to make this present use of them, but if to-morrow or next week or next month we need them or find them advantageous for any of these other purposes, whatsover they may be, we reserve the absolute, unconditional, free right to develop them for any or all of these other purposes.

Mr. THATCHER. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. THATCHER. The proviso may cover that feature, but if language were written into the bill by way of amendment to the effect that all lands acquired under the provisions of this act shall be held by the United States in absolute, indefeasible, fee-simple title, would not that settle the whole question, and make those lands available for any purpose to which the Government would want to subject them hereafter?

Mr. DEMPSEY. Of course, I am not the author of the bill, and I have regarded the amendment that I have suggested as ample and sufficient protection. Personally I say that I have no objection to the language suggested by the gentleman from Alabama [Mr. McDUFFIE], but I am for this bill whole-heartedly, enthusiastically, because I believe it is going to bring a marvelous, a splendid development to this National Capital. I am primarily and, in the first instance, for the bill. I think that the proviso suggested by me—and not only think personally, but I think it is the sense of the two Secretaries of Agriculture and War—that the proviso suggested is ample and sufficient to protect all these other rights.

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

Mr. DEMPSEY. Yes.

Mr. LOZIER. It seems to me that from a legal standpoint we may have traveled far afield. The Government can acquire title to land only in one of two ways—by condemnation or treaty or by purchase. It is fundamental that where land is condemned for a specific purpose it can not be subjected to an additional servitude without the consent of the party from whom it is taken, but that rule does not prevail where an indefeasible title has been taken by the Government, although it may have been purchased by the Government with the intention to use it for a certain specific purpose. If the title has been acquired, the Government can thereafter subject that land to any use it sees fit to do so by the Congress. Is not that true? If the Government takes a deed conveying indefeasible title, then the Government may subject that land to any legal public use it wants to by act of Congress; but it could not do that if it has acquired title by condemnation, because when title is acquired by condemnation for a specific purpose the Government can not subject that land to an additional easement or servitude without the consent of the person from whom it has been acquired.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. MOORE of Virginia. For the purpose of suggesting this: Suppose this bill should be enacted into law and that then there should be condemnation of land for the purpose of carrying out the purpose of the bill in the State of Maryland or in the State of Virginia, that condemnation proceeding would be for the purpose of acquiring land under this particular statute.

Mr. DEMPSEY. And for all the purposes mentioned in the statute.

Mr. MOORE of Virginia. And subject to all of the limitations contained in the statute.

Mr. DEMPSEY. I thank the gentleman from Virginia for his suggestion. That is what I wanted to say in answer to the gentleman from Missouri. Let me say in conclusion that personally if the proponents of the bill have no objection I certainly have no objection to the language suggested by the gentleman from Alabama, which simply says that the title shall be unconditional, indefeasible, in fee simple. I see no objection to that.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. WILLIAM E. HULL. Will he advise the proponent of the bill to put it in, so that we may have harmony?

Mr. DEMPSEY. I shall talk with the gentleman about that. In concluding allow me to say what I have said repeatedly, that this bill is a very important bill, and a long step in advance for this National Capital and also for the Nation. I am very earnestly, very honestly, very enthusiastically for this bill, and I trust and believe we have reached a substantial agreement, and hope that we will not get into any technical details which will in any way or to any extent jeopardize the success of the bill. I thank you for being so patient. [Applause.]

Mr. ALMON. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

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

Mr. MOORE of Virginia. Mr. Chairman, it seems to me that the bill before us calls for a little more practical consideration than it has had already. Elaborating what has been said already by the gentleman from New York [Mr. DEMPSEY], I would like to suggest that if the report of the Power Commission is to be filed in July, that will be very much in advance of the possibility of the Government acquiring any lands in Virginia or in Maryland, and for this reason: First, the National Park and Planning Commission has got to determine—and it has not yet determined—what particular land it will seek to obtain. That will require considerable time. Then, in addition, not an inch of the land can be acquired at the sole expense of the Federal Government. It will be necessary for the State of Virginia, or the subdivisions thereof, and the State of Maryland, or subdivisions thereof, to make arrangements which will insure the payment in the future to the Federal Government of one-half the purchase price.

Now you can imagine that, with the legislature of a State meeting biennially and the legislature of one of the States in question now being in session and running to an adjournment early in March next, it will be a good long time before the project will probably materialize, either so far as Virginia is concerned or so far as Maryland is concerned.

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

Mr. MOORE of Virginia. Yes.

Mr. TREADWAY. I want to ask the gentleman this question: Does not the gentleman think that the contract between the Federal Government and the States should be so limited as not to include any subdivision of the States? With subdivisions included in the contract, the Government would have to deal with Arlington County across the river. My objection to the bill would be withdrawn if that provision as to subdivisions of the States were excluded, if we were dealing only with the States of Virginia and Maryland and not with subdivisions thereof.

Mr. MOORE of Virginia. The committee thought it was well to give the Planning Commission the right to contract either with the States or with subdivisions of the States, but I can assure the gentleman, speaking of Virginia, that there is very little likelihood that the two Virginia counties which are involved will supply the funds required. The county of Arlington and the county of Fairfax are, I think, without resources at this time on which they can draw to supply the funds, and the dealing must be with the State of Virginia rather than with those two counties.

Mr. TREADWAY. That statement leads me to believe that that phraseology ought to be omitted from the bill. The Government ought not to be dealing with possibly an irresponsible party.

Mr. MOORE of Virginia. The bill guarantees against dealing with an irresponsible party. The idea is one to afford opportunity to secure cooperation as well with the counties as with the States.

This is distinctly a conservation project. The Potomac River from Washington to Potomac Falls is a beautiful river, and its beauty is now in process of being impaired, because there is no governmental agency to prevent it. You can reach the impressive palisades in less than 15 minutes from the Capitol, and they extend along up to the Great Falls. If there is to be indefinite delay in providing the means of their protection, no one can predict how far the process of destruction will go and to what extent the beauty of the river shore will be obliterated.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield there?

Mr. MOORE of Virginia. Certainly.

Mr. McDUFFIE. Does the gentleman think we should pass this bill before getting the report that we have ordered on this bill?

Mr. MOORE of Virginia. I think so. The gentleman said that the report would be out in July. Little if anything can be done to carry out the purposes of this bill prior to July.

Mr. McDUFFIE. In that case I do not see the need of such haste.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. May I have a little more time, say, five minutes?

Mr. ALMON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Twenty-seven minutes.

Mr. ALMON. I yield to the gentleman from Virginia five minutes more.

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes more.

Mr. MOORE of Virginia. One important thing is this: To speed up the consideration and solution of the question as to whether there is to be navigation and water-power development. That question has been lingering along for generations, as was stated here on Monday, running away back to the time of General Washington. There was talk then about the construction of a canal in the gorge, and it was constructed, but not to the extent hoped for by Washington. Prior to the Civil War the lands at the Great Falls were taken over by a manufacturing company with the idea of using the water directly for power in the operation of factories.

Later on still the land was taken over by the Washington Railway & Electric Co., or rather by a subsidiary of that corporation, and for years and years the talk has gone on about the development of the water power. In 1921, I think, the Tyler report came in, which proposed that the Government at an expense of something like $40,000,000 should embark in that development and distribute the electric current in the District of Columbia and elsewhere; but nothing has been done.

I would like to see this legislation passed if for no other reason than to bring a show-down, as quickly as possible, as to whether there can be the development about which we have been hearing so much and for so many years. If a plan is brought in and proves acceptable there will not be, in my judgment, any serious conflict between the execution of the plan and the acquisition and use of land for a parkway; and for this simple reason, that the water power and navigation activities will be below the hills, for the most part below the table-land which would be acquired by the Government and converted into a parkway. Engineers of great ability, Colonel Tyler one of them, have said, as I understand, that the two things can be coincident, both carried along without serious difficulty; that the lakes provided in connection with the development of the water power, will not interfere with the cataract at the Great Falls, and at the same time to a very large extent there can be preserved the other beauties of nature which have been so much talked about by many gentlemen who have discussed this matter.

Mr. McDUFFIE. Will the gentleman yield further?

Mr. MOORE of Virginia. You have not anything like this in Alabama, I will say to my friend.

Mr. BANKHEAD. The gentleman has not been to Muscle Shoals.

Mr. McDUFFIE. The gentleman has not seen the great Wilson Dam, and I want him to see it some time.

Mr. MOORE of Virginia. Yes; I shall hope to do so.

Mr. McDUFFIE. Is it the gentleman's position that the language of this bill as it is now before the House permits this dual development to go on which the gentleman has just described so well; that is, navigation, power, beautiful lake, and a parkway?

Mr. MOORE of Virginia. I think so. I honestly think so. I think the language of the amendment suggested by the gentleman from New York is in that very direction.

Mr. McDUFFIE. The gentleman means the amendment, if adopted?

Mr. MOORE of Virginia. Yes.

Mr. McDUFFIE. But I was referring to the bill as now before the House, without any amendment.

Mr. MOORE of Virginia. I am for the amendment, and I trust it will be adopted.

I belong on the other side of the river, and I believe I know as much about the Potomac as anyone here, having traveled it as far as that is possible in boats and having walked its shores to the west where boats can not be used, and I am primarily impressed with the importance of conserving for the satisfaction of the people of this country the picturesque shores of the river, and I very earnestly hope this bill is going to receive the approval of the House. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. ELLIOTT. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, as a member of the Committee on Public Buildings and Grounds, last year I had the very great honor to make the motion in committee for the reporting of a similar bill to this, which unanimously passed the House, and I had the same honor this year; and because of the information which I received at the hearings, both last year and this year, I think perhaps I am in a position to answer the objection of the gentleman from Alabama [Mr. McDUFFIE].

The gentleman has repeatedly asked the question, What is the hurry in passing this legislation? The hurry is because every day and every hour that goes by the value of these lands is increasing and the devastation of the Potomac Valley is going on.

In connection with this subject I wish again to call the attention of the House to one part of the remarks of the gentleman from Michigan [Mr. CRAMTON], when he first spoke upon this bill this year, on page 2453 of the CONGRESSIONAL RECORD, where he calls attention to the fact that the valuable scenic areas of the Potomac Valley are being destroyed, and quotes a letter from W. S. Hoge, jr., in which that gentleman says:

> I am taking up again with you the matter of your park bill. I have recent information to the effect that large quarry operations, which will considerably deface the palisades of the Potomac, are being contemplated.

Mr. Chairman, in the past we have continually delayed these matters in connection with the beautification of the National Capital. When I first came here as a Representative in Congress we could have acquired all the property south of Pennsylvania Avenue for five or six million dollars, and we are now going to pay almost $25,000,000 for the same land.

Why delay this great public improvement? Not only is it going to cost us more if we delay the passage of this bill, but it is going to be impossible to preserve the beauties of the Potomac Valley. You gentlemen who are familiar with the National Capital park situation know that right here in the city of Washington, because of the delay on the part of Congress, Rock Creek Park has been continually encroached upon by residential development, which not only has impaired forever the beauty of that park, but has constantly diminished the flow of the creek itself. One of the objects of this bill is to prevent further diminution of the flow of Rock Creek and further encroachment by private interests and thus to preserve the beauties of the Potomac Valley.

So I say that haste with respect to this legislation, which is going to be safeguarded by the amendment proposed, is absolutely imperative.

Mr. BOWMAN. Will the gentleman yield?

Mr. DALLINGER. Yes; I yield.

Mr. BOWMAN. I note by the bill that the Federal Government advances or appropriates the sum of $23,000,000 for the purchase of this land; that $7,000,000 of this amount is appropriated out of the Treasury of the United States, and $16,000,000 is appropriated out of the Treasury of the United States but is to be reimbursed by the District of Columbia at the rate of $1,000,000 per annum, without interest. What was the idea of the committee with reference to fixing this burden or this increased taxation upon the District of Columbia?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ELLIOTT. Mr. Chairman, I yield the gentleman two more minutes.

Mr. DALLINGER. I will be very pleased to answer the question. The Congress of the United States has already imposed that burden upon the District of Columbia. Already, under existing law, $1,000,000 a year is appropriated out of District revenues for park purposes.

Mr. BOWMAN. Under what law is that?

Mr. DALLINGER. The law creating the National Park and Planning Commission. The trouble now is that with the constantly increasing value of land in the District of Columbia, the annual appropriation of $1,000,000 does not enable the commission to accomplish very much and the object of this bill is to make available this entire sum now, so that these areas can be acquired when they can be acquired at a reasonable price.

Mr. BOWMAN. Will the gentleman yield further?

Mr. DALLINGER. Certainly.

Mr. BOWMAN. You are not putting the same burden upon the State of Virginia or upon the State of Maryland, are you?

Mr. DALLINGER. We are providing in regard to the areas outside of the District that the States of Maryland and Virginia shall ultimately bear 50 per cent of the expense, and in the case of Rock Creek Park and the Eastern Branch, two-thirds of the expense, the balance to be paid by the Federal Government. Under existing law the balance would be paid out of the revenues of the District so that the bill now before us is distinctly advantageous to the District of Columbia.

Mr. BOWMAN. And with the small area in the District of Columbia, you are compelling the taxpayers of the District to pay more than twice the amount that the Federal Government is expected to pay.

Mr. DALLINGER. No; this does not increase the burden upon the District of Columbia at all. The gentleman is in error about that.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. DALLINGER. Certainly.

Mr. LINTHICUM. Does not the National Government now contribute its proportionate part of this amount, which used to be on a basis of 40-60, and is now a lump-sum appropriation of $9,000,000 a year?

Mr. BOWMAN. In former appropriation bills the ratio was 50-50, but now they have destroyed the previous fiscal relation between the District of Columbia and the National Government, and this bill would compel the District to pay almost two and a half times the amount appropriated by the Federal Government for this enterprise.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. ELLIOTT. Mr. Chairman, I yield the gentleman two minutes more.

Mr. LINTHICUM. If the gentleman will permit, whatever proportion the National Government now pays or will pay in the future, that proportion will apply to this $1,000,000 a year, just the same as any other appropriation.

Mr. DALLINGER. Certainly. We do not change the proportion. Whatever Congress may see fit from time to time to determine as to the amount that the Federal Government shall contribute to the expenses of the District of Columbia, that law will apply to the appropriation for parks. This bill does not make any change in that at all. We do not change the substantive law. The Federal Government pays the same share of the amount expended for park purposes as it pays for any other District of Columbia expense.

Mr. BOWMAN. The Committee on Appropriations has fixed a lump sum of $9,000,000 annually for the District of Columbia and that amount is appropriated regardless of an old law which fixed a different ratio.

Mr. DALLINGER. Congress changed the law.

Mr. BOWMAN. Absolutely.

Mr. DALLINGER. Which it had a perfect right to do.

Mr. BOWMAN. They had that right under certain rules. In this bill you put a burden upon the District of Columbia to pay not on the ratio of 40-60 or 50-50, but the District of Columbia must pay two and a half times what the Federal Government pays.

Mr. DALLINGER. I want to say to the gentleman that this bill does not put any extra burden upon the people of the District of Columbia whatever. On the contrary, as I have already explained, it lessens that burden. Not only that, but I want to call the gentleman's attention to the fact that all of the civic organizations of the District of Columbia appeared before the committee and heartily indorsed this bill. [Applause.]

Mr. ALMON. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman, in this debate much has been said about the Government acquiring under the provisions of this bill an indefeasible, unconditional, fee-simple title. I assert—and we should have no misunderstanding about this proposition—that that character of title can only be acquired in one way, and that is by treaty or by conveyance. It makes no difference what purpose the Government might have in view in purchasing real estate, it makes no difference to what use the Government may wish to subject the real estate, if they acquire title by treaty or conveyance, if they acquire it by deed or conveyance, then they may use it for military purposes or any other legitimate purpose, whether contemplated or not at the time of the purchase.

On the other hand, when the Government or State acquires title by condemnation, they do only one thing. They obtain a decree of the court which permits them to impress upon that real estate an easement or servitude for a certain specific purpose authorized by statute, and only in exceptional cases, based on unusual State statutes, no government or State has ever been able to acquire an indefeasible, unconditional, fee-simple title by condemnation.

The law, on the other hand, in practically all jurisdictions, is this, that where the Government or the State acquires title by condemnation, such Government or State only acquires the right to use it for the specific enumerated purpose authorized by the statute. If the Government attempts to subject that real estate to any additional burden or servitude, this can not be done without the consent of the owner of the land which was taken by condemnation.

Under the amendment suggested by the gentleman from New York, you have enlarged the purpose for which the lands may be acquired or condemned under this act. There is no question about that. But if that amendment is adopted and this bill becomes a law, the Government of the United States will still not be able to acquire an unconditional, indefeasible, fee-simple title. They would only be able to acquire an easement or right to impress a servitude upon this land for the five or six purposes enumerated in the bill as enlarged by the amendment of the gentleman from New York.

I am discussing the legal phase of the question in order that we may not enact the bill with the understanding that thereunder we would by condemnation acquire an indefeasible, unconditional, fee-simple title to lands condemned.

Mr. McDUFFIE. Will the gentleman yield?

Mr. LOZIER. I yield.

Mr. McDUFFIE. Could it not be condemned for public purposes?

Mr. LOZIER. Yes; for the specific public purposes authorized by statute, but not for other purposes.

Mr. McDUFFIE. For public purposes necessary for the development of the river.

Mr. LOZIER. Yes; after having condemned it for specific purposes enumerated, the Government could not subject the land to an additional servitude, easement, or use without an additional condemnation and compensation to the original owner.

Mr. CRAMTON. I think the gentleman will find on further examination that if we acquire the land for park purposes the Government will have absolute title to use it for any purpose.

The CHAIRMAN. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $7,000,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for acquiring and developing, except as in this section otherwise provided, in accordance with the provisions of the act of June 6, 1924, entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," as amended, such lands in the States of Maryland and Virginia as are necessary and desirable for the park and parkway system of the National Capital in the environs of Washington. Such funds shall be appropriated as required for the expeditious, economical, and efficient development and completion of the following projects:

(a) The George Washington Memorial Parkway, to include the shores of the Potomac, and adjacent lands, from Mount Vernon to a point above the Great Falls on the Virginia side, except within the city of Alexandria, and from Fort Washington to a similar point above the Great Falls on the Maryland side, except within the District of Columbia, and including the protection and preservation of the natural scenery of the gorge and the Great Falls of the Potomac, and the acquisition of that portion of the Chesapeake & Ohio Canal. The title to the lands acquired hereunder shall vest in the United States, and said lands, including the Mount Vernon Memorial Highway authorized by the act approved May 23, 1928, upon its completion, shall be maintained and administered by the Director of Public Buildings and Public Parks of the National Capital, who shall exercise all the authority, powers, and duties with respect to lands acquired under this section as are conferred upon him within the District of Columbia by the act approved February 26, 1925; and said director is authorized to incur such expenses as may be necessary for the proper administration and maintenance of said lands within the limits of the appropriations from time to time granted therefor from the Treasury of the United States, which appropriations are hereby authorized. Said commission is authorized to occupy such lands belonging to the United States as may be necessary for the development and protection of said parkway and to accept the donation to the United States of any other lands by it deemed desirable for inclusion in said parkway. As to any lands in Maryland or Virginia along or adjacent to the shores of the Potomac within the proposed limits of the parkway that would involve great expense for their acquisition and are held by said commission not to be essential to the proper carrying out of the project, the acquisition of said lands shall not be required, upon a finding of the commission to that effect. Said parkway shall include a highway from Fort Washington to the Great Falls on the Maryland side of the Potomac: *Provided*, That no money shall be expended by the United States for lands for any unit of this project until the National Capital Park and Planning Commission shall have received definite commitments from the State of Maryland or Virginia, or political subdivisions thereof or from other responsible sources for one-half the cost of acquiring the lands in its judgment necessary for such unit of said project deemed by said commission sufficiently complete, other than lands now belonging to the United States or donated to the United States: *Provided further*, That no money shall be expended by the United States for the construction of necessary highways on the Maryland side of the Potomac, nor for any necessary highway to connect the Highway Bridge, the Arlington Memorial Bridge, and the Key Bridge on the Virginia side until the National Capital Park and Planning Commission shall have received definite commitments from the State of Maryland or Virginia, or political subdivisions thereof or from other responsible sources, for one-half the cost of that portion of said highways lying within any such unit of the project: *Provided*, That in the discretion of the

National Capital Park and Planning Commission, upon agreement duly entered into by the State of Maryland or Virginia or any political subdivision thereof to reimburse the United States as hereinafter provided, it may advance the full amount of the funds necessary for the acquisition of the lands and the construction of said roads in any such unit referred to in this paragraph, such agreement providing for reimbursement to the United States to the extent of one-half of the cost thereof without interest within not more than five years from the date of any such expenditure.

(b) The extension of Rock Creek Park into Maryland as may be agreed upon between the National Capital Park and Planning Commission and the State of Maryland or any political subdivision thereof, for the preservation of the flow of water in Rock Creek, and in the discretion of the National Capital Park and Planning Commission the extension of the Anacostia park system up the valley of the Anacostia River, Indian Creek, the Northwest Branch, and Sligo Creek, and of the George Washington Memorial Parkway up the valley of Cabin John Creek, as may be agreed upon between the National Capital Park and Planning Commission and the State of Maryland or any political subdivision thereof: *Provided*, That no money shall be expended by the United States for lands for any such extensions until the National Capital Park and Planning Commission shall have received definite commitments from the State of Maryland or one or more political subdivisions thereof or from other responsible sources for two-thirds the cost of acquiring the lands in its judgment necessary for such unit of said extensions deemed by said commission sufficiently complete, other than lands now belonging to the United States or donated to the United States: *Provided further*, That in the discretion of the National Capital Park and Planning Commission upon agreement duly entered into by the State of Maryland or any political subdivision thereof to reimburse the United States as hereinafter provided, it may advance the full amount of the funds necessary for the acquisition of the lands in any such single unit of any such extension referred to in this paragraph, such agreement providing for reimbursement to the United States to the extent of two-thirds of the cost thereof without interest within not more than five years from the date of any such expenditure. The title to the lands acquired hereunder shall vest in the United States but the development and administration thereof shall be under such local authority as shall be approved by the National Capital Park and Planning Commission and in accordance with regulations approved by the National Capital Park and Planning Commission. The United States is not to share in the cost of construction of roads in the areas mentioned in this paragraph, except if and as Federal-aid highways, but such roads, if constructed, shall be with the approval of the National Capital Park and Planning Commission and in accordance with plans duly approved by said commission.

With the following committee amendment:

On page 2, line 11, after the word "Potomac," insert "and adjacent lands."

The committee amendment was agreed to.

Mr. TREADWAY. Mr. Chairman, I would like to ask what is meant by the committee amendment "adjacent lands." It seems to me that that is very indefinite phraseology.

Mr. CRAMTON. Mr. Chairman, the amendment necessarily is indefinite in scope. It is a parkway that is being established. The purpose in the main is to acquire just the banks of the Potomac, or, as to the Mount Vernon Boulevard, between the highway and the river. It is impossible to say within 100 or 200 feet, because the river is irregular and at places a point of land may run out which it would be desirable to include. In the main the purpose is to very generally follow along with the banks, and not go far back, but as you go up the Potomac toward Great Falls there will be here and there a stream that comes in and cuts through the palisades, as, for instance, Difficult Run. A few days ago I visited that part of this area. There is scenery in Difficult Run that is to my mind more beautiful than anything in Rock Creek Park, and it is not of great value for residential development. It is very desirable to have that run included in the parkway, and so at that point the park would run further back. I thought that as the bill was drawn originally it would permit that, but to save any question this language is put in, so that Difficult Run and those other ravines that come in and that are so beautiful may be taken in as a part of the parkway.

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

Mr. CRAMTON. Yes.

Mr. STAFFORD. I assume it is in contemplation of the Park Commission to condemn all residences that are included in this proposed parkway, and have an exclusive parkway, and not a parkway with residential projects.

Mr. CRAMTON. We hope to make it exclusive, with the exception of the area in Alexandria, which, of course, is not included in the bill, and in the District of Columbia.

Mr. STAFFORD. And all of the smaller resorts, the summer homes along the canal on the Maryland side, and the clubs down there on the island will all be condemned for parkway purposes?

Mr. CRAMTON. I do not want to speak definitely about things that I do not fully know about.

Mr. STAFFORD. I assume the gentleman had walked along that wonderful way leading up to Cabin John?

Mr. CRAMTON. As to the banks, the purpose is to prevent disfigurement that now exists with undesirable structures. Above the palisades, away up above the Potomac, there is extensive residential development that we do not contemplate taking in under this bill.

Mr. STAFFORD. But you do contemplate having the Government take full possession of everything along the reaches of the river?

Mr. CRAMTON. That is our hope.

Mr. STAFFORD. And not permit any homes to be located in that district?

Mr. CRAMTON. We aim to make it a parkway, a connected area.

Mr. TREADWAY. Mr. Chairman, in one or two places the word "environs" is used in the bill. Would the gentleman further tell us just what he means by that?

Mr. CRAMTON. That comes from the original legislation which is now the law, which created the National Park and Planning Commission in 1924 and 1926, for the purpose of doing this very thing in the National Capital, and its "environs." Sometimes they give it a more French pronunciation with which I am not so familiar, but that legislation now in effect instructed the commission to plan as to development of these areas adjacent to the Capital, but the money has never been provided, and Congress did not lay down a rule as to the cooperation which was there authorized.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TREADWAY. The bills to which the gentleman refers as establishing the National Park and Planning Commission did not contemplate their authority going beyond the District, I take it.

Mr. CRAMTON. The bill expressly provided that it should go beyond the area of the District of Columbia.

Mr. TREADWAY. The original act?

Mr. CRAMTON. Yes; the existing law. I will read, if the gentleman desires:

That to develop a comprehensive, consistent, and coordinated plan for the National Capital and its environs in the States of Maryland and Virginia, to preserve the flow of water in Rock Creek, to prevent pollution of Rock Creek and the Potomac and Anacostia Rivers, to preserve forests and natural scenery in and about Washington, and to provide for the comprehensive, systematic, and continuous development of park, parkway, and playground systems of the National Capital and its environs there is hereby constituted a commission to be known as the National Capital Park and Planning Commission.

And so forth.

Mr. TREADWAY. In view of that language this bill does not extend their authority?

Mr. CRAMTON. No.

Mr. TREADWAY. It does not extend it any further than before?

Mr. CRAMTON. No; it lays down a rule as to financial cooperation, which was lacking in the original law.

Mr. TREADWAY. But so far as having any additional authority about park and planning it does not do so?

Mr. CRAMTON. It does not.

Mr. RAMSEYER. Mr. Chairman, I move to strike out the last word. I confess that I have not had opportunity to give this proposal much study. I have read the bill and the report. I heard the speech of the gentleman from Michigan [Mr. CRAMTON] the other day in support of this proposition. Do I understand that this does not present a definite proposal for the acquisition of definite areas of land and that you simply empower this commission to go up and down the Potomac on both sides from Great Falls to Mount Vernon and acquire such land as they see fit to get within the appropriations that Congress authorizes from time to time? Is that correct?

Mr. CRAMTON. Mr. Chairman, the program in its general aspect as has been formulated by the Planning Commission is in the annual report for 1929, which I quoted in my speech, but did not read in full. The exact limits are, of course, not defined. After this bill becomes a law, if it does, the commission then is authorized to proceed with certain required cooperation to buy lands subject to three lines of supervision:

First, each and every proposal to buy land must be approved not only by the Planning Commission but must be approved by the Fine Arts Commission; second, it must be approved by the President; and third, Congress itself will scrutinize their work in connection with annual appropriations.

Mr. RAMSEYER. This report which the commission has filed is not referred to in the bill. In other cases of legislation of this kind often citations are made to certain documents approving or authorizing the project therein set out.

Mr. CRAMTON. The bill does provide for the land discussed in the report of the Planning Commission.

Mr. RAMSEYER. It is not specific.

Mr. CRAMTON. In a way it is.

Mr. RAMSEYER. Can the gentleman give us an idea, for example, of how many acres the commission is authorized to acquire under this bill, whether it is a thousand acres, or 10,000 acres, or 50,000 acres, or 100,000 acres?

Mr. CRAMTON. I could not. It is a considerable area, stretching about 20 miles along the river, but not going very far back beyond the lands now in Government ownership.

Mr. RAMSEYER. No commission or governmental agency has been authorized yet to go out and make a survey as to what would be desirable in the so-called George Washington Parkway and make a report to Congress, as is done in cases where engineers are sent out to make surveys of rivers and harbors, where they come back with a specific program, and the Congress indorses the very specific thing that the engineers have recommended. Now then, are we here indorsing a specific proposition that has been reported upon by a governmental agency or commission?

Mr. CRAMTON. Does the gentleman desire to yield?

Mr. RAMSEYER. Yes. I want information.

Mr. CRAMTON. The gentleman is not quite accurate in his understanding of the case. The existing law not only authorizes this commission to investigate but to buy. It is authorized and directed to acquire such lands as shall be necessary and desirable from Virginia and Maryland. The existing law directs them to buy such lands as in their judgment are desirable. But under that authorization they are not able to buy because they have not the money.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. CRAMTON. They are authorized and directed to buy. They have planned a program, but for the reason which was explained awhile ago, it can not be set down in metes and bounds as to the particular acreage.

Mr. RAMSEYER. That program is not definitely incorporated in this bill. They can go beyond their recommendations or stay within the limitations of the report to which reference is made.

Mr. CRAMTON. The existing law did not specify at all. It just stated that such lands as in the judgment of the commission should be selected. The bill provides that the parkway—and that is the first item in the program—is to include—

> The shores of the Potomac and adjacent lands, from Mount Vernon to a point above the Great Falls on the Virginia side, except within the city of Alexandria, and from Fort Washington to a similar point above the Great Falls on the Maryland side, except within the District of Columbia, and including the protection and preservation of the natural scenery of the gorge and the Great Falls of the Potomac, and the acquisition of that portion of the Chesapeake & Ohio Canal.

Mr. RAMSEYER. That is to include the shores of the Potomac on both sides and adjacent lands from Mount Vernon to a point above the Great Falls?

Mr. CRAMTON. Yes.

Mr. RAMSEYER. But there is nothing here to limit it within 10 rods or 10 miles of the river?

Mr. CRAMTON. No. As I said, it is not possible to set up a particular limit, because it must be irregular, and it must be so for two reasons: For instance, where a little point of land runs out into the river, or where the streams break through the ravine on their way to the river.

Mr. RAMSEYER. Now, while the existing law is indefinite, why would it not be wise to authorize the commission, according to the usual practice, to go out and make a survey and then come back with a definite proposition and accompanying blue prints showing the area, acreage, and the kind of land in the project? Then you could tell somewhat accurately what a proposition like that would cost. Here you speak of an authorized appropriation of $7,000,000. Conversing with some members of the committee, speaking a little more definitely, I was told this morning that before we get through with this program, which is indefinite, it would cost somewhere between $40,000,000 and $50,000,000. Now, we have no estimate of cost, merely the committee's guess. There is nothing in this bill to prevent the Parkway Commission from acquiring areas costing $150,000,000, except the refusal of Congress from time to time to appropriate the money to that extent. Is not that true?

Mr. CRAMTON. It is not quite accurate. In the first place, the commission have made studies and plans. Those plans have been exhibited in the corridor yonder for a considerable time. As to the whole areas intended to be acquired, the commission can not buy lands under this proposed law except with the approval of the Fine Arts Commission and the President of the United States. I do not think the President would concern himself about every acre, but I think he would concern himself this much, to see that no main item would be approved by him unless it was a proper one. The estimate that $50,000,000 might be involved in the lands outside the District is a wild estimate. As a matter of fact, the bill does provide that the expenditure might run to $16,000,000 or $17,000,000, of which only $7,000,000 would come from the Federal Treasury, because as to a part of it we would pay only one-half and as to a part we would contribute only a third. So the cooperation required would be from $7,000,000 to $10,000,000, making the amount $16,000,000 or $17,000,000, which I believe will be substantially sufficient.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAMSEYER. The gentleman from Michigan has referred to plats or plans out here in the hallway. There is nothing in this bill which would require the commission to follow those plans. The gentleman has already indicated that he has not the least idea as to what the acreage will be. He does not know whether it will be 2,000 or 20,000 acres. Of course, if it is 20,000 it will likely cost ten times more than if it is 2,000.

It does seem to me an unbusinesslike way of legislating just to turn the proposition over to a commission of the Government and say, "Now, go to it; buy anywhere that suits your fancy." Would it not be more businesslike if we would authorize the commission to go out and make a survey up and down the river and then come back with something definite? They could estimate to us about what that would cost, whether it would be $10,000,000, $20,000,000, or $30,000,000, and then it would be up to the approval of the Congress, while here we are approving something about which we know absolutely nothing, except that it runs from Mount Vernon up the river on both sides, with the exception of Alexandria and the District of Columbia, to the Great Falls, and that is all there is to it.

Mr. CRAMTON. Will the gentleman yield again?

Mr. RAMSEYER. Briefly.

Mr. CRAMTON. The bill is based upon the estimate that has been made by the commission, as the result of their survey, that $7,000,000 would be sufficient. That is their estimate upon the survey they have made.

Mr. RAMSEYER. Well, I am glad to know that. There is nothing in this bill referring to their survey or tying them down to that survey. On page 5 of the bill I notice there are six different creeks named which they are allowed to acquire and, with the consent of Maryland, to control the water supply. I do not know whether they are running dry or whether the cows up there are drinking too much, but there is absolutely nothing to prevent the commission from going to the source of each one of those streams, and if it is a matter of the control of the water they might have to go to the source of the creeks, whether it is 1 mile, 10 miles, or 40 miles, which just illustrates how wildly we are going here on this proposition and to what extent we are reposing confidence in a commission, the membership of which very few of us know.

Mr. CRAMTON. Will the gentleman yield again?

Mr. RAMSEYER. If the gentleman has any observation to make about the creeks.

Mr. CRAMTON. Yes; and it is simply this: It is for the purpose of caring for the water supply of Rock Creek. The flow of Rock Creek is being diminished year by year by the installation of artificial drainage and the cutting of timber above. The purpose of this provision is to protect the flow of Rock Creek, without which Rock Creek Park would be a rather barren place.

Mr. RAMSEYER. What is the situation with regard to Indian Creek?

Mr. CRAMTON. It ties in with the same general proposition. They are branches leading into the Anacostia River.

Mr. RAMSEYER. All of them are branches of the Anacostia except Rock Creek?

Mr. CRAMTON. There is one other creek, Cabin John Creek, which leads into the Potomac.

Mr. RAMSEYER. On what clause of the Constitution does the gentleman rely to acquire title to this property?

Mr. CRAMTON. Does the gentleman distinguish between land that is outside of the District and inside of the District, and is the gentleman's question asked because the land is outside the District?

Mr. RAMSEYER. The gentleman distinguishes between property which the Government can acquire over which it exercises exclusive jurisdiction and property in the States over which it does not exercise exclusive jurisdiction.

Mr. CRAMTON. In my address of Monday I cited court decisions to this effect—and I know of no exception and nothing to the contrary—that the Government may acquire land in a State for park purposes, and many other purposes, by condemnation, even without the consent of the State, and for purposes not expressly mentioned in the Constitution, as it did in connection with the Gettysburg battle field.

Mr. RAMSEYER. I understand those purposes.

Mr. CRAMTON. And where a State cedes exclusive jurisdiction the Federal Government may exercise such jurisdiction, even though the purpose is not one of the purposes enumerated in section 8 of Article I.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes, and then I will conclude.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAMSEYER. The gentleman does not rely, then, on Article I, section 8, clause 17, I think it is, which is the clause that also has in it the District of Columbia.

Mr. CRAMTON. I rely on the decision of the United States Supreme Court in the Gettysburg case, which held that there did not need to be an express provision in the Constitution, but that the land was to be for the purpose of teaching national patriotism, and so forth.

Mr. RAMSEYER. That is what I tried to get the gentleman to say, and I think we understand each other now. That case is not applicable to this situation. Of course I do not like the idea of spending money in this way in the District and outside the District. I do not oppose the purpose of the last section of the bill, which provides for the spending of money here in the District for park purposes and playground purposes; but I think we are going far afield when under the indefinite provisions of this bill we go out in the States and buy parkways adjacent to the District. The House is asked to approve a proposition blindfolded. No one has any idea how many acres or how much money is involved or how many miles of creeks will be acquired. I do not think that is the right way to proceed. We ought to have something definite, and ought not to proceed in the way provided here, which in effect is buying a pig in a poke. For the reasons I have presented I am opposed to this bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to strike out the last two words. I intend to follow our distinguished colleague from Michigan on this legislation, although on some of his legislative policies I can not agree to follow. I want to call the attention of the membership of this House, particularly the new Members, to a very sad situation. Some of the new Members of this Congress will wonder why other Members repeatedly object to bills on the Private and Unanimous Consent Calendars, particularly with reference to private toll bridges. This is an example of a private toll-bridge evil. It is one of the greatest monstrosities ever written into the statute books. While I firmly believe that the gentleman from Virginia has rendered a great deal of constructive service to the people of the District of Columbia and his State in obtaining appropriations from the Federal Treasury, I believe he did not adopt the right course from the standpoint of sound public policy when he sponsored and had written into law a provision for a private toll bridge across the Potomac River at or near the Great Falls.

The bill which we are now considering carries an appropriation of $23,000,000 of the people's money to provide a great memorial parkway extending on both sides of the Potomac River at or near Great Falls. A prior session of Congress enacted into law a bill sponsored by the gentleman from Virginia [Mr. MOORE] granting the Great Falls Bridge Co. the authority to construct and operate a private toll bridge across the Potomac River at or near Great Falls, thereby creating a private monopoly as a connecting link in this great parkway which is to be developed at a cost of many millions of dollars of public funds.

When the original bill came before the Congress on Private Calendar day, a number of us repeatedly objected to its consideration. When the bill came before the Congress for a vote, 12 Members stood up on a record roll call, which I forced under the parliamentary situation, and voted against this private toll bridge. I may truthfully say that these 12 Members can refer to that roll call to-day when this big proposition comes before us and reach the decision that they have faithfully served the people of the Nation in voting on that roll call against the private toll bridge which is a connecting link in the whole great parkway proposition.

This private toll bridge company did not commence building the bridge within the time limit under the original act, and during the second session of the Seventieth Congress the gentleman from Virginia [Mr. MOORE] introduced a bill to extend the time limit. This extension bill came before the Congress on Private Calendar day, and we objected to its consideration time after time, and in the closing days of the session it was brought up under a suspension of the rules, and several of us called the attention of the House to this great parkway system, because we had this parkway bill on the calendar with a favorable report. Notwithstanding that fact, the House suspended the rules and extended the time for the commencement of construction of this private toll bridge.

I rise at this time to direct an inquiry to the gentleman from Virginia as to whether it is possible to-day to offer an amendment and incorporate in this bill a repealing provision which will repeal the authorization for this private toll bridge, the connecting link in this great parkway system in the Nation's Capital.

Mr. TREADWAY. Will the gentleman yield for a question?

Mr. SCHAFER of Wisconsin. Yes.

Mr. TREADWAY. I would like to ask the gentleman whether the toll bridge to which he refers, the authority for which was granted by Congress, is within the area that will be taken over for this park?

Mr. SCHAFER of Wisconsin. The private toll bridge is to be constructed at or near Great Falls, and is to be a connecting link between the State of Virginia and the State of Maryland. It will absolutely be the connecting link in this great parkway system.

Mr. TREADWAY. May I get the gentleman's idea, definitely, in answer to my question? Will it be within the area provided for in this bill?

Mr. SCHAFER of Wisconsin. Of course, it will be within the area.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. COCHRAN of Missouri and Mr. MOORE of Virginia rose.

Mr. SCHAFER of Wisconsin. I yield now to give any proponent of this legislation or any proponent of the private toll bridge referred to an opportunity to state whether or not this tool bridge will be the connecting link in this great parkway.

Mr. MOORE of Virginia. The gentleman has invited an answer to his question. When Congress passed the legislation and the President approved it, authorizing the construction of the bridge to which he refers, no suggestion had been made about any parkway; the legislation contained several provisions which protect the public interest: First, that no permit should be issued by the Chief of Engineers for the construction of the bridge that would interfere with the development of water power and that the bridge should be approved by the Fine Arts Commission and the National Capital Park and Planning Commission; second, that upon the conditions usually written into such bills the public should have the right to take the bridge over and convert it into a free bridge.

There is no bridge of any kind spanning the Potomac River between Chain Bridge and a point far away to the west in Loudoun County, Va., and the idea of securing this legislation and trying to bring about the construction of the bridge was that it would be tremendously to the advantage of the public, not only the Maryland public and the Virginia public, but the

public beyond, north and south, which would be afforded a new avenue of travel, away from the congestion of traffic that obtains in Washington City.

The legislation authorizing the bridge is simply in line with a great deal of legislation that has been enacted here which my friend and one or two other gentlemen have inveighed against, but in my humble judgment, with deference to them, not upon any good ground. I am very pleased to say, in spite of what the gentleman from Wisconsin has remarked, that I have every reason to believe that this bridge is to be a very fine structure. As designed it was shown on the screen at the meeting held two or three weeks ago by the Park and Planning Commission in Constitution Hall in this city—the meeting addressed by Governor Ritchie of Maryland and Governor Pollard of Virginia—and it is really to be a thing of beauty, not interfering in any way with the cataract, being east of the cataract, built of concrete and steel, and giving a splendid view of Great Falls.

Mr. LAGUARDIA. Will the gentleman yield right there?

Mr. MOORE of Virginia. In just a moment. I repeat I am most happy to tell the House that unless the information I have received in the last few days is unreliable, the construction of the bridge is about to be undertaken and carried to completion, and I am sure most substantial benefits will accrue not only to Virginia and Maryland, and the great public, north and south of those States, but to the people of Washington.

Mr. LAGUARDIA. Has the company been financed yet?

Mr. MOORE of Virginia. I hope so. From what I have heard——

Mr. LAGUARDIA. The last I heard about it there were a few financial scalawags trying to sell these bonds in New York.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin may have five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MOORE of Virginia. I will say that I do not know anything about "scalawags" in connection with it.

Mr. LAGUARDIA. I said "financial scalawags."

Mr. MOORE of Virginia. The only man I know in connection with it, except the engineer, who is a very reliable man, is a high-class lawyer of this city, a man who served with distinction in the World War, and who, I believe, holds or has held important positions in the American Legion of the District of Columbia. With him I have had virtually my own contact in respect to the matter, and from him I have received the information which I have just given the House.

Mr. DEMPSEY. Mr. Chairman, if the gentleman will yield, I would like to relate an experience in my own district which I think the gentleman from Wisconsin will regard as valuable. For many years, until three years ago, the only means of ingress and egress from Canada to Buffalo was by vessel or ferry. We built what is known as the Peace Bridge between the two countries, which is a toll bridge. The gentleman who constructed it made not one penny out of it. It reverts to the public as soon as paid for. We are about to build two other bridges to cost $13,000,000. I have no doubt that they will contain the same provisions. Our experience in New York, so far as the west end of it is concerned, is that we can not afford to wait for State or municipal government—much less the Federal Government—to build bridges for us at public expense.

Our people are willing to finance them. Our people are patriotic and public-spirited enough to make the terms such that the public will really get the benefit from that method of construction—as much as they would from State or Federal construction.

Mr. SCHAFER of Wisconsin. If we accept the gentleman's logic, we should defeat this bill and let the private individuals raise the money, not only for the toll bridge but also for the great parkway for which under the bill we are asked to appropriate $23,000,000 of public funds. I state frankly to the House that there was information presented to Congress before the private toll bridge bill extension was passed, but Members did not pay much attention to it at that time. At the time the bill extending the time limit for beginning construction was being considered we had on the calendar a park bill similar to the one now under consideration, which bill was reported by the distinguished gentleman from Michigan [Mr. CRAMTON]. If you consult page 5086 of the CONGRESSIONAL RECORD, March 2, 1929, second session of the Seventieth Congress, you will find that it was clearly brought to the attention of Congress that this private toll bridge was a connecting link in the great parkway proposition involving millions of dollars from the Public Treasury.

At this time I desire to call attention of the Members, particularly the new Members, to the necessity of watching private toll bridge bills which appear on the Private Calendar. Investigate the private toll bridges that have been authorized in the past and you will find that the people traveling over the highways built by public funds have expended for tolls in a few years more than the total cost of financing these bridges. In this National Capital, are we to have a magnificent memorial parkway costing upwards of $23,000,000, extending to both sides of the Potomac River, and then find that the people who pay the taxes to create such parkway who are traveling over it in both States will have their automobiles containing their family stopped and be compelled to pay a toll to a private toll-bridge monopoly.

I shall offer an amendment to repeal the authority granted the Great Falls Bridge Co. the right to construct a private toll bridge at or near Great Falls.

Mr. ELLIOTT. Mr. Chairman, I ask unanimous consent that all debate on this amendment now close.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that debate on the amendment now close. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. DEMPSEY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 2, line 19, after the word "canal," strike out the period and insert a colon, and the following:

"*Provided*, That the acquisition of any land in the Potomac River Valley for park purposes shall not debar or limit or abridge its use for such works as Congress may in the future authorize for the improvement and the extension of navigation, including the connecting of the upper Potomac River with the Ohio River, or for flood control or irrigation or drainage, or for the development of hydroelectric power."

Mr. McDUFFIE. Mr. Chairman, I have an amendment to the amendment.

The Clerk read as follows:

Amendment to the amendment offered by Mr. McDUFFIE: At the end of the amendment add the following:

"*Provided further*, That in acquiring title to any land under the terms of this bill the title acquired by donation or otherwise shall be unconditional, indefeasible, and in fee simple."

Mr. WILLIAM E. HULL. Mr. Chairman, I favor this bill and I favor the Dempsey amendment and, if agreeable to Mr. CRAMTON, the amendment offered by the gentleman from Alabama [Mr. McDUFFIE] to the Dempsey amendment, because I believe there should be no mistake made by the Congress of the United States in passing this bill, and it should be understood that we will have the opportunity in the future for waterway and power development and for flood-control purposes. When this amendment was practically agreed upon in the office of the Secretary of War by the representatives of the Department of Agriculture and of the Department of the Interior it was agreed that no one of these projects should have priority. The gentleman from Michigan [Mr. CRAMTON], in his speech to-day, mentioned that the parkway would have priority, but I want to specifically bring before the House the fact that if this bill is passed, there is no priority, and that waterways have the same rights as the parkway. For your information you must understand this, the parkway will be built first if the bill passes, and if the green grass is growing in the parkway and you come before Congress and ask permission to dig a canal through that green grass you are going to have some trouble, and we may as well understand it to-day. I want it to go in the RECORD, and if Mr. CRAMTON wants to dispute it this is the time to do it, that if it is decided we want to make the connection between the Potomac and the Ohio Rivers, we will have the priority right to go through the parkway, whether it is finished or not finished. What is the use of our spending all of the money we are spending for inland waterways all over this country if we are going to have one of the connections that might be more important than any other destroyed just because you want a playground in this city? I tell you, gentlemen, this is more serious than you think.

This Congress, and probably the next or the next will not build this waterway, but no one knows to what extent this country will grow, no one knows the necessity that may arise under the high cost of transportation. We may want to develop this waterway. So, let us have an understanding to-day that the waterway has the same rights as the parkway.

In reference to the toll bridge, that is something I knew nothing about until to-day. I say this: I believe that the Congress of the United States would fare better if it would build the bridge with the parkway, even if it cost another three or four million dollars. [Applause.] No one wants to go in his automobile from Mount Vernon to Great Falls and then be obliged to get out and pay toll. I think that is absurd. I did not know that was in the bill or I would have made a fight on it long ago. I understand it is not really in the bill but it is in connection with it, and I wish the gentleman from Michigan [Mr. CRAMTON] would revise his bill and add to it enough money to build a free bridge. We do not want toll bridges on the line of driveways that we are going over for pleasure purposes.

Mr. TREADWAY. Does not the gentleman think that the same thing would apply to the entrance to Mount Vernon? Should not the public be allowed to enter the grounds of Mount Vernon without charge?

Mr. WILLIAM E. HULL. That is a thing I know nothing about. I am speaking for the waterway. Of course, we want to protect everything in this legislation, and we must protect this inland waterway, and I hope all of us will have a definite understanding that it has the same right as the parkway. [Applause.]

Mr. CRAMTON. Mr. Chairman, first with reference to the toll bridge, let me clarify the situation. I sympathize entirely with the position of the gentleman from Wisconsin [Mr. SCHAFER] in opposition to toll bridges. If this legislation that is now before the House had been passed two or three years ago, that toll-bridge situation could not have developed. It would have been our park, and we never would have permitted a bill to go through for a toll bridge.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I would like to make this statement, if the gentleman will permit. We have not even yet created the park, and so when a special bill came here authorizing the building of a toll bridge, we had no rights there established as yet and no way to provide for the building of a bridge by the Government. However, we did safeguard it as much as we could. I offered an amendment at the time. The location and the plans for the bridge are subject to the approval of this commission. That is as far as we could go.

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

Mr. CRAMTON. Yes.

Mr. DEMPSEY. And the tolls are subject to regulation by the Secretary of War?

Mr. CRAMTON. Oh, yes; that is true.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. In just a moment. If this parkway is created, then if the Government wants to take over that bridge and pay for it and make it a free bridge, that can be done and possibly would be done; but there is nothing in the bill as suggested by the gentleman from Illinois [Mr. WILLIAM E. HULL], and no responsibility on me for that toll bridge.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. COCHRAN of Missouri. In that law there is a provision that Congress reserves the right to repeal the law, and I say to the gentleman from Michigan further, if he is in sympathy with us, the bridge has not been started, not a spade of dirt has been turned, and if you want to repeal that law you can do it on your bill, if you will accept such an amendment.

Mr. CRAMTON. Oh, I do not want to get my bill into any more trouble than it is in now. Any time that Congress wants to repeal that bridge law, that is up to Congress.

Mr. SCHAFER of Wisconsin. It might get the gentleman's bill out of trouble instead of getting it into trouble if he would offer an amendment to repeal that private toll bridge monstrosity.

Mr. WILLIAM E. HULL. Is it possible to put in the gentleman's bill at the present time enough money to build the bridge?

Mr. CRAMTON. Not under the plan of this bill. Perhaps I have been too careful in safeguarding the Federal Treasury, but there can be no land purchased, no highway development in this park area until some State or locality says that it will pay half the cost; and I do not know of anybody that is going to pay half the cost of that bridge. I hope that gentlemen who favor the legislation before us will not complicate the situation by attempting to repeal other laws that have been passed.

As to the more important problems suggested by the gentleman from Illinois [Mr. WILLIAM E. HULL], I do not want any misunderstanding. An agreement was had at a meeting at which I was not present and had no opportunity to be present, when the gentleman from Illinois [Mr. WILLIAM E. HULL] and the gentleman from New York [Mr. DEMPSEY], and the Secretary of War, and others were present. At that meeting the language that is now before us was agreed upon.

Now, I have given consideration to that language. I have had the advice of others, and the advice is to this effect, that the amendment that is now pending, offered by the gentleman from New York [Mr. DEMPSEY], does not provide for waterway development, does not provide for power development or flood control, but it does make it clear that Congress is not necessarily closing the door, and that Congress in the future, whether 5 years or 50 years or 100 years from now, will have to determine what it thinks best.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CRAMTON. I want to emphasize the fact that what we are to-day passing is not a waterway bill, not a navigation bill, not a flood-control bill, but a park bill.

Mr. WILLIAM E. HULL. But you are putting on limitations.

Mr. CRAMTON. We are leaving it for Congress at a future time to authorize flood control or waterways or the utilization of power potentialities as such development becomes important and justified by the public interest.

I will be here speaking in behalf of the preservation of scenic beauties and against their destruction for power purposes, as I think the gentleman from Illinois will be here insisting on the urgency of waterway development, as he has a perfect right to do. Maybe he and I will not settle it. It will be for Congress to provide how much consideration will be given to one and how much will be given to the other. Mr. Wallace, the executive secretary of the engineer council, said they agreed that scenic beauties should have priority. That proposition meets with his approval. But that is his personal feeling, that we want to give the park areas priority. The amendment of the gentleman from New York leaves it open to the future. I do not want it to be understood that I am committed to a waterway development which, to my mind, may be fantastic, or to a power development that is not now a necessity, but might be 50 years from now.

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

Mr. CRAMTON. Certainly.

Mr. McDUFFIE. I understand the gentleman is willing to accept the amendment offered by the gentleman from New York [Mr. DEMPSEY]?

Mr. CRAMTON. Yes.

Mr. McDUFFIE. And that he is not willing to accept the amendment suggested by the gentleman from Illinois?

Mr. CRAMTON. No. The Attorney General never approves the purchase of land unless an absolute title is given to the Federal Government. That being true, there is no necessity of encumbering the bill with all these phrases and provisos that have been suggested.

Mr. WILLIAM E. HULL. I did not refer to the letter. When the letter was presented yesterday you emphasized the water rights. I want the Congress to understand that that is the agreement. We are satisfied to have the park go ahead, but we do not want words to be put in there providing that because the park is built no action will be taken as to waterways. There should be an understanding that if you want to build a waterway it can be done, and there will be no priority.

Mr. CRAMTON. If you want to build a waterway in the future, each Congress can decide the problem that comes to it.

Mr. McDUFFIE. The gentleman from Illinois was evidently misled in thinking that to-day we are giving priority to the park proposition. He is mistaken about that.

Mr. CRAMTON. The park proposition is here definitely for your consideration. When it comes to power legislation or flood-control legislation or waterway legislation, which will interfere with a park at all, I hope they will not wipe out the beautiful scenery, but that will be up to Congress.

Mr. McDUFFIE. What is the harm of having Congress wait until the experts give us all the information we need?

Mr. CRAMTON. In the first place, it is entirely unnecessary. We do not need a report from the Army engineers to tell us to preserve the palisades from blasting. We do not need a report from the Secretary of Agriculture to say that we want to preserve the scenery. We are discussing a park bill now. When it comes to waterway legislation, when that question comes up, it will be for Congress to act in the matter.

Mr. WINGO. Mr. Chairman, I ask leave to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman and members of the committee, the gentleman from Michigan [Mr. CRAMTON] says that without the amendment of the gentleman from New York the Congress would have the right to amend; but I think Congress will have to expressly reserve the right, because two States will be interested. The amendment reserves the right of Congress to amend hereafter on three phases—navigation, power, and flood control. Are not those the three?

Mr. DEMPSEY. Yes; and irrigation.

Mr. WINGO. I do not think you ought to go further. There may be extraordinary and unforeseen developments in the future. Fifty years ago you could not have anticipated the radio. Would it not be wise, in addition to the gentleman's amendment, to insert this language: "The right of Congress to alter or amend is hereby reserved"? Put that at the end of the bill. But if you do not do that, under the peculiar provisions of this bill, if it becomes necessary for public purposes to amend this act with respect to other matters other than those specific things that are provided in the proposed amendment, you would have to get the consent of Maryland and Virginia. I offer that suggestion to the gentleman from New York.

Mr. DEMPSEY. The only other thing that water could be used for would be domestic purposes, and that would mean drinking or bathing purposes.

Mr. WINGO. I think perhaps 50 years from now there might be something else. It would not do any harm, I suggest to the gentleman, to provide that future Congresses should have the right to alter or amend as a general provision, or else you would by having named specific matters exclude all others under the well-known rule that the inclusion of one excludes the other.

Mr. DEMPSEY. I see no possible objection to the amendment suggested.

Mr. McDUFFIE. Mr. Chairman, I ask unanimous consent to speak to my amendment for just a few moments.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. McDUFFIE. Mr. Chairman, ladies and gentlemen of the committee, the gentleman from New York has suggested that the amendment I have offered might clarify the terms of this bill, in acquiring title to these lands. I believe the Department of Justice would agree and would suggest that this language should go in the bill—we should get an absolute title. In other words, a man might donate a part of his land for park purposes and be glad to do it because it might enhance the value of his adjacent lands. Then the next Congress which acts on this subject might 25 or 50 years from now——

Mr. DEMPSEY. Or might come next week.

Mr. McDUFFIE. Or, as the gentleman from New York suggests, might come next week or next year—this next Congress might say, "We need and will use this land for military or other purposes." Then the donor says, "No; I gave it to you for one purpose only—for a park." This is a park bill. Its author calls it a park bill. Of course, it is no waterway bill; it is not a power bill. Nobody is here defending power trusts or waterways with this exception, that we do not want to prevent the full and complete development of this wonderful stream for commercial purposes along with its scenic beauties, which the engineers say is entirely possible. In other words, we want the possibility of commercial uses preserved, especially with reference to navigation and power, and in addition to that we want the scenic beauty preserved, all of which is possible.

So why rush this bill through now? This Congress ought to know all of the possibilities involved in this region. It should not rush this bill through to-day, after we have allotted $180,000 for a study of this stream. Our idea was not to legislate upon the development of this stream in any regard until that study was completed by the experts, and yet we come to-day, before they have completed their study and before a report is made, and are asked to pass a park bill which, as the gentleman from Michigan [Mr. CRAMTON] says, takes priority and will interfere, unless Congress changes it in the future, with the development of the vast possibilities of navigation on the Potomac River. Therefore, I say, in view of the fact that the gentleman from Illinois [Mr. WILLIAM E. HULL] has gotten the whole truth from the gentleman from Michigan and says he is going to act accordingly, that I am going to act a little differently. Believing this bill is wrong, not in its purpose but in effect, with all of its loosely drawn provisions, as pointed out by the gentleman from Iowa [Mr. RAMSEYER], I shall vote against it.

The amendment I have offered to the amendment offered by the gentleman from New York simply provides that in acquiring titles to land we shall get title in fee simple, so that, if we desire to devote the lands to other purposes—even if we want to sell them—the United States Government will have the right to do so. The sponsor of this legislation says this amendment is immaterial. If it be so, it can not hurt his bill. On the other hand, it will clarify his bill; and I submit it ought to become a part of the language of the bill. [Applause.]

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. Is the amendment to the amendment proposed by the gentleman from Alabama now pending before the committee?

The CHAIRMAN. It is now pending.

Mr. BANKHEAD. It has been formally read for consideration?

The CHAIRMAN. It has been offered and read.

Mr. ELLIOTT. Mr. Chairman, I move that all debate on this amendment and amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment to the amendment proposed by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. McDUFFIE) there were—ayes 83, noes 45.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is now on the original amendment as amended.

The amendment as amended was agreed to.

Mr. LUCE. Mr. Chairman, my warm sympathy for the purposes of this bill may be a guaranty that the amendment I offer is not hostile to it.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 2, line 19, after the word "canal," strike out the period and insert the words "within the limits of said parkway."

Mr. LUCE. Mr. Chairman, as is quite evident, this is simply a clarifying amendment, and I understand is acceptable to the author of the bill.

The amendment was agreed to.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: Add a new paragraph under section 1, paragraph (c): "The act of April 21, 1928, authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near Great Falls, is hereby repealed."

Mr. CRAMTON. Mr. Chairman, I submit a point of order——

Mr. MOORE of Virginia. Mr. Chairman, I make the point of order the amendment is not germane.

Mr. SCHAFER of Wisconsin. Mr. Chairman, the amendment is germane. If you read the title of this bill, it is wide and sweeping in character, creating a great national parkway on both sides of the Potomac River.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry. What is the point of order?

The CHAIRMAN. The point of order is that the paragraph suggested by the gentleman from Wisconsin is not germane.

Mr. CRAMTON. I would like to expand that a little, Mr. Chairman. It is not germane because the bill does not by its passage necessarily mean the buying of this particular area. There is nothing within this bill as to bridge construction, and I want to particularly direct the attention of the Chair to the fact that the bridge bill referred to was a private bill, would have come up under a different calendar of the House entirely, and a bill for its repeal would be a private bill and would come up under a different calendar of the House, and it is not, therefore, in order or germane to this public legislation. This is for the acquisition of land and not necessarily the land involved in the construction of the bridge.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair is ready to rule.

The section under consideration has one purpose, and that is the purchase of such lands in the State of Maryland and Virginia as are necessary and desirable for a park and parkway system of the National Capital in the environs of Washington. These lands are to become a part of the George Washington

Memorial Parkway, if the bill is adopted, and to include the shores of the Potomac and adjacent land. The amendment of the gentleman from Wisconsin proposes to repeal an act pertaining to the construction of a toll bridge which has to do with an entirely different proposition, and is, therefore, outside the purpose of this section.

The Chair, therefore, sustains the point of order.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I have been on my feet trying to obtain recognition to discuss the point of order. After a Member makes a point of order against an amendment and argues the point, if you are then going to preclude those who offered the amendment from explaining to the Chair the reasons why the amendment is in order, I do not believe it would be very good practice.

The CHAIRMAN. The Chair would say that he had no disposition, of course, to ignore the gentleman, always valuing his advice upon matters of points of order very highly, but the Chair has given the matter very careful consideration, and has made a ruling declaring that the point of order is sustained.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 3, line 22, after the word "Potomac," insert the words "and a free bridge across the Potomac at or near Great Falls."

Mr. LAGUARDIA. Mr. Chairman, my amendment is very clear.

Mr. MOORE of Virginia. Mr. Chairman——

Mr. LAGUARDIA. I am sorry; I have begun my argument; the gentleman is too late.

Mr. CRAMTON. Will the gentleman from New York yield?

Mr. LAGUARDIA. After I have explained my amendment.

Mr. CRAMTON. I understand it and have no objection to it. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. TREADWAY. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amendment by Mr. TREADWAY: Page 3, line 25, after the word "Virginia," strike out "or political subdivisions thereof or from other responsible sources."

Also on page 4, line 13, same language; also in line 19, same language.

Mr. TREADWAY. Mr. Chairman, it seems to me that so long as the Federal Government is to lend its credit in order to purchase land in either the States of Virginia or Maryland, that we should deal directly with those Commonwealths. I see no reason why there should be inserted here the language which I offer an amendment to strike out.

Why should the Federal Government deal with anything but the State to whom they are lending the money? This language would permit the Federal Government, acting through its agent, the Capital Park Commission, if in their judgment they see fit so to do, to deal with any county in Virginia or Maryland.

Now, the gentleman from Virginia, Mr. MOORE, for whose opinion we have such high regard, and whom we are sorry is not to continue as a Congressman after this Congress, stated on the floor a few moments ago, that the credit of one of these adjoining counties, namely Arlington, was practically exhausted.

Mr. MOORE of Virginia. Will the gentleman let me restate that? The resources of two counties are such that I did not think it was probable that they would be interested.

Mr. TREADWAY. The resources of the counties are such that probably they would not make an offer to enter into any transaction with the Federal Government, but we are permitting them to do so under the language of the bill.

There is a provision further on in the bill which permits the Federal Government to pay all of the amount and look to the political subdivision to return the money.

Mr. MANSFIELD. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. MANSFIELD. Is it not a fact that that one subdivision has the power to kill the bill?

Mr. TREADWAY. No; the States have it within their power to kill it, but this would permit advancing the money for the county which the gentleman from Virginia says has not much credit, and force us into that bargain.

When we get down to the real facts of the case, of course, we know that the Parking and Planning Commission is Colonel Grant; he practically handles all these transactions. Although we have the highest opinion of his judgment, nevertheless I submit that if the Federal Government is going to lend money to anybody it should be to the State itself and not with a county which by the admission of the Member representing it has not much credit.

Therefore, I say that the language, "or political subdivision thereof," should be stricken out.

I am offering it in connection with the subdivision A, and if adopted I will offer it where it occurs further on in the bill.

Mr. CRAMTON. Mr. Chairman, the gentleman's amendment would kill the practical benefit of this part of the bill. We are much more certain of getting cooperation, possibly not from the counties but from planning or park areas that are being organized in the communities most interested in the development. The States of Virginia and Maryland are large States, and to what extent they will participate remains to be seen, though the governor of each State is actively interested. I fear the gentleman's amendment would defeat this part of the bill.

Mr. TREADWAY. May I ask the gentleman if the source to which he refers is in any way an organized or recognized body of any kind, or is it simply a group of people who have gotten together for the purpose of carrying out the purposes of this bill?

Mr. CRAMTON. It says "or political subdivisions thereof." That is a legal entity that may be created by the State for the purpose of acquiring and maintaining these park areas. It may be a county or some other subdivision, as in Maryland, where they created a metropolitan area adjacent to the District of Columbia.

Mr. TREADWAY. Mr. Chairman, the gentleman's argument is all the more reason why my amendment should be adopted. I had no idea that he would go below the county, but he is going into a group of people who get together for the purpose of putting this bill into effect.

Mr. MOORE of Virginia. Mr. Chairman, the gentleman from Massachusetts [Mr. TREADWAY] confines his attention altogether to counties; but, as the gentleman from Michigan has suggested, there are other subdivisions that might be in a position to raise money. There are the magisterial districts, as we call them, which are subdivisions of a county. I think it would be unfortunate to adopt the amendment, which certainly can not do any good and may do harm.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was rejected.

The Clerk read as follows:

SEC. 2. Whenever it becomes necessary to acquire by condemnation proceedings any lands in the States of Virginia or Maryland for the purpose of carrying out the provisions of this act, such proceedings shall conform to the laws of the State affected in force at that time in reference to Federal condemnation proceedings. No payment shall be made for any such lands until the title thereto in the United States shall be satisfactory to the Attorney General of the United States.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Beginning on page 6, in line 25, after the word "act," strike out the remainder of line 25 and all of line 1, on page 7, and line 2 up to and including the word "proceedings" and insert in lieu thereof: "such acquisition shall be under and in accordance with the provisions of the act of August 1, 1888 (U. S. C., p. 1302, sec. 257)."

Mr. CRAMTON. Instead of a reference to the laws of a State as to condemnation, my amendment makes it refer to the Federal condemnation statute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. There is hereby further authorized to be appropriated the sum of $16,000,000, or so much thereof as may be necessary, out of any money in the Treasury of the United States not otherwise appropriated, for the acquiring of such lands in the District of Columbia as are necessary and desirable for the suitable development of the National Capital park, parkway, and playground system in accordance with the provisions of the said act of June 6, 1924, as amended, except as in this section otherwise provided. Such funds shall be appropriated for the fiscal year 1931 and thereafter as required for the expeditious, economical, and efficient accomplishment of the purposes of this act and shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia as follows, to wit: $1,000,000 on the 30th day of June, 1931, and $1,000,000 on the 30th day of June each year thereafter until the full amount expended hereunder is

reimbursed, without interest. The National Capital Park and Planning Commission shall, before purchasing any lands hereunder for playground purposes, request from the Commissioners of the District of Columbia a report thereon.

Mr. WINGO. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 8, after line 8, insert a new section, to read as follows:

"SEC. 5. The right of Congress to alter or amend this act is hereby reserved."

Mr. CRAMTON. I have no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The amendment was agreed to.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I have an amendment which I desire to offer, to add a new section, as follows:

Provided, That no private toll bridge shall be built within the confines of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to Great Falls.

Mr. CRAMTON. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. The Clerk will report the amendment, if the gentleman will send it to the desk.

Mr. CRAMTON. Mr. Chairman, while the gentleman from Wisconsin is writing his amendment may I suggest my point of order? First, it is not germane to the bill in any event. The bill has nothing to do with private toll bridges. Second, very clearly it is not germane at this place in the bill. The first part of the bill does make a reference to the George Washington Memorial Parkway, and the first section of the bill not only carries a reference to the George Washington Memorial Parkway but it carries a reference to the erection of a certain bridge.

The gentleman's amendment, if in order at all, would have been in order at that place in the bill. We have completed our consideration of the section that has to do with the George Washington Memorial Parkway. We have gone through all of the bill and have just inserted a section with reference to the future right of amendment. I urge the point of order that it is not germane at this place in the bill.

Mr. MOORE of Virginia. And further, Mr. Chairman, I suggest that it is a mere reiteration in another form of an amendment ruled out of order a while ago.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: Add a new section: "*Provided*, That no private toll bridge shall be built within the confines of the George Washington Memorial Parkway."

Mr. SCHAFER of Wisconsin. Mr. Chairman, I respectfully submit that this amendment is in order. The bill has wide sweeping provisions for the development of a great parkway, and it is particularly in order in view of the fact that the LaGuardia amendment has been incorporated, which refers to a bridge within the parkway. Furthermore, the act amending the original bill, the act granting the Great Falls Bridge Co. the right to erect this private toll bridge, was amended. That amendment also provided for donating to this bridge company certain lands on which to place the abutments to the bridge. Therefore my amendment is germane, and I would appreciate it if the gentleman who makes the point of order would withdraw it and let the House express its opinion on this proposition.

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

Mr. SCHAFER of Wisconsin. Yes.

Mr. RAMSEYER. I want to know whether under the bill this commission or any governmental authority has the power to construct a bridge or bridges across the Potomac, connecting the parkways on both sides of the river?

Mr. SCHAFER of Wisconsin. My understanding of the LaGuardia amendment is that it gives them the full authority.

Mr. SNELL. Yes; it gives them the full authority.

Mr. RAMSEYER. If the bill is to construct a bridge, then certainly the amendment of the gentleman from Wisconsin is in order.

Mr. CRAMTON. It might have been in order on another part of the bill, but not here.

Mr. LAGUARDIA. It is in harmony with the general object of the bill.

Mr. SNELL. If the chairman has not made up his mind, I would like to be heard.

The CHAIRMAN (Mr. KETCHAM). The Chair will be glad to hear the gentleman.

Mr. SNELL. Mr. Chairman, it seems to me this bill grants a very broad power to the Parking Commission, and provides for the construction of highways and approaches and bridges and all the land that comes within this general parkway area, as delineated in the pictures out in the corridor is under jurisdiction and control of the commission. As the gentleman from Michigan [Mr. CRAMTON] admitted, it provides for a free bridge. If I had offered an amendment prohibiting a power plant, it would have been in order here. This is a limitation on the various things which Congress says it wants to be included in the park area. I think the amendment is entirely in order. It comes in as a separate section of the bill, and relates to the general features carried in the bill itself.

Mr. CRAMTON. But the amendment of the gentleman relates to a matter dealt with in section 1.

The CHAIRMAN. The Chair is ready to rule. It seems to the Chair that the amendment now proposed by the gentleman from Wisconsin as a new section to the bill is in order. The amendment offered by the gentleman from Wisconsin to the first section was clearly not germane to the language embodied in that section, and the Chair, under those circumstances, held that the amendment was not germane. In this instance the amendment is drawn differently and is offered as a new section to a bill that is very broad in its scope, embodying as it does several sections pertaining to various propositions. The Chair, therefore, overrules the point of order and holds the amendment germane.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I ask unanimous consent to perfect my amendment. In my haste I framed it imperfectly. I wish to modify it.

The CHAIRMAN. Without objection, the Clerk will read the perfected amendment offered by the gentleman from Wisconsin [Mr. SCHAFER].

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: At the end of the bill add a new section as follows: "Sec. 6. That no private toll bridge shall be built within the confines of the George Washington Parkway."

Mr. MOORE of Virginia. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. MOORE of Virginia. Mr. Chairman, I hope the House will reject the amendment. As I said a few moments ago, there was authority given by an act of the last Congress to construct a toll bridge, and that bridge, I am informed, is now about to be constructed.

If the bridge should be built, the Government will have no difficulty in taking it over and using it as a free bridge.

On the other hand, nobody can forecast how long it will take to carry out the project contemplated by this bill. It may be years. Meanwhile there will be no method of travel across the Potomac River at or near the Falls. Is there any justice in defeating the efforts of the Maryland and Virginia public to have provided a means of communication between those States across the river, even if it be a toll bridge, pending the uncertainty as to when this bill, should it become a law, will be carried into effect and a free bridge constructed?

This is nothing more nor less than a renewal of the effort made by the gentleman from Wisconsin in the last Congress to defeat the bill authorizing the construction of the bridge. That bill was passed and then repassed, providing for a bridge across the river at the point in question. It seems clear that the public interest will not be served by adopting the gentleman's amendment. If his amendment, on the contrary, is rejected, the public interest can not suffer at all, because when the time arrives the whole matter is going to be in the discretion of the Government and there can be a free bridge instead of a toll bridge.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield there?

Mr. MOORE of Virginia. I yield to the gentleman.

Mr. ABERNETHY. Congress is asked to appropriate from $25,000,000 to $50,000,000 for this parkway, and those people who own the toll bridge will be the beneficiaries of it. Will not this be an entirely different situation from what was stated before?

Mr. MOORE of Virginia. No; it will not be a new situation. No new situation has been created. The situation will not be changed until this new legislation goes into effect, and heaven only knows when anything will be done in execution of its purpose so far as Maryland and Virginia are concerned.

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

Mr. MOORE of Virginia. Yes.

Mr. LAGUARDIA. Are we legislating to-day for a great public park for the benefit of the public or are we legislating to furnish profit to the owners of the toll bridge?

Mr. MOORE of Virginia. It was not necessary for the gentleman to ask that question. I have already stated that this proposed legislation is not in any case going to inure to the benefit of a private bridge company, because when it becomes certain that the thing contemplated by the bill is done, it will be equally certain that the public will acquire the ownership of that bridge.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield.

Mr. MOORE of Virginia. No. The gentleman who has asked me to yield is known to have persistently opposed all private toll bridges.

Mr. MANSFIELD. Is it not a fact that private interests have already gone to considerable expense under this former act?

Mr. MOORE of Virginia. As my friend from Texas says, and it is a good suggestion, private interests have already incurred expense. The bridge company has made its plans, has employed its engineers, has submitted the whole matter to the War Department, has gotten a permit, and, as I am informed, has secured the money, and is about to begin construction. Yet forsooth, here now, on the urgent appeal of the gentleman from Wisconsin, who has been a relentless foe of the bridge, the House is asked to support his amendment and destroy the possibility almost, certainly during all of my time and the time of many gentlemen whom I am facing and perhaps a much longer time, of the construction of this means of crossing the river. And we are asked to support the amendment without knowing who is to bear the expense of building a free bridge.

Mr. ELLIOTT. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I wish the Chair would advise me when I have consumed two minutes. I do not want to repeat the argument I have advanced on the floor of the House a few minutes ago. This is the case of the people of the United States against a private toll bridge monopoly. We are voting many millions of dollars, $23,000,000, in this bill, for a great parkway system in the Nation's Capital. It would be terrible to send out to the country the news that we are voting many millions of the people's money for this great parkway and at the same time that we vote down an amendment which merely prohibits a private toll bridge within the confines of said parkway. Let this private toll bridge monopoly erect their bridge outside the confines of this parkway if they still desire to build it.

I believe the sentiment of this House is in favor of my amendment and I will not unduly burden you at this late hour with further argument. I rest the case of the American people against the private toll bridge monopolistic monstrosity on its merits. [Applause.]

Mr. COOPER of Wisconsin and Mr. COCHRAN of Missouri rose.

The CHAIRMAN. There are four minutes of the five minutes remaining, and the Chair recognizes the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, I appreciate the importance of this proposition. I dislike exceedingly to oppose anything advocated by the very distinguished gentleman, my good friend from Virginia, Judge MOORE. There is no man in the House for whom I have a higher regard; but here is a proposition that seems to me, with all respect to him, to be absolutely without excuse or justification. We are asked to spend out of the money of the taxpayers of the United States more than $20,000,000 to construct a magnificent parkway in memory of the world's foremost man, George Washington [applause], and at the same time we are asked to permit a private corporation to put a bridge within this park and make travelers pay tolls to go from one side of it to the other.

One of the most instructive, beautiful drives in the world, when these contemplated improvements have all been perfected, will be the drive from the Capitol, through the Mall, past the great Monument to Washington, past the majestic Memorial to Lincoln, up the river to the Falls, across the bridge and down on the other side, past Arlington, to Mount Vernon. More than any other road in all the world it will teach true patriotism and thrill the hears of lovers of liberty.

Thousands of automobiles will go over that bridge on Sundays, hundreds will go over it on every other day. The gentleman from Missouri told us during the last session of Congress about one bridge that took in more than $100,000 last year in tolls; and yet we are asked to spend millions of the money of the taxpayers for the construction of a splendid memorial park, and then, within it, to permit a private company to erect a bridge and, as I have said, to charge tolls for crossing from one side of the park to the other. I am against that proposition, and shall vote for the amendment offered by the gentleman from Wisconsin.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. COCHRAN of Missouri. I simply want to tell the gentleman that there is in the law providing for the erection of a toll bridge at Great Falls a clause which provides that nobody can take it over for 20 years. If I am wrong I ask to be corrected.

Mr. LAGUARDIA. They will not be able to sell any bonds now.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time has expired. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Under the rule the committee rose; and the Speaker having resumed the chair, Mr. KETCHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 26) for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. The previous question having been ordered under the rule, is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. RAMSEYER) there were—ayes 199, noes 24.

Mr. RAMSEYER. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Iowa demands the yeas and nays. As many as favor taking this vote by the yeas and nays will rise and stand until counted. [After counting.] Thirteen Members have risen, not a sufficient number.

So the yeas and nays were refused, and the bill was passed.

On motion of Mr. ELLIOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

STATE FAIRS

Mr. SLOAN. Mr. Speaker, I ask unanimous consent to extend my own remarks briefly on the State fair.

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

There was no objection.

Mr. SLOAN. Mr. Speaker, there appeared in the CONGRESSIONAL RECORD of January 29 a statement by my friend, the gentleman from Texas, Mr. SUMNERS, a statement relative to the rank of attendance among the several State fairs of the great agricultural States.

Attention was called to the absence of his imperial State of Texas as one of the contenders for leadership among the State fairs. If Texas is properly classified among the other States as a State-fair State then its attendance leads them all. However, the list from which I used figures in a speech made by me on the floor of the House on January 27, regarded as official, did not include the State of Texas.

An examination of the bibliography of the Texas Fair obtainable from the Congressional Library reveals these facts: The State of Texas does not appear to exercise any supervision or control over the magnificent exposition annually held in the city of Dallas; neither does the State contribute anything toward its conduct or upkeep, as is generally the case in other State fairs of the West.

Further, the grounds occupied by the Texas fair is used as a Dallas park for 11 months of the year, under the control of the city. During that month a fair or exposition is held for a period of about 16 days, or double the time of Western State fairs.

Referring to my second table giving the rank of State-fair States as to attendance by the inhabitants thereof, if Texas

were qualified for the class, on a basis of attendance for 1929 it would show attendance of 223 out of every thousand population, 1920 census, which would give it second rank, Nebraska retaining first in that classification.

I desire to acknowledge the exalted rank of Texas in her lovely women, her distinguished lawyers, divines, and statesmen, which includes my friend SUMNERS. I recognize her primacy in the value of her agriculture products for 1929 in my mildly criticized speech of January 27, 1930.

If Texas can qualify as to class among the State-fair States, her leadership will be gracefully acknowledged. But my friend will remember the rule of the track prevailing wherever racing is had that you must qualify for class before entering the contest, and all "ringers barred."

FLOOD CONTROL

Mr. SHORT of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of flood control.

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

There was no objection.

Mr. SHORT of Missouri. Mr. Speaker and Members of the House, I was tremendously interested this morning in the remarks of the gentleman from Indiana [Mr. GREENWOOD], not only because I am a member of the Flood Control Committee of the House but more specifically because a large part of my district and thousands of my constituents are directly and vitally affected by the flood waters of the Mississippi River and some of its tributaries.

At some future time I trust I may have the privilege of addressing the House at greater length on the subject of flood control and development of inland waterways, which I believe to be the most important domestic economic problem now confronting the American people.

My only reason for rising now is to corroborate and emphasize, if possible, what our Hoosier friend has forcibly told us and to inform the Members of this body that what the Wabash and White Rivers have done to Indiana, the St. Francis and Black Rivers have done to southeast Missouri and northeast Arkansas. This only goes to show that the problem of flood control is a national and not a local one and the Seventieth Congress should forever be commended for making the Federal Government assume the responsibility in attempting to prevent these recurring disasters.

We all have read the sad story of the present tragic conditions in these flooded areas. Only last Friday morning the Washington Times carried on its front page the picture of one of the 150 families driven from their homes in Dunklin County, Mo., after breaks in the St. Francis River levees. Over 200,000 acres of the most fertile farm lands, unsurpassed in their productivity, are under water in the St. Francis Basin. Five thousand suffering people have been made fugitives, driven reluctantly from their homes. Much of the corn and cotton in the fields is a complete loss. Houses have been washed away with personal belongings, livestock has been destroyed. The chilly blasts of winter have only added to the general woe. Human life has been lost and everywhere placed in jeopardy within these flooded areas. The picture is black but not overdrawn. It is impossible to exaggerate the indescribable suffering, the wretched misery, the blighted hopes, the terrifying horror that follow in the wake of such a catastrophe. The situation in parts of my district is worse to-day than in the great flood of 1927. The good people of Dunklin, Butler, and other counties in southeast Missouri, along with those in other sections of our great Republic, have put their life energy and life savings into the development of these farm lands and the building of peaceful homes only to see it all washed suddenly away.

Mr. Speaker, the reoccurrence of such a tragedy can be and must be prevented. But the problem is too big to be locally and satisfactorily handled. It is national in its scope, and unless the Federal Government gives immediate aid there can be no relief for these unfortunate but worthy citizens.

GEORGE WASHINGTON MEMORIAL PARKWAY

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to extend their own remarks on the bill just passed.

The SPEAKER. The gentleman from Indiana asks unanimous consent that all Members may have five legislative days in which to extend their own remarks on the bill just passed. Is there objection?

There was no objection.

Mr. SPROUL of Illinois. Mr. Speaker, I am supporting this bill, and I congratulate my good friend and colleague, Representative CRAMTON, of Michigan, for introducing it, because it is a sound business proposition and promotes patriotism. From my own personal observation I can assure you, my colleagues, because I saw in my home city 37,000 acres in forest reserves bought at the rate of $100 to $150 an acre which is worth to-day at least $1,000 an acre. I have seen small parks established all over the city of Chicago, and wherever we put in a small park, a playground, and a swimming pool I have seen a direct result in happier and better citizens which no amount of money could buy. And I can tell you, too, that our great and good friend, the late Martin B. Madden, one of the most careful men regarding expenditure of the people's money to ever sit in Congress, if he were here to-day would say this same thing, because we have talked it over together many times. It is a fitting memorial to him that swimming pools are being built in various parts of the National Capital, as he planned as a result of the demonstration given in Chicago.

I am supporting this bill because I feel very confidently that my home people and the people of the whole country are willing to take every cent of this $23,000,000, or several times that amount if necessary, entirely from the Federal Treasury to beautify and give a proper setting to the Capital City. But the biggest part of the appropriation which this bill authorizes will be returned to the Treasury at the rate of $1,000,000 a year for 16 years from District of Columbia revenues, and the other $7,000,000 calls for expenditure of more than that amount by the States of Virginia and Maryland within their own borders to give a proper scenic, landscaped setting to our Capital City to delight the eye and be enjoyed as a recreational area by visitors from my State and your State and every part of the world.

I must support this bill to be consistent, because six years ago—and I say it proudly—I helped to pass the bill designed to preserve some of the remaining areas about the Capital which were rapidly being despoiled by crowded real estate and industrial developments, and which were considered essential for rounding out the park and playground system for the Washington of the future. With this legislation my dear friend Martin Madden was in hearty sympathy. We created the National Capital Park and Planning Commission six years ago to develop a comprehensive, consistent, and coordinated plan of parkway development. The measure before us to-day is one of the most important features of their program.

I must support this bill, because six years ago I helped to inaugurate this businesslike program of conservation, and last week as a member of the Rules Committee I helped to report out a rule giving this legislation preferential consideration, believing, as I most sincerely do, that it is real business economy and a wise expenditure of the people's money for something which they will enjoy and applaud.

Congressman CRAMTON has explained much better than I could what this bill does in preserving the natural beauties and the historic stretch along the Potomac River, making a matchless palisade drive available for the people of my district and yours, which touches the principal shrines of the Father of his Country—his home and burial place, the Capital City he founded, his early engineering projects.

Mr. CRAMTON has touched on the opposition of the power-development interests. As an ageing man, who has climbed the hill of life, stood on the hill top and gazed toward the horizon, who has seen a great city grow and become congested, as one now walking in the valley and somewhat removed from the turmoil of the crowded marts of trade and the scramble of many people, may I leave with you a thought? This Capital City, designed to be the most wonderful in the world, which President Coolidge said we must make a "soul city," and to the development and beautification of which President Hoover says we must give our best efforts, is but a century and a quarter old. It has many centuries to live and expand. It has already grown far beyond the original "10 miles square." It must not be crowded. Now is the time to safeguard the future by providing breathing spaces, parkways, and recreation grounds. It is the greatest thing we can do for the Capital of the future.

That young poet hero of the World War, who "sleeps where poppies blow" in Flanders Field, has given to ages yet to come one great thought—"Only God can make a tree." God has given to various parts of our country rich deposits of gold and silver and iron and phosphate and what not. To other localities He has given scenery matchless in its grandeur, as each of our great national parks, distinctively individual in its chief characteristics, so plainly testifies.

God has given to Washington, the Nation's Capital, a gorge and Great Falls on the Potomac, with palisades along either bank, which world travelers assure us can not be matched anywhere in all creation. That is God's gift to us, but not to us alone, it is for posterity. We are the custodians for a brief time. This beauty, which the hand of man can not dupli-

cate, must not be despoiled by the hand of man. It is our trust to hold this beauty inviolate as a heritage for the future generations. Succeeding generations may build greater buildings, but we know that they can never build anything as beautiful as the gorge and Great Falls of the Potomac, which we here to-day pledge ourselves to preserve for our children's children in generations yet unborn.

Mr. GLOVER. Mr. Speaker, ladies and gentlemen of the House, I am opposed to H. R. 26 to provide for a parkway along the Potomac River and authorizing an appropriation of $7,000,000 of money from the Public Treasury and loaning to the District of Columbia $12,000,000 without interest, to be paid back within a period of 12 years, $1,000,000 to be refunded each year. Not only that, but since the bill has been under consideration, a further provision has been added to it to build a free bridge across the Potomac that will cost in all probability not less than $10,000,000. You are just about completing the Lincoln Memorial Bridge at a cost of around $15,000,000.

Not only that, when this park is established it will cost $250,000 per year to maintain it.

The money being spent for this purpose is the money gathered in taxes from the entire people of the United States. I am not willing to vote to spend the people's money in this way, and shall not do so. There are so many ways this could be used to develop this great Nation of ours. There are very few post-office buildings in the smaller towns and county seats and there is a great need for one in each county. It would be economy to build them and save the rent the Government is now paying with this money spent this way.

It could be spent in aid of the rural schools of the States and give each boy and girl in the rural districts a chance to secure a good education, and bring a fine return from the money. Money spent in parks gives no income whatever and one must spend more money each year to keep them up.

There are many of our soldier boys now denied compensation on account of some technicality in the law that are in dire need of help, and if this money was spent for their relief and that of their families it would be well spent. I hope to see the law amended before the close of this session so that no worthy veteran will be denied that which is justly due him.

If it was found to be wise to make a vast area of the lands into a park, before any bill is passed to make the area into a park options should be taken in advance so that the land speculators could not, as will likely be done in this case, acquire the lands not now owned by them and sell them to the park commission at an unreasonable price. There is no limit in this bill as to what the bridge is to cost. It might cost ten or twelve millions of dollars. No individual would do business in this loose manner, nor should we permit it to be done on the part of the Government.

We are to-day collecting every kind of tax imaginable—inheritance tax, income tax, tariff tax, privilege tax, license tax, and every other kind that could be thought of.

The power to tax is the power to destroy. Money not needed for the necessary expenses of the Government should be left in the pockets of the people.

People living in the United States are willing to be taxed to support a great Government like ours, but they are not willing to have it spent in this way.

There are about 130,000,000 of people in the United States and at least 124,000,000 of them will never see this park or cross this bridge. Then, I ask you, why they should be taxed for it and have their money spent in this way?

Mount Vernon, the home of George Washington, the first President of the United States, is to be a part of this park. Mount Vernon is now cared for and managed by the Mount Vernon Association of our noble women. Be it said to their credit, they have kept it well and preserved its beauty to this good day, and it is my desire that they and their daughters to follow after them, should forever care for it and keep it as it is now kept.

When I go out there and stand at the foot of the tomb of this great man—the Father of our Country—I almost feel that I am on holy ground.

When I think of the great Government that he established, having due regard for the people that were to be taxed to carry it on, I am made to wonder, if he could come back to earth to-day, what he would think of the extravagant Government you have set up for and instead of the Government of economy established by him.

More money will be spent on this park and in the building of this free bridge over the Potomac in the next 12 years than was spent for the expenses of this Government the first 12 years of its existance.

You in the majority party can pass any legislation that you want passed and could defeat any that should not be passed, and the responsibility is yours. You will be called to account at no far-distant day for such legislation as this.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to—

Mr. DOUGLASS of Massachusetts, for three days, on account of important business.

Mr. JAMES (at the request of Mr. MAPES), indefinitely, on account of illness.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Friday, January 31, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, January 31, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m. and 2 p. m.)

Navy Department appropriation bill.
Deficiency appropriation bill.
District of Columbia appropriation bill.

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 1

(10 a. m.)

To make the Star-Spangled Banner the national anthem (H. R. 14 and H. J. Res. 47).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON POLICE AND FIREMEN

(10 a. m.)

To fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia (H. R. 5713).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To amend the World War veterans' act, 1924 (H. R. 7825).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

295. A letter from the Acting Secretary of the Navy, transmitting draft of a proposed bill to provide for the modernization of the United States Naval Observatory at Washington, D. C.; to the Committee on Naval Affairs.

296. A letter from the Acting Secretary of State, transmitting letter from the Secretary of State transmitting report of an accumulation of papers which are not needed in the transaction of public business and have no permanent value or historical interest; to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CHRISTOPHERSON: Committee on the Judiciary. H. R. 185. A bill to amend section 180, title 28, United States Code, as amended; with amendment (Rept. No. 565). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8287. A bill granting the consent of Congress to the State Highway Commission of Virginia to maintain a bridge already constructed across the Shenandoah River in Clarke County, Va., United States Route No. 50; without amendment (Rept. No. 566). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 8705. A bill granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Rock River at or near Prophetstown, Ill.; with amendment (Rept. No. 567). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 8706. A bill granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Pecatonica River at or near Freeport, Ill.; with amendment (Rept. No. 568). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KNUTSON: Committee on Pensions. H. R. 9323. A bill granting pensions and increase of pensions to certain soldiers

and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; without amendment (Rept. No. 563). Referred to the Committee of the Whole House.

Mr. CHRISTGAU: Committee on Claims. H. R. 2646. A bill for the relief of Alfred Harris; without amendment (Rept. No. 564). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 8393) for the relief of Charles G. Mettler, and the same was referred to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KNUTSON: A bill (H. R. 9323) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee on Pensions.

By Mr. AYRES: A bill (H. R. 9324) to dedicate for street purposes a portion of the old post-office site at Wichita, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. HASTINGS: A bill (H. R. 9325) to authorize the United States Veterans' Bureau to pave the road running north and south, immediately east of and adjacent to Hospital No. 90, at Muskogee, Okla., and to authorize the use of $4,950 of funds appropriated for hospital purposes, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. KNUTSON: A bill (H. R. 9326) to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods, concluded on the 24th day of February, 1925," approved May 22, 1926, as amended; to the Committee on Foreign Affairs.

Also, a bill (H. R. 9327) authorizing the Red Lake Band of Chippewa Indians, in the State of Minnesota, to file suit in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. RANKIN: A bill (H. R. 9328) authorizing the appropriation of $2,500 for the erection of a tablet or marker at Dancing Rabbit, in Noxubee County, Miss., to commemorate the signing of the treaty of Dancing Rabbit Creek between the United States and the Choctaw Indians on September 27, 1830; to the Committee on the Library.

By Mr. ZIHLMAN: A bill (H. R. 9329) to provide for the publication of the Columbia Historical Society records, and for other purposes; to the Committee on Printing.

By Mr. BACHARACH: A bill (H. R. 9330) to supplement and amend an act entitled "An act to codify, revise, and amend the laws relating to the Judiciary" (act of Mar. 3, 1911, ch. 231), and known a sthe Judicial Code, and to limit the jurisdiction of district and circuit courts in certain cases; to the Committee on the Judiciary.

By Mr. McCLINTIC of Oklahoma: A bill (H. R. 9331) creating the United States board of affairs; to the Committee on Expenditures in the Executive Departments.

By Mr. WAINWRIGHT: A bill (H. R. 9332) relative to the fees of clerks of court in naturalization proceedings; to the Committee on Immigration and Naturalization.

By Mr. GUYER: A bill (H. R. 9333) for the relief of volunteer officers and soldiers in the volunteer service of the United States who served in the Philippine Islands beyond the period of their enlistment, and for other purposes; to the Committee on War Claims.

By Mr. PARKER: A bill (H. R. 9334) to provide for the study, investigation, and survey, for commemorative purposes, of the battle field of Saratoga, N. Y.; to the Committee on Military Affairs.

By Mr. BUCHANAN: A bill (H. R. 9335) to establish in the Department of the Interior a national reclamation control service, to provide aid to the States and their political subdivisions in the construction of improvements for the purpose of flood prevention, drainage, and irrigation, and for other purposes; to the Committee on Flood Control.

By Mr. KVALE: A bill (H. R. 9336) to provide for the immediate payment to veterans of the face value of their adjusted-service certificate; to the Committee on Ways and Means.

By Mr. SNELL: Resolution (H. Res. 141) to authorize the Committee on Banking and Currency to investigate chain and branch banking, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BACHMANN: A bill (H. R. 9337) granting an increase of pension to Mary L. Frey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9338) granting a pension to Angeline Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9339) granting an increase of pension to Mary M. Conner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9340) granting a pension to Samantha A. Broszt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9341) granting an increase of pension to Maria J. Pastorius; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9342) granting a pension to Daisy Barnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9343) making Nancy J. Litman eligible to receive the benefits of the civil service retirement act; to the Committee on the Civil Service.

Also, a bill (H. R. 9344) for the relief of Richard J. Slater; to the Committee on Military Affairs.

By Mr. BECK: A bill (H. R. 9345) granting a pension to Mary Hoyt and seven dependent children; to the Committee on Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 9346) granting an increase of pension to Florence H. Neff; to the Committee on Invalid Pensions.

By Mr. BUCHANAN: A bill (H. R. 9347) for the relief of Sidney J. Lock; to the Committee on Military Affairs.

Also, a bill (H. R. 9348) to amend an act entitled "An act to recognize the high public service rendered by Major Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever," approved February 28, 1929, by including Roger P. Ames among those honored by said act; to the Committee on Military Affairs.

Also, a bill (H. R. 9349) for the relief of the Farmers State Bank, Georgetown, Tex.; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 9350) granting an increase of pension to Hugh M. Solomon; to the Committee on Pensions.

By Mr. ESTERLY: A bill (H. R. 9351) granting an increase of pension to Mary Peifer; to the Committee on Invalid Pensions.

By Mr. HESS: A bill (H. R. 9352) granting a pension to Rowena Grice; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 9353) for the relief of William T. Stiles; to the Committee on Claims.

Also, a bill (H. R. 9354) for the relief of Okaw Dairy Co.; to the Committee on Claims.

Also, a bill (H. R. 9355) for the relief of Al Weaver; to the Committee on Claims.

By Mrs. LANGLEY: A bill (H. R. 9356) granting an increase of pension to Shiloh Sally; to the Committee on Pensions.

By Mr. LANKFORD of Georgia: A bill (H. R. 9357) granting a pension to Samuel B. Jenkins; to the Committee on Pensions.

By Mrs. McCORMICK of Illinois: A bill (H. R. 9358) granting a pension to Clara Shatlain; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 9359) granting an increase of pension to Elizabeth C. Hague; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9360) granting an increase of pension to Adaline McAnaney; to the Committee on Invalid Pensions.

By Mr. HARCOURT J. PRATT: A bill (H. R. 9361) for the relief of William H. Baldwin; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 9362) for the relief of Charles E. Dern; to the Committee on Military Affairs.

Also, a bill (H. R. 9363) granting an increase of pension to Gertrude Cox; to the Committee on Invalid Pensions.

By Mr. QUAYLE: A bill (H. R. 9364) conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix cum testamento annexo, under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: A bill (H. R. 9365) granting an increase of pension to Bronislawa Wypiewski; to the Committee on Pensions.

Also, a bill (H. R. 9366) granting a pension to Mary Murphy; to the Committee on Pensions.

By Mr. WHITLEY: A bill (H. R. 9367) granting an increase of pension to Orpha H. Lawton; to the Committee on Invalid Pensions.

By Mr. YON: A bill (H. R. 9368) for the relief of James Russell Davis, jr.; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 9369) granting an increase of pension to Clara F. Woods; 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:

3797. By Mr. BAIRD: Petition of residents of the Ohio Soldiers and Sailors' Home, Erie County, Ohio, urging support of legislation extending the provisions of the World War act of 1924; to the Committee on World War Veterans' Legislation.

3798. Also, memorial of city council of Tiffin, Ohio, urging enactment of legislation for relief of Spanish War veterans; to the Committee on Pensions.

3799. By Mr. BECK: Petition of Thomas McNally and 53 others, citizens of Philadelphia, urging increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

3800. Also, petition of Thomas W. Clark and 25 others, citizens of Philadelphia, to extend the date of service-connected disability allowance to January 1, 1930, to allow the benefits of compensation to disabled veterans of the World War who developed active tuberculosis prior to January 1, 1930; to the Committee on World War Veterans' Legislation.

3801. By Mr. BRIGGS: Resolution of Galveston Rotary Club of Galveston, Tex., opposed to chain banking; to the Committee on Banking and Currency.

3802. By Mr. BROWNING: Petition of John H. Fergueson, Camden, Tenn., and other residents of Benton County, Tenn.; to the Committee on Pensions.

3803. By Mr. BUCKBEE: Petition of John E. Hughes and 50 other citizens of Mendota, Ill., asking for early passage of House bill 2562, providing for increased rates of pensions to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

3804. Also, petition of Everett Leonard and 70 other citizens of Sycamore, Ill., asking for speedy consideration and passage of House bill 2562, providing for increased rates of pension to Spanish War veterans; to the Committee on Pensions.

3805. Also, petition of Joseph Gatiss and 122 other citizens of Earlville, Ill., asking for speedy consideration and passage of House bill 2562, providing for increased rates of pension to the men who served in the Spanish-American War; to the Committee on Pensions.

3806. By Mr. CARTER of California: Petition signed by F. S. Foster, John Quinn, and 58 others of Alameda County, Calif., urging the passage of House bill 2562, granting increased pension to veterans of the Spanish War; to the Committee on Pensions.

3807. By Mr. CHALMERS: Petition signed by residents of Toledo, Ohio, urging the passage of legislation increasing the pensions of all Spanish War veterans; to the Committee on Pensions.

3808. By Mr. CHINDBLOM: Petition of C. A. Brune and 24 other citizens of Zion, Ill., indorsing House bill 2562 and Senate bill 476, providing increased pensions for Spanish-American War veterans; to the Committee on Pensions.

3809. Also, petition of John C. Streit and 77 other citizens of Chicago, Ill., indorsing House bill 2562 and Senate bill 476, providing increased pensions for Spanish-American War veterans; to the Committee on Pensions.

3810. By Mr. DEMPSEY: Petition signed by 59 residents of Niagara County, N. Y., urging speedy consideration and passage of House bill 2562; to the Committee on Pensions.

3811. By Mr. DRANE: Petition of citizens of Lake County, Fla., in behalf of House bill 2562 and Senate bill 476; to the Committee on Pensions.

3812. Also, petition of citizens of Hillsborough County, Fla., in behalf of House bill 2562 and Senate bill 476; to the Committee on Pensions.

3813. Also, petition of citizens of Eustis, Fla., in behalf of House bill 2562 and Senate bill 476; to the Committee on Pensions.

3814. Also, petition of citizens of Sarasota, Fla., in behalf of House bill 2562 and Senate bill 476; to the Committee on Pensions.

3815. By Mr. EATON of Colorado; Petition signed by 22 voters of Denver, Colo., petitioning for the passage of House bill 2562; to the Committee on Pensions.

3816. Also, petition signed by 83 voters of Denver, Colo., petitioning for the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

3817. By Mr. ELLIS: Petition of H. L. Cherryholmes and 93 other indorsers, for the purpose of securing speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to men who served in the armed forces of the United States during the period of the Spanish-American War; to the Committee on Pensions.

3818. By Mr. GIFFORD: Petition of the clerk of the city of New Bedford, Mass., urging Congress to enact House Joint Resolution 167, directing the President of the United States to proclaim October 11 of each year as General Pulaski's memorial day; to the Committee on the Judiciary.

3819. By Mr. GOODWIN: Petition of A. B. Belling and 96 other residents of Finlayson, Minn., requesting and urging favorable consideration for immediate legislation for an increase in pension of Union veterans of the Civil War, an increased amount of pension to those veterans requiring aid and attendance, an increased amount for the veterans totally blind, and also an increase in the amount of pension of every Civil War widow; to the Committee on Invalid Pensions.

3820. Also, petition of John U. Grow, Theodore O. Zieman, and 61 other residents of Princeton, Minn., requesting and urging favorable consideration of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the period of the Spanish-American War, and petitioning Congress to use every endeavor to enact this legislation; to the Committee on Pensions.

3821. By Mr. HADLEY: Petition of a few residents of King County, indorsing the Spanish War pension bill; to the Committee on Pensions.

3822. By Mr. HALL of North Dakota: Petition of 35 citizens of Edmunds, N. Dak., urging that immediate steps be taken to bring to a vote a Civil War pension bill, in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

3823. By Mr. HARDY: Petition signed by 125 residents of Fort Lyon, Colo., urging the passage of a bill to increase the pensions of Spanish War veterans; to the Committee on Pensions.

3824. Also, petition signed by 100 residents of Pueblo, Colo., urging the passage of a bill to increase the pensions of Spanish War veterans; to the Committee on Pensions.

3825. By Mr. HICKEY: Petition of August C. Groll and other citizens of Elkhart, Ind., urging the early passage of a bill increasing the pensions of Spanish War veterans; to the Committee on Pensions.

3826. By Mr. HOOPER: Petition of James Kennedy and 36 other residents of Branch County, Mich., relative to increase of pension for Spanish War veterans; to the Committee on Pensions.

3827. By Mr. HUDDLESTON: Petition of numerous residents of Jefferson County, Ala., in behalf of more liberal pensions for Spanish War veterans; to the Committee on Pensions.

3828. By Mr. JOHNSON of Washington: Petition of citizens of Aberdeen, Wash., urging passage of increased pension measures for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

3829. Also, petition of citizens of South Bend, Wash., appealing for passage of legislation to provide increased pension benefits to Spanish War veterans and widows of veterans; to the Committee on Pensions.

3830. By Mr. KEARNS: Petition of Rufus Adamson and other residents of Clermont County, in the sixth congressional district of Ohio, urging the passage of House bill 2562, to increase the rates of pension for Spanish War veterans; to the Committee on Pensions.

3831. By Mr. KINCHELOE: Petition signed by W. I. LaRue, Blanchard Haward, and 21 other citizens of Henderson, Ky., urging passage of legislation providing for increased rates of pension to Spanish-American War veterans; to the Committee on Pensions.

3832. By Mr. KOPP: Petition of Walter W. Stimpson, of Fort Madison, Iowa, and many other citizens of that city, urging the passage of Senate bill 476 and House bill 2562, to increase the pensions of all Spanish-American soldiers; to the Committee on Pensions.

3833. Also, petition of George C. Woods, of Fairfield, Iowa, and many other citizens of Jefferson County and Henry County, Iowa, urging increased pensions for Spanish-American War soldiers; to the Committee on Pensions.

3834. By Mr. KVALE: Petition of E. Martin and 64 other residents of Olivia, Minn., urging speedy passage of House bill 2562; to the Committee on Pensions.

3835. By Mrs. LANGLEY: Petition of Abraham L. Farler, Dan Shepherd, Rachel Shepherd, and 52 other citizens of Perry County, Ky., urging speedy consideration and the passage of

Senate bill 476 and House bill 2562, providing for increased rates of pension for the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

3836. By Mr. LINTHICUM: Petition of DeCourcy W. Thom, Dr. John M. Nicklas, and Dr. R. H. Riley, of Baltimore, Md., indorsing House bill 7138, for vocational training of cripples; to the Committee on Education.

3837. Also, petitions of Institute of Margarine Manufacturers, indorsing House bill 6 (Haugen bill), to amend definition of oleomargarine, etc., and Baltimore Butterine Co., Baltimore, Md., suggesting amendment to Haugen oleomargarine bill; to the Committee on Agriculture.

3838. Also, petition of Elizabeth Crummer, Mrs. S. Tagart Steele, Dr. Howard A. Kelly, James R. Manning, the Izaak Walton League of America, all of Baltimore, Md., and Dr. A. W. Valentine, of Washington, D. C., indorsing bald eagle protection act (H. R. 7994); to the Committee on Agriculture.

3839. By Mr. McCLINTOCK of Ohio: Petition of 82 citizens of Newcomerstown, Ohio, favoring increased pensions for Spanish War veterans; to the Committee on Pensions.

3840. By Mr. McDUFFIE: Petition of citizens of Mobile, Ala., urging Congress to pass favorable legislation granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

3841. By Mr. MAGRADY: Petition signed by Oliver Zeiger and 76 other citizens of Shamokin, Pa., urging the passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

3842. Also, petition signed by Oliver A. Cooke and 56 other citizens of Danville, Pa., urging the passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

3843. Also, petition submitted by George A. Carmitchel, 120 North Chestnut Street, Mount Carmel, Pa., signed by 23 other citizens of Mount Carmel and vicinity, urging support of Senate bill 476 and House bill 2562, providing increased rates of pension to Spanish War veterans; to the Committee on Pensions.

3844. By Mr. MANLOVE: Petition of Thomas F. Clary and 64 other veterans of the United States Veterans' Hospital, Kansas City, Mo., urging Congress to increase rates of pensions for veterans of the Spanish War; to the Committee on Pensions.

3845. By Mr. MEAD: Petition of the South Shore Country Club, of Buffalo, N. Y., for repeal of the tax on dues and initiation fees paid to athletic and sporting clubs; to the Committee on Ways and Means.

3846. Also, petition of citizens of Buffalo, N. Y., favoring passage of House bill 2562, providing for increase of Spanish War pension rates; to the Committee on Pensions.

3847. By Mr. O'CONNELL of New York: Petition of Institute of Margarine Manufacturers, favoring the passage of House bill 6, to amend the definition of oleomargarine; to the Committee on Agriculture.

3848. Also, petition of Admiral H. B. Wilson Post, No. 196, Veterans of Foreign Wars of the United States, favoring the passage of the La Follette-O'Connell Saturday half holiday bill for postal employees (H. R. 167); to the Committee on the Post Office and Post Roads.

3849. Also, petition of the Baltimore Butterine Co., opposing the passage of House bill 6, the Haugen oleomargarine bill; to the Committee on Agriculture.

3850. By Mr. HARCOURT J. PRATT: Petition of Mrs. William A. Briggs, Mrs. J. M. Huntsberger, Mrs. Chauncey D. Hall, William Booth, Anna V. Booth, and other residents of Grahamsville, Sullivan County, N. Y., urging passage of legislation to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

3851. Also, petition of Henry Diehl, Joseph Mitchell, Joseph G. Voelker, Francis D. Piecznake, Charles Kissam, Edward J. Ross, and other residents of Kingston, Ulster County, N. Y., urging passage of legislation increasing the pensions of Spanish War veterans; to the Committee on Pensions.

3852. By Mr. RAMSPECK: Petition of A. W. Jones and 61 others, all citizens of Atlanta, Ga., in behalf of Senate bill 476 and House bill 2562, for increased rates of pension for Spanish War veterans; to the Committee on Pensions.

3853. By Mr. REID of Illinois: Petition of John W. Young and 25 other residents of Du Page County, Ill., urging enactment of Senate bill 476 and House bill 2562, granting increased pensions to Spanish-American War veterans; to the Committee on Pensions.

3854. Also, petition of 130 members of West Chicago Post, No. 300, American Legion, of West Chicago, Ill., by Willard R. Buchanan, commander, urging enactment of Senate bill 476 and House bill 2562, granting increased pensions to Spanish-American War veterans; to the Committee on Pensions.

3855. Also, petition of P. C. Tyrrell and 75 other residents of the city of Elgin, Ill., urging enactment of Senate bill 476 and House bill 2562, granting increased pensions to Spanish-American War veterans; to the Committee on Pensions.

3856. By Mr. SELVIG: Petition of Twin City Milk Producers of Minnesota, urging enactment of House bill 6, to increase revenue in Minnesota from butterfat; to the Committee on Agriculture.

3857. Also, petition of Minnesota Farm Bureau Federation, supporting House bill 6, and urging enactment of it for purpose of bringing certain cooking compounds under definition of oleomargarine; to the Committee on Agriculture.

3858. Also, petition of Land O'Lakes Creameries (Inc.), urging prompt enactment of House bill 6, whose purpose is to bring certain cooking compounds under definition of oleomargarine; to the Committee on Agriculture.

3859. Also, resolution of St. Paul Goodwill Industries (Inc.), urging Congress to enact House bill 7138, providing for the continuance of Federal aid for the vocational rehabilitation of disabled persons; to the Committee on Education.

3860. By Mr. THATCHER: Petition signed by Edward Whitehead and others, of Louisville, Ky., urging increase of pensions to Spanish War veterans; to the Committee on Pensions.

3861. By Mr. WHITEHEAD: Petition of Colonel William Nalle Camp, No. 9, Department of Virginia, United Spanish War Veterans, Danville, Va., urging the enactment of House bill 2562, for increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

3862. Also, petition of W. W. Adams and others, of Halifax, Va., urging the enactment of House bill 2562, for increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

3863. By Mr. WILLIAMS: Petition signed by I. W. Austin and 82 other residents of Iowa Park, Tex., praying Congress to pass legislation to increase pensions to Spanish-American veterans; to the Committee on Pensions.

3864. By Mr. WHITTINGTON: Petition of H. M. Sisloff and others, urging Congress to pass the Spanish-American pension bill; to the Committee on Pensions.

SENATE

FRIDAY, *January 31, 1930*

(Legislative day of Monday, January 6, 1930)

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

CORRECTION OF THE RECORD

Mr. GILLETT. Mr. President, some time ago in discussing an item of this bill relative to paints I stated as to Holland:

> In their schools nothing can be used except a product which is made in Holland.

I thought at the time that I had ample warrant for my statement and supposed it was correct, but I have since been assured, on authority which I can not question, that I was mistaken, and that Holland does not prohibit in her schools, as I was informed, the use of the products of other countries. Therefore, I wish to correct my statement as publicly as I made it, and I regret that I fell into the error.

DISPOSITION OF USELESS PAPERS

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of State, transmitting, pursuant to law, a list of useless papers in the files of the State Department which are not needed in the transaction of business and have no permanent value or historic interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. BORAH and Mr. SWANSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Mr. VANDENBERG presented a petition of sundry citizens of Detroit, Mich., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

He also presented a letter in the nature of a memorial from the board of commerce of Saginaw, Mich., remonstrating against the passage of legislation to provide for the establishment of shipping commissioners at ports on the Great Lakes, which was referred to the Committee on Commerce.