5247. Also, petition of William Kurtz Post, No. 976, American Legion, United States Veterans' Bureau Hospital, Castle Point, N. Y., urging support of Rankin bill, H. R. 7825; to the Committee on World War Veterans' Legislation.

5248. Also, petition of C. E. Taylor, of Taylor Pharmacy, Ponca City, Okla., in regard to the Capper-Kelly bill; to the Committee on Interstate and Foreign Commerce.

5249. Also, petition of board of directors, Chamber of Commerce, of Lawton, Okla., urging support of legislation embodying recommendations of interdepartment board for increases in compensation paid officers and men, both active and retired, of the Army, Navy, Marine Corps, Coast Guard, Public Health, and Geodetic Survey; to the Committee on Military Affairs.

5250. Also, petition of citizens of Ponca City, Okla., urging support of House bill 9233; to the Committee on the Judiciary.

5251. By Mr. HALL of Illinois: Petition of G. H. Copeland and 16 other residents of Stanford, McLean County, Ill., advocating an increase of pension to veterans of the Spanish-American War; to the Committee on Pensions.

5252. By Mr. HESS: Petition of various citizens of Cincinnati, Ohio, urging the passage of House bill 8976; to the Committee on Pensions.

5253. By Mr. HULL of Wisconsin: Memorial of the Common Council of the City of Green Bay, Wis., memorializing Congress of the United States to enact House Joint Resolution 167 directing the President of the United States to proclaim October 11 of each year as General Pulaski memorial day; to the Committee on the Judiciary.

5254. Also, petition of Wisconsin Vocation Guidance Association favoring House bill 7138 and Senate bill 3340; to the Committee on Education.

5255. Also, petition of the international council representing the membership of the Amalgamated Lithographers of America, urging Congress for the passage of House bill 2562 and Senate bill 476 granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

5256. By Mr. IRWIN: Petition of John W. Kelly and other citizens of East St. Louis, Ill., urging the enactment of Senate bill 476 and House bill 2562 in the Seventy-first Congress; to the Committee on Pensions.

5257. By Mr. JOHNSON of Texas: Petition of Thomas McSweeney, commander Herbert F. Watson Chapter, D. A. V. W. W.; Chester Borden, commander Avery W. Putnam Post, A. L.; and Louis Richards, chairman Uncompensated Veterans' committee, of Rutland Heights, Mass., indorsing Rankin bill, H. R. 7825; to the Committee on World War Veterans' Legislation.

5258. Also, petition of R. F. Keefe, commander Disabled American Veterans, and Edward Saunders, president Uncompensated Veterans, Sunmount, N. Y., indorsing Rankin bill; to the Committee on World War Veterans' Legislation.

5259. Also, petition of Hinds Welch, American Legion; Frederick Villio, Veterans of Foreign Wars; Albert Moriarty, Disabled American Veterans; and James Foy, Uncompensated Disabled Veterans, of Fort Bayard, N. Mex., indorsing Rankin bill; to the Committee on World War Veterans' Legislation.

5260. Also, petition of 600 inmates of veterans' hospital at Oteen, N. C., indorsing Rankin bill, H. R. 7825; to the Committee on World War Veterans' Legislation.

5261. By Mr. JOHNSTON of Missouri: Petition of sundry citizens of Salem, Dent County, Mo., praying for the passage of legislation granting increased pensions to Spanish War veterans; to the Committee on Pensions.

5262. By Mr. KEARNS: Petition of Preston Swiney and 54 other residents of Scioto County in the sixth congressional district of Ohio, requesting an early consideration of House bill 2562 to increase the rates of pension for Spanish War veterans; to the Committee on Pensions.

5263. By Mr. LANKFORD of Georgia: Petition of 100 citizens of Adell and Cook County, urging early enactment of legislation to increase pensions paid to Spanish War veterans and widows of veterans; to the Committee on Pensions.

5264. By Mr. LINDSAY: Petition of Local 251, National Federation of Post Office Clerks, Brooklyn, N. Y., with a membership of 900, urging support of the new Lehlbach retirement bill for postal employees; to the Committee on the Civil Service.

5265. Also, petition of Navy Yard Retirement Association, New York, urging support of the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

5266. By Mr. O'CONNELL of New York: Petition of the Ladies Auxiliary to the Coachmen's Union League Society (Inc.), of New York City, favoring the passage of the La Follette-O'Connell bill, H. R. 167, for Saturday half holidays for postal employees; to the Committee on the Post Office and Post Roads.

5267. Also, petition of Herbert F. Watson Chapter No. 12, Disabled American Veterans of the World War, United States Veterans' Hospital No. 89, Rutland Heights, Mass., favoring the passage of the Rankin bill; to the Committee on World War Veterans' Legislation.

5268. By Mr. SPEAKS: Petition signed by 89 citizens of Columbus, Ohio, urging favorable action on Senate bill 476 and House bill 2562 proposing increased pension rates for veterans of the Spanish War; to the Committee on Pensions.

5269. Also, petition signed by 85 citizens of Columbus, urging favorable action on Senate bill 476 and House bill 2562; to the Committee on Pensions.

5270. By Mr. THATCHER: Petition signed by S. E. Nichols and others, of the fifth Kentucky district, in support of the bill to increase Spanish War veterans' pensions; to the Committee on Pensions.

5271. By Mr. WHITLEY: Petition of citizens of Rochester, N. Y., urging passage of legislation to provide increased pensions for veterans of the Spanish-American War; to the Committee on Pensions.

SENATE

TUESDAY, *March 4, 1930*

(Legislative day of Monday, January 6, 1930)

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

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

Mr. SHEPPARD. The junior Senator from South Carolina [Mr. BLEASE] is unavoidably detained on imperative business. This announcement may stand for the day.

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 desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

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

COMMITTEE TO ATTEND FUNERAL OF THE LATE REPRESENTATIVE HUGHES

The VICE PRESIDENT. Pursuant to Senate Resolution 223, as the committee on the part of the Senate to join the committee on the part of the House of Representatives to attend the funeral of the late Representative JAMES ANTHONY HUGHES, of West Virginia, the Chair appoints the senior Senator from West Virginia [Mr. GOFF], the junior Senator from West Virginia [Mr. HATFIELD], the Senator from Indiana [Mr. WATSON], the Senator from Mississippi [Mr. HARRISON], the Senator from Kentucky [Mr. BARKLEY], and the Senator from Ohio [Mr. FESS].

CRITICISM OF CONDITIONS IN NEW YORK

The VICE PRESIDENT. The Chair appoints the Senator from New Hampshire [Mr. MOSES], the Senator from Nevada [Mr. PITTMAN], and the Senator from North Dakota [Mr. FRAZIER] a committee authorized by the motion of the Senator from Mississippi [Mr. HARRISON] to consider and report to the Senate on the point made by the Senator from New York [Mr. COPELAND] on the question as to whether or not the letter inserted in the CONGRESSIONAL RECORD by unanimous consent by

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

the Senator from Alabama [Mr. HEFLIN] on February 6, 1930, is in violation of paragraph 3 of Rule XIX of the Standing Rules of the Senate.

GEORGE WASHINGTON BICENTENNIAL COMMISSION (S. DOC. NO. 97)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the George Washington Bicentennial Commission, fiscal year 1930, in the sum of $20,500, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

COOPERATIVE AND GENERAL INVESTIGATION, BUREAU OF RECLAMATION (S. DOC. NO. 96)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior, Bureau of Reclamation, fiscal year 1930, for cooperative and general investigations, amounting to $100,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC SCHOOLS, PUBLIC BUILDINGS AND GROUNDS, DISTRICT OF COLUMBIA (S. DOC. NO. 98)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for public schools and public buildings and grounds in the District of Columbia, fiscal year 1930, amounting to $113,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS

Mr. MOSES presented a petition of sundry citizens of Tilton, N. H., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

Mr. KEYES presented a petition of sundry citizens of Hanover, N. H., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

Mr. SULLIVAN presented a resolution adopted by the Star Valley Commercial Club, of Afton, Wyo., favoring the making of larger appropriations for the further development of the national forests through road construction, which was referred to the Committee on Agriculture and Forestry.

Mr. BROOKHART presented petitions of sundry citizens of Des Moines, Carson, Marshalltown, Boone, and Dows, all in the State of Iowa, praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

Mr. JONES presented a petition of sundry citizens of Spokane, Wash., praying for the passage of the so-called Capper-Robsion bill, to establish a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Tekoa, Wash., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

He also presented the petition of Fred T. Lawrence, of San Miguel, Bulacan, P. I., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

REPORT OF THE CLAIMS COMMITTEE

Mr. GLENN, from the Committee on Claims, to which was referred the bill (S. 1264) for the relief of Joliet National Bank, Commercial Trust & Savings Bank, and H. William, John J., Edward F., and Ellen C. Sharpe, reported it with amendments and submitted a report (No. 245) thereon.

ADDITIONAL AMENDMENTS REPORTED TO PENSION BILLS

Mr. ROBINSON of Indiana, from the Committee on Pensions, reported an additional amendment to the bill (S. 476) granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes, which was ordered to be printed.

He also, from the same committee, reported additional amendments to the bill (H. R. 7960) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, which were ordered to be printed.

REPORTS OF NOMINATIONS

As in open executive session,

Mr. WATERMAN, from the Committee on the Judiciary, reported the nomination of Charles Hanratty, of Delaware, to be United States marshal, district of Delaware, to succeed Walter S. Money, whose term expired December 21, 1929, which was placed on the Executive Calendar.

Mr. GEORGE, from the Committee on Finance, reported the nomination of Marion O. Dunning, of Savannah, Ga., to be collector of customs for customs collection district No. 17, with headquarters at Savannah, Ga., which was placed on the Executive Calendar.

Mr. SMOOT, from the Committee on Finance, reported the nomination of Collins B. Allen, of Salem, N. J., to be comptroller of customs in customs collection district No. 11, with headquarters at Philadelphia, Pa., which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were 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. HALE:

A bill (S. 3813) granting an increase of pension to Susanna A. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. TYDINGS:

A bill (S. 3814) granting a pension to Elizabeth Perry (with an accompanying paper); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3815) granting a pension to Harley E. Busby (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3816) for the relief of Dr. Robert B. Walker; to the Committee on Finance.

HUNTERS ISLAND TRACT

Mr. SCHALL submitted the following resolution (S. Res. 224), which was referred to the Committee on Public Lands and Surveys:

Whereas an extensive tract of approximately 1,000,000 acres, known as Hunters Island, lying on the northern international boundary midway between Lake Superior and Lake of the Woods, appears to be according to recent surveys by United States engineers, not an island but a peninsula of the United States and attached by a high divide to the State of Minnesota; and

Whereas in the original treaty of peace, 1783, won by the ambassadors of General Washington in the American Revolution, His Britannic Majesty Prince George III relinquished to the United States as sovereign proprietor all territory between Lake Superior and Lake of the Woods below the "water communication" between the same; and

Whereas the said "water communication" along said boundary now appears to be north of Hunters Island, both according to the map of Major Long in 1823 on file in Government archives and the recent engineering report of the International Joint Commission in 1930; and

Whereas this so-called Hunters Island tract appears to be of great economic value in water powers, lumber, and pulpwood, and possible mineral wealth, and the area thereof approximately appears to be ten times that of the Virgin Islands for which the United States in 1917 paid Denmark $25,000,000: Therefore be it

Resolved, That the Public Lands Committee is hereby instructed to assemble and report to the Senate at as early a date as practicable the boundary treaties, maps and plats, and pertinent historic and survey data relative to the title and national sovereignty of said Hunters Island tract, for the information of the Congress and the American people.

EXECUTIVE MESSAGES AND APPROVALS

Sundry messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolution:

On February 25, 1930:

S. 544. An act authorizing receivers of national banking associations to compromise shareholders' liability.

On March 3, 1930:

S. J. Res. 117. Joint resolution for the relief of farmers in the storm, flood, and/or drought stricken areas of Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, Ohio, Oklahoma, Indiana, Illinois, Minnesota, North Dakota, Montana, New Mexico, and Missouri;

S. 3197. An act granting the consent of Congress to the Morgan's Louisiana & Texas Railroad & Steamship Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Intracoastal Canal;

S. 3297. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River ap-

proximately midway between the cities of Owensboro, Ky., and Rockport, Ind.; and

S. 3405. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.

On March 4, 1930:

S. 875. An act authorizing C. N. Jenks, F. J. Stransky, L. H. Miles, John Grandy, and Bruce Machen, their heirs, legal representatives and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Savanna, Ill.

AWARDS OF MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY (S. DOC. NO. 95)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Finance and ordered to be printed:

To the Congress of the United States:

I am submitting herewith for your consideration a copy of the report of the Secretary of the Treasury regarding the proposed agreement and exchange of notes with Germany for the complete and final discharge of the obligations of that Government to the United States with respect to the awards made by the Mixed Claims Commission, United States and Germany, and for the costs of this Government's army of occupation.

The plan of settlement has my approval, and I recommend that the Congress enact the necessary legislation authorizing it.

HERBERT HOOVER.

THE WHITE HOUSE, *March 4, 1930.*

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate Executive messages from the President of the United States, which were referred to the appropriate committees.

AFFAIRS IN RUSSIA

Mr. TRAMMELL. Mr. President, I present two clippings from the Star of Washington, D. C., relative to affairs in Russia, which I ask leave to have published in the RECORD.

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

[From the Washington Star, of March 3, 1930]

ESCAPING PEASANTS KILLED ON BORDERS—POLISH GUARDS REPORT MANY FLEEING RUSSIANS ARE SLAIN BY SOVIET MILITARY FORCES

WARSAW, POLAND, March 3.—Polish border guards on the Russian frontier report that many Russian peasants escaping from the soviet rule have been killed recently by Russian guards while attempting to cross into Poland. The Russian guards were said to be using machine guns in the effort to check the flight of the peasants, which has reached large proportions.

A group of 12 Russians, who arrived in Poland yesterday, said they numbered 20 when they started, but that 8 of their band were killed by Russian guards along the frontier.

In spite of the danger the movement of peasants to Poland is said here to be increasing.

The Polish press is urging the Government to appeal to the League of Nations for relief, because the unemployment situation is already bad in Poland.

Most of the Russian peasants seem to be leaving because of the violent enforcement of the communist farm-collectivization scheme.

STALIN CALLS A HALT

In its development during the course of 12½ years Russian bolshevism has been marked with occasional opportunism. Lenin, for example, finding that the extreme Marxian principles of complete mutuality of ownership and endeavor in the organization and conduct of the state would not work, modified the practice in a series of recessions. By some observers of the Russian experiment in state communism this was regarded as a change of heart, a real recession from the Marxian policy. It was, however, only an expedient to fit the ideals to the possibilities of performance, with no real change of heart or mind. In short, Lenin simply postponed the application of the hundred per cent principles of complete communism until a later occasion, which did not arrive for him, as he was overtaken by death before Russia could pass through the first stage of reorganization.

Now Stalin, who is in effect Lenin's successor as the dictator of Russia, though he holds no commissarship in the state but is the secretary general of the Communist Party, adopts the Lenin policy of postponement, in the face of failure to work out a hundred per cent application of the extreme principle of collectivism. He admonishes the communists that they must slacken their campaign for the complete sovietization of agricultural lands. Under the title of "Dizziness From Success" Stalin, in an article printed in all the newspapers of Moscow, warns that collectivism can not be pushed further at present, because of the danger of arousing the peasantry to active rebellion. Calling the result already accomplished, in the inclusion of more than 50 per cent of the peasant holdings, "the greatest tour de force in the whole history of the Bolshevist Party," Stalin says that this success is producing a dangerous spirit of glorification and overconfidence. Communists must go more slowly in forcing the peasants to the collectives, or common farms.

To show that this is not a change of heart but merely a temporary change of policy, for the sake of expediency, it is but necessary to look back a few weeks. In a speech at Moscow December 29 Stalin declared, "We can now afford to liquidate the rich peasantry as a class." He added that in 1927 when Trotsky urged an immediate drive against the kulaks—richer peasants—it would have been impossible to carry out such a program, owing to the immense quantity of food materials raised by these farmers. But now, with the communal farms producing nearly five times as much grain as in 1927, "we can afford to do away with kulakism." He urged the expulsion of a million kulak families if they continued to resist the Government's cooperative farming program.

Again, on January 21, in an article in the official Government journal, Pravda, Stalin declared that land and property should—and would—be absolutely taken away from the richer peasants. "Without such measures," he wrote, "all our talk about liquidation of kulakism will remain just foolish talk, the benefit of which will accrue only to the right wingers."

Now, Stalin says that the warfare against the kulaks must cease. There has been no change of heart or of mind in respect to principle or ultimate policy. It is simply a case of opportunism. Eventually the kulak must go, if soviet rule under communist guidance is to prevail in Russia. He must go at the point of the bayonet, if needs be. Already there is a heavy migration across to Poland. And, strangely enough, in the light of the "expulsion" statement by Stalin in December, Russian guards are attempting to stem this tide. Many of the kulaks seeking refuge in Poland have been slain before crossing the border. One party of 12 Russians reached haven to tell of the death of 8 comrades along the frontier.

So it is well to view the new Stalin declaration as simply another characteristic bolshevik gesture of postponement, of adjustment, without permanent change of policy or principle or eventual purpose.

RADIO COMMUNICATION SERVICE

Mr. DILL. Mr. President, I have an editorial here from the Washington Herald entitled "Morgan Arranges Radio Sale with Morgan; $85,000,000 Water Seeps In." This is an editorial written about the proposal to sell the Radio Communications Service, valued at $15,000,000, for $100,000,000, if we will repeal a certain part of the radio law. It quotes certain parts of cables exchanged between the parties concerned. I should like to have it printed in the RECORD.

I also ask to have printed in the RECORD an article from the Baltimore Sun of February 9, 1930, written by Newton Aiken, relating to the ownership of the ether.

The VICE PRESIDENT. Is there objection?

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

[From the Washington Herald, March 4, 1930]

MORGAN ARRANGES RADIO SALE WITH MORGAN; $85,000,000 WATER SEEPS IN

An interesting spectacle of J. P. Morgan selling to J. P. Morgan was unveiled when the Senate Interstate Commerce Committee made public the correspondence through which the Radio Corporation of America "tentatively" sold its $15,000,000 investment in oversea communications services to the International Telephone & Telegraph Co. for $100,000,000.

The sale was tentative, because it was illegal under the present radio act, which forbids such unions of competing cable and radio companies. Now they are lobbying in Congress to get the law changed.

You see, Morgan sort of runs both the Radio Corporation and the International Telephone & Telegraph Co., and also to a large extent the United States Government.

When the dickering was proceeding for the purchase of the Radio Corporation of America, it was carried on in cables between the house of Morgan in New York and J. P. Morgan, Thomas W. Lamont, and Dean Jay, Morgan partners, sojourning in Paris.

They were in Paris with Owen D. Young, head of Radio Corporation.

Young and Lamont were there "unofficially" representing America at the reparations conference, at which they framed the Bank of International Settlements, financial department of the League of Nations and, incidentally, a device that is expected to eventually "mobilize" America's gold for the benefit of the world, and bring about cancellation of Europe's war debts to us.

International Telephone & Telegraph had cables to South America. It wanted to get radio service to Europe and Asia. It was blocked by Radio Corporation's exclusive long-term contracts with England, France, Germany, Italy, Holland, Sweden, Japan, Poland, and some South American countries.

R. C. A., of course, maintained these services and had these exclusive landing contracts only because it possessed radio wave lengths assigned by the Federal Government.

Morgan in New York cabled to Lamont International Telegraph's first offer: 150,000 shares of I. T. & T. stock, then worth $210 a share and expected to be worth $250 a share after the merger. It was a cool $37,500,000 for $15,000,000 of Radio Corporation property.

Young cabled back through Lamont that Radio Corporation would take no less than 400,000 shares ($100,000,000). Lamont added that "all of us, including J. P. Morgan, hope that Behn (president of I. T. & T.) will consider this suggestion most carefully."

Behn was afraid. He didn't see how he could justify himself before his stockholders and the public by issuing $100,000,000 of stock for a $15,000,000 property, and he said so in his cable via Morgan's:

"The International could not justify such a value, which must be certified and filed with the secretary of state in Maryland in order to issue the shares.

"The net physical value of the Radio Communications is probably not in excess of $15,000,000, with yearly earnings, say, of $1,500,000."

But Young and the main Morgan partners in Paris held out. Behn offered 300,000 shares. They refused. They cabled, reminding him of their exclusive contracts which shut him off from most of the world. They darkly hinted that Radio Corporation might go extensively into South American radio business in competition with International's cables.

Behn capitulated and consented to pay the 400,000 shares worth $100,000,000, about seven times the value of the property to be acquired. The men in Paris cabled agreement, and J. P. Morgan "joined in congratulations." Owen D. Young cabled:

"Now we must all take off our coats and work like one man to make this thing a rousing success."

The first move "to make this thing a rousing success" was for them all—except the Morgan partners—to troop to Washington and demand that Congress change the radio act so as to legalize the contract and the merger.

Young went down, and after him General Harbord and David Sarnoff, his right and left bowers. Behn appeared and publicly defended the $100,000,000 purchase price which privately he had declared was outrageous and unjustifiable.

Owen D. Young wrapped the flag around him and said that the country would be in the hands of the British radio monopoly unless Congress allowed the proposed merger in order to form a strong American unit for defense. Young got away with it until Newcomb Carlton, president of Western Union, told the Senate committee:

"The British merger doesn't present the slightest menace to anyone. Right now the Western Union and the Radio Corporation of America hold the British merger in the hollow of their hand."

So Mr. Young wasn't doing it all for patriotism but in order to get $100,000,000 for a $15,000,000 property. What the Morgans were going to get out of it doesn't appear, but they generally take care of themselves. What the public was to get out of it was the stock watering of a public utility at the rate of 7 for 1.

And, of course, commissions and courts would come along and "validate" the $100,000,000 "investment," and the public would have to pay 8 per cent a year on it—$8,000,000 a year—which is something over 50 per cent on the $15,000,000 that the property was worth.

All for the sacred cause of patriotism, as Mr. Young said.

THE ETHER BECOMES A NO MAN'S LAND—AN INTRICATE PROBLEM IN OWNERSHIP FOR THE COURTS TO DECIDE

By Newton Aiken

Analogies are never wholly accurate and the one about to be suggested here is probably no exception to the general rule. Nevertheless, for the sake of the argument, let us suppose:

First, that the art of navigating ships on the sea has just been discovered.

Second, that the capacity of the sea to accommodate vessels is so limited that only a few hundred can be afloat at the same time.

Third, that because of this limitation a great scramble for the privilege of operating ships is under way and that a number of maritime enterprises first in the field are claiming a vested interest in the ocean on the ground of priority.

In the light of our traditional conception of the sea as a free highway of commerce open to all comers these suppositions appear ridiculous. Yet a situation similar to that here outlined with reference to the ocean actually exists at the present time with respect to another great medium of commerce—the ether. For the art of communication by wireless is a comparatively recent discovery; in the present state of scientific knowledge the channels of communication by wireless are limited in number so that only a few stations can be on the ether at the same time; and a great scramble for broadcasting privileges is under way, and at least two broadcasting stations, aggrieved by the regulatory decisions of the Federal Radio Commission, have ventured to set up claims to a property right in the ether. The validity of such claims remains for the moment undecided, but the mere fact of their assertion suggests the possibility that a great structure of vested interests may soon be set up in the ether. And the recent Supreme Court decision in the General Electric (WGY) case raises the question of whether there is not complete confusion ahead.

The possibility of the air's monopoly being claimed by private interests is highly disquieting to a large group whose members insist that radio ought to be developed solely in the interest of the public—that is, in the interest of the persons who own radio receiving sets and derive entertainment from broadcasting programs. For the interest of the public it is contended that the Government as the surrogate of the public must have absolute command over the channels of radiocommunication. In other words, if the ether is to achieve its possibilities as a medium of communication, it must remain as free from private ownership as the sea, which could never have served the ends of transportation had individuals been able to establish a property right in its use.

The freedom of the ether depends, in the opinion of this group, upon the supremacy of the regulatory power of the Federal Government. And the validation of property rights in the ether in derogation of this regulatory power would make it necessary, in the opinion of Senator CLARENCE C. DILL, one of the authors of the radio act of 1927, to adopt a constitutional amendment to protect the public interest by affirming in unequivocal language the right of the Federal Government to dispose of the channels of radio communication and to regulate their use.

In strict accuracy the issue is not who owns the ether, although that is the form in which the question is usually phrased. The ether is too intangible, too lacking in substance, to become the subject of ownership. The ether is defined as an all-pervasive medium, filling all space and capable of transmitting electrical vibrations and light waves from place to place. But while this definition is generally accepted it is nothing more than a hypothesis, a conception of scientists, designed to explain certain physical phenomena that can be accounted for in no other way. It is manifest that no claims of ownership can be asserted in something that has only a hypothetical existence, and such claims are not in strictest accuracy put forward.

The real question is whether the use of the ether in broadcasting, or in some other form of wireless communication, over a long period of time confers upon the user a vested interest or any rights comparable to those which the courts are accustomed to protect, even against the regulatory powers of the Government, where property is concerned.

Even this question must be sharply limited in its application. For instance, it is agreed in every quarter that those who have begun to use the ether for wireless communication since the passage of the radio act have acquired no property rights because of such usage, for the radio act specifically provides that licenses granted under its provisions "shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies or wave lengths designated in the license beyond the terms thereof." And the act further declares that its purpose is to provide for the use of the channels of radio communication, but "not the ownership thereof."

These provisions, it is generally admitted, serve as an effectual bar to the assertion of a property interest in the use of the ether on the part of those who have begun to broadcast since the act took effect. But as to the many stations that were on the ether before the passage of the act the question is different.

Prior to 1927 there had been no assertion of the regulatory powers of the United States as against wireless communications stations. No statutory barriers to the erection of property rights through the use of the ether had been created. Did the appropriation of the channels of radio communication and their usage during this earlier period endow the stations then on the air with rights of which the Federal Government can not by legislation deprive them?

Sensing the importance of this question, the framers of radio legislation in 1926 and 1927 undertook to guard against the dangers to which it seemed to point. They pushed through Congress a joint resolution, approved by the President on December 8, 1926, which was intended to estop operators of broadcasting stations from claiming a vested interest in the use of the ether. The resolution required all applicants for broadcasting licenses to waive "any claim or right, as against the United States, to any wave length or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof."

Following up this requirement in the radio act itself, Congress inserted a requirement that all applicants for license sign waivers of "any claim to the use of any particular frequency or wave length or of the ether as against the regulatory power of the United States because of the previous use of the same by license or otherwise."

It would seem at first glance that these requirements would effectually estop all claims to a vested interest in the use of the ether arising from usage prior to the enactment of these two measures. But the fifth amendment to the Federal Constitution provides that no person shall "be deprived of life, liberty, or property without due process of law." Do the requirements as to waiver of rights accruing prior to the passage of the joint resolution of December 8, 1926, and

of the radio act constitute a deprivation of private property without due process of law such as the fifth amendment was designed to prevent?

This issue, fundamental to radio jurisprudence and frequently discussed in Congress, is now about to reach the Supreme Court of the United States for a decision. A case involving this issue in the most direct fashion has recently been certified to the Supreme Court from the Circuit Court of Appeals for the Seventh Circuit, and is now on the docket for argument in the regular order of procedure.

The case arose from General Order No. 40, promulgated by the Federal Radio Commission on August 30, 1928, in which the Radio Commission undertook to redistribute the channels of radio communication available for broadcasting among the various stations. The purpose of the redistribution was to give each of the five radio zones into which the country had been divided an equal share of the frequencies and of the power employed for broadcasting purpose. Such an equalization had been ordered by Congress in the radio act, and in effecting it the commission was merely undertaking to carry out the law.

In making the equalization, the commission found it necessary to deprive some of the numerous stations that had been established in the thickly populated areas around New York and Chicago of the privileges they had formerly enjoyed. WBAL in Baltimore, too, was forced to a half-time basis of operation which it is now trying to escape. The commission undertook this deprivation in order to bestow greater privileges on stations in other zones that had previously enjoyed but few radio stations of high power.

Among the stations near Chicago to suffer as a result of this change was WCRW, which had been owned and operated from 1912 on by Clinton R. White. The commission reduced the power of WCRW from 500 to 100 watts and required a division of time with two other stations. WCRW had previously enjoyed the privilege of full-time operation.

Mr. White protested the order and sought an injunction in the United States district court at Chicago to prevent the United States attorney at Chicago from enforcing the penal provisions of the radio act against him. He contended that through long usage prior to the passage of the radio act he had acquired a property right which entitled his station to a full-time position on the broadcasting band and to the use of 500-watts power. The application for an injunction was denied in the district court.

A case arising in similar circumstances and involving, among numerous other issues, the same fundamental question, came before the Supreme Court a few weeks ago on appeal from the Court of Appeals of the District of Columbia. In that case, which involved the rights of WGY, owned by the General Electric Co., at Schenectady, the court found that it did not have jurisdiction. It threw the case out on the jurisdictional question without undertaking a consideration of the question of property rights in the ether. In the opinion of competent lawyers, there is no way for the court to escape consideration of this question in the WCRW case.

While it may seem desirable in the public interest that the regulatory powers of the Federal Government be upheld, it is to be remembered that the broadcasting stations have invested large sums in construction and equipment and that such investments may be wiped out in whole or in part by rulings which keep the stations idle for a considerable period each day. The cost of station WCRW, a 500-watt station, was probably not very great. But the record in the WGY case indicates that the General Electric Co. had spent a million and a half dollars in the creation of that huge 50,000-watt station. Even where much smaller sums are involved, it may happen that a station represents the entire capital of an individual or a firm. In such circumstances it is not easy to disregard altogether the plea of the broadcasting stations that the power to regulate should not include the power to destroy.

This plea does, to be sure, lose some of its force when it is recalled that the regulatory power of the Federal Government covers not merely the stations that may be aggrieved by regulatory decisions but an entire industry as well. In order to safeguard the whole industry and insure for it a well-rounded development, it may easily become necessary to prune away a few excrescences in particular localities. Destruction of a few stations may be required in order to prevent destruction of the industry in its entirety. Still, destruction of any property is not a procedure upon which our American system of jurisprudence looks with favor.

Broadcasting stations contend that in this respect their position is comparable to that of water companies, which having laid pipes and tapped certain sources of water, acquire a better right to the use of the water than other companies that may later enter the field. Again they compare a broadcasting station to a city transportation company. Once a company has invested its capital in tracks, power houses, and rolling stock in a certain city, it acquires a claim to the use of the city's streets superior to that which may be asserted on behalf of any other concern. The law would not permit a city to eject one traction company in order to give the use of the streets to another.

Quite a different comparison is used by those who oppose any vested right in the ether to define the position of the broadcasting stations. To this group a station occupies a designated frequency on the broadcasting band in exactly the same manner as a fruit vendor occupies a space at the curb in a municipal market. The fruit vendor's license may be repeatedly renewed and he may build up a large patronage through long occupancy of the same location, but he does not acquire a vested interest in the position he is allowed to use. On the contrary he continues there on municipal sufferance and may suffer the termination of his license whenever the public interest may require. According to Louis G. Caldwell, formerly counsel for the Radio Commission and the author of this analogy, the broadcasting station is on the ether on public sufferance and must be prepared without complaint to surrender its license whenever a public regulatory agency deems such a surrender necessary to the public good.

The latter comparison gains in conviction from the fact that prior to the enactment of the radio law and the joint resolution of December 8, 1926, Mr. Hoover, who as Secretary of Commerce had supervision over radio matters, refused to issue station licenses for a longer period than three months. In other words, he kept licensees on a temporary footing entirely comparable to that on which the fruit vendor is placed in the municipal market. While the legal effect of this procedure, in the absence of statutory sanctions, remains to be determined, from the practical standpoint it seems highly persuasive.

PRESIDENT HOOVER'S ADMINISTRATION

Mr. FESS. Mr. President, one year ago to-day Herbert Hoover was inaugurated President of the United States. He came to that office with almost universal recognition as the best equipped from the standpoint of experience and business of any man who has ever been a candidate for that high position. There was much expected of him because of his world-wide experience in the field of relief, in organization, and his ability for effective service as had been demonstrated in eight years at the head of the Department of Commerce. Up to the time he had entered upon the field of activity of the Department of Commerce his work had not had any attachment to Government affairs from the standpoint of a building program. I think that no one will question his remarkable achievement during eight years in bringing that department from one of little recognition to one of greatest recognition. As it stands to-day, although the youngest of governmental departments, it is now one of the greatest.

Mr. Hoover inherited some problems difficult of solution. During the campaign, wisely or otherwise, he pledged himself to call a special session to deal with those problems. On the 15th day of April last Congress met in special session. It heard the message of the President on farm relief and with reference to tariff revision. Immediately the matter of farm relief was taken up by those who recognized the difficulty of its solution. It had been before us for eight years. Everyone recognized its complications. Promises had been made that we would put agriculture on a parity with industry, so far as legislation could do it.

On the 15th day of June, exactly two months after the special session met, the President signed the farm relief bill. He took his time in the appointment of the Federal Farm Board; he literally combed the United States in order to find men peculiarly fitted to handle the various problems coming under the administration of the board. I think it will be conceded that no better board could have been selected. The President did what is very rare in inducing men who command great possibilities of leadership in private industry to sacrifice for the time being their individual opportunities in the business world and to enter the public service.

When the Farm Relief Board was appointed the President did what we expected him to do. He notified the board that it had the problem before it; that it had the authority the Congress had given it, with ample funds, to handle the market situation; and that he would depend upon it well and faithfully to perform the difficult task. In other words, he appointed the board and gave it authority to do the job.

The Farm Relief Board is laboring with a tremendous problem. If it can not be solved by that board, I can not imagine an aggregation of men who can solve it. We kept the pledge of farm relief. That legislation was supported not only by one side of this Chamber but by both sides of the Chamber, and it seemed to receive the approval of the Congress without reference to party. Two months after the special session met the pledge as to farm relief was kept, and I sincerely hope it will be the attitude of this body and of the other body not to throw obstacles in the way of the Farm Relief Board in its efforts to administer the law under the authority granted by it. There is too much of a disposition in the body, I think, to fault the board because it does not do what it has not authority to do. On the other hand, there is some disposition to interfere in what it is doing, which is not wise, as I see it.

Coincident with the establishment of the Farm Relief Board, the question of tariff revision was taken up. As we all know,

that was the second major problem dealt with by the House of Representatives. The tariff bill came to the Senate some time in the latter part of May. It was referred to the Finance Committee on the 29th of May. The Finance Committee asked that it be undisturbed in its deliberations and hearings by constant calls for quorums, and, in response to that request, the Senate took a recess from June 19 until August 19 to give the Finance Committee an opportunity to work out the problem and to report to the Senate.

Before the recess we took the time to pass the reapportionment bill, which had waited for 10 years. We also took time to pass the census bill, and, as everyone will recall, we also took the time to end the confusion with France over the French debt. I regard the settlement of the French debt as major. I do not regard the enactment of the apportionment bill so much so, because the passage of that measure was inevitable, anyway. Its enactment was in pursuance of the Constitution, and the measure had to be passed at some time. Its passage had merely been delayed.

The same thing could truly be said with reference to the census bill. However, the settlement of the French debt should be regarded as the working out of a major problem. Those who claim that there was not anything to do except merely to bring the measure up and vote on it fail to comprehend the seriousness of the situation that faced us from December 15, 1922, when we made our first adjustment with Great Britain. From that time until action last June we were unable to reach an adjustment with the French Government on the debt situation. That is known to everyone. The manner in which the settlement was effected reflects great credit upon the President of the United States.

The Committee on Pinance after spending months working over the tariff bill reported it to the Senate on September 4, 1929, exactly six months ago to-day. Since that time the Senate has been considering the bill without interruption; it has been meeting in the forenoon and running late in the afternoon, and sometimes holding evening sessions, the only break being the short period of the Christmas holiday recess. With that exception we have been working on the bill continuously from September 4 up to this hour.

There has been an immense amount of adverse criticism throughout the country by leaders in business and by many public-spirited organizations. They do not understand the processes of tariff legislation. Mr. President, I frankly state that I have not known any period when there was so little waste of time and so small an amount of extraneous matter dragged into a discussion as during the last six months which have been devoted to the consideration of the tariff bill. The question of unemployment, which was considered yesterday, and on which we spent three hours, is hardly to be regarded as extraneous. It is a subject that may properly be discussed in connection with the tariff question; and I would not count that in the category of extraneous discussion. On a few occasions subjects have been brought forth for discussion in the Senate that could just as well have been avoided, I presume, but, taking it as a whole, the time which has been consumed during the past six months to the day in the discussion of the tariff question has been pertinently consumed.

I have been asked from time to time by those outside the Senate how this body can engage in a tariff discussion which seems to be unending. That is easily understood, Mr. President. I look behind me and I see now sitting in the rear of the Chamber something like a dozen men, connected with the Tariff Commission, who are experts on questions affecting tariff rates. They are almost a part and parcel of the legislation which is now pending. Never before during the consideration of any tariff bill has such a thing happened. This bill is built upon data, and the men to whom I have referred from the Tariff Commission are invited here to furnish information as to their findings and as to facts. Every Senator who speaks authoritatively as a member of the committee in discussing pro or con the various features of the bill has by his side a prompter as to the data. It is not conceivable that any one man could carry in his mind all the information that is necessary to have in the consideration of a tariff bill; it would be silly to think so; I do not think any just criticism can be lodged on that basis. If one wants to know why there has been so much time consumed, the answer is found in the great mass of data that has been supplied, the mere reading of which would consume an enormous amount of time.

So, I state that, while we have been considering the tariff bill for six months, and while there has been serious adverse criticism of the assumed delay, that criticism is hardly justified. We shall be able to tell very soon when the bill passes from the Committee of the Whole into the Senate whether there is any disposition to delay. It can then be determined whether the bill will be opened up again, as may be done under the rules, if the Senate is inclined so to do. I myself do not believe that will be done. There will be some major issues presented again in the Senate; but, so far as I can see—and I want the country to understand this—there is no desire or disposition unduly to delay sending the tariff bill to conference from this body, and what delay may ensue will be difficult to avoid. If the suggestion of the Senator from Utah, the chairman of the committee in charge of the bill, had been agreed to to allow the controlling group in the Senate to say what provisions and rates they wanted in the bill, and had the bill gone to conference in that form, of course, that would have saved considerable time; but it would hardly have been consideration on that high plane that a bill of this character should receive.

Mr. President, there has also been some criticism—and I think it is unjust criticism—against the President for not interfering in the pending legislation on the tariff during its consideration by the Senate. It has been stated that he has taken a position—the flexible provision—and therefore he ought to take the full responsibility. No one who will think seriously about the matter of legislation will agree that that statement is justified. If some new principle is being inaugurated, such, for example, as the flexible provision, the President may properly say something about it. Whether it be politic to do so or whether such action on his part would be subject to criticism I am not here to say. There is, however, a very keen sense of the proper functions and fields of activity of the three departments of the Government, respectively, and sometimes the legislative department resents any suggestion from the Executive. However, I hardly think such resentment is justifiable in a case where a new principle is being enunciated. But because the President has spoken as to a new principle that is being proclaimed in the bill, it has been stated that he ought to tell us just what he wants in the case of individual tariff rates. Mr. President, that is an unfair statement and one which nobody will seriously make. There are 20,000 items in this bill, and on those items there is no unanimity of opinion; as to them we ourselves can not agree; and to contend that the Executive, who has only partial legislative powers, namely, those involved in signing or vetoing bills and in giving information to the legislative body, should say to us what this rate shall be or what that rate shall be is silly, for, in the first place, he can not do it, and, in the second place, it is not his function to do it.

What the rates shall be is not a matter that the President under any circumstances could afford, even were it possible, to interfere with. While I have talked with the President on various subjects, the question of rates has never come up in the discussion when I have said anything to him about the legislation here. In other words, it is not his function; and if he should go beyond the realm of the Executive and indicate to us what he wanted done, the very people who are criticizing him for not doing it would be the most bitter in their indictment of what he was doing that they would say he should not do and that I would say he should not do. So this sniping against the President because he does not do what he should not do in the matter of interfering in rates here has no foundation; and I am sure, when we think about it, we will all agree that that is the case.

Mr. President, the delay in connection with the tariff is inevitable. If we can speed it up, it will have to be the result of our action, and not that of anyone else. The delay has had a bad effect. Nobody is going to blink at that. I stated the other day that uncertainty is the worst enemy of sustained industry and sustained employment. A great statesman, once a Member of this body, one of the country's greatest orators, laughingly remarked at one time in reference to legislation on the money question, "Whenever you tamper with the money issue it is like playing with the business end of a wasp; you will get stung." So I might state what is known to every Senator here—that whenever we tinker with the tariff it is bound to unsettle business. If it is tinkering on lowering the tariff, the interference will be much greater than if it is on raising the tariff.

I made that statement some days ago when some of my friends thought it was not sound; but I insist that if there is a trend, the end of which can not now be determined, toward a downward revision, it is inevitable that business will slow down until the rates are established. That is largely the difficulty in the uncertainty of business to-day.

Only yesterday I was called out of the Chamber by one of the leading business men of Ohio, representing large employment. He said, "When are you going to get the tariff bill out?" He said, "It is really important, because business is not good. Business is slowing down"; and he was quite anxious that we should come to something definite. I am not criticizing the Senate for not doing it, for we are doing the best we can; but I do state what certainly is true, that until there is something

definite as to what these rates are to be business is going to be timid. Hence, the importance of as quick and expeditious final action on this measure as it is possible for us to take.

When we think of what has been accomplished in the year, naturally a legislator always refers to it in the language of legislative accomplishment; that is, we would say, "The farm bill is out of the way. The tariff bill is far on its way to final action. The reapportionment bill is out of the way. The census bill is out of the way. The hospitalization of the veterans, involving the expenditure of $15,000,000 additional money, is out of the way. The settlement of the French debt is out of the way. The reduction of taxes to the amount of $160,000,000 is out of the way."

We speak of the accomplishments of the year in the language of legislation, but we overlook the fact that legislation has had the right of way outside of the tariff bill for only two months of the year; that we, by unanimous consent here, are backing the chairman of the Finance Committee in excluding everything in legislation until this tariff bill is out of the way. When we speak of legislative accomplishment in 12 months we must understand that only 2 of the 12 months have been open to general legislation; and among the things that have been accomplished were the farm bill, which is a difficult subject, and the French debt settlement, which is of great significance in its results.

There are other things in addition to the legislative program, and that is something that I want the Senate and the country to realize.

The function of the Executive is only partially legislative. His primary function is to enforce and administer the laws. He has only a secondary legislative function. He can sign bills or veto them. He can recommend what we shall do. He makes appointments in accordance with law, and so forth; but when we comprehend what the Executive can do and has done outside of legislation it becomes a stupendous accomplishment. His functions are diplomatic. They are administrative. They are social. I do not mean society; I mean bettering the conditions of society. They are economic. In these particular realms the President will always keep within the limits of law; but he can administer without calling for additional legislation if the situation will permit it, as it has done in this case.

The diplomatic accomplishments of the President in the 12 months have been of a high order. Before he was inaugurated he journeyed through South America, visiting the countries where his business had taken him before he became identified with the Government, having been in almost every country of the world before. On this occasion as the Executive elect, he made this trip. I think it was a wise course for him to take. He has created a good feeling in Pan Americanism that never had existed as it exists to-day. There is an understanding and a good will toward the Executive that has not existed in my time toward the Executive of our country. His participation, and its fruition, in the Tacna-Arica problem—the subject of 50 years of controversy—was a real accomplishment, performed largely through personal contact.

His effort to throttle revolution in Mexico by a quick response to the Mexican Executive was quietly done; it did not appear on the front pages of the newspapers, and not much has been said about it. The visit of the Executive of Mexico, following that, has created a relationship between the United States and Mexico the like of which had not existed before, and we are hopeful that it may continue. The President's gradual withdrawal of unneeded marines in Nicaragua, his announcing a policy of noninterference as far as possible with other governments, his appointment of a Haitian commission to study our real relationship, what it is and what it should be, with that island country, are all steps in the same direction.

I listened the other day to the criticism of my good friend from Tennessee [Mr. McKELLAR] of the President's attitude in appointing this commission, in which the Senator said that the President had no such authority, and that the Senate had cut out every vestige of reference to a commission. My friend from Tennessee is not on the Foreign Relations Committee. If he had been a member of that committee, where this matter was fully discussed, he would have found that this was regarded as a matter for the Executive, and that he had ample authority to do it without any further authorization. When members of that committee asked the best lawyers on the committee whether in their minds there was any doubt of the President's authority, it was stated without hesitation that the President did have authority. The desire of the Senate was to allow the President to be unhindered in a solution of a problem that was regarded as his own. He has appointed a commission the personnel of which ranks well with any that could be appointed; and they are trying impartially to secure the facts upon which we can legislate, if legislation is essential.

Why anyone who has any regard for our public welfare and the honor of this Nation should cry out against the head of the Nation for taking the essential step to get impartial data upon which we can announce a policy, I do not understand, unless it be prompted by a partisan desire or a personal enmity. I can hardly think that the latter exists anywhere in this body. I do think the former exists; and I am not going to criticize anyone for embracing the opportunity of making an issue, especially if he is in dire need of an issue.

I do not think I have a right to call that into question. The minority always has but one function; that is, to oppose what the majority is proposing, and hold the majority responsible. So when minorities assail the administration, even if it appears to be purely partisan, there is an understanding of it, and I do not think we are justified in severely criticizing it. We may call attention to it, but should not go further than that.

The President has attempted to find the facts upon which a very sensitive policy must be settled, namely, how far can the Government go in its attempt to stabilize unstable conditions in some of these countries? That is a question on which there is not a united opinion, and we need all the data we can get to guide us in a proper policy.

I am not ready to say that we should withdraw from Haiti. I have been afraid of the operation of the Monroe doctrine. The same thing applies to Nicaragua. Yet I have great sympathy with those who say we should not interfere with any particular government any particular country might want to establish. At the same time, we must respect our duty to our own citizens to protect them wherever they are if they have a right to be there.

This is a great problem, and the President is taking the only legitimate course we can safely pursue unless we abandon the policy. And yet he is criticized for doing that very thing.

Mr. President, the result of this effort on the part of the President has been a better feeling between us and Pan-America than has existed for a generation, and his suggestion that in the new countries of South and Central America there will be road-building campaigns somewhat similar to our own, with the trade which would follow, resulting in the development of those new countries, with the new capital that is sure to go there, will not only tremendously increase the commercial relationship between all the Americas, but it is bound to lead to a better feeling between us and those countries. Is not that an achievement that is worth while? I know of none greater.

Mr. President, bringing about peace in the world, a most difficult undertaking, the effort toward which invites adverse criticism as well as commendation, is another problem the President has been working on. The keynote of the President's inaugural address was peace in the world. The keynote of his message to Congress last December—the leading note—was proper foreign relations.

The President of the United States, in charge of the diplomatic relations of the Government, has taken a high stand, not only for the honor of the United States but for our leadership in securing peace in the world. He approved the aim of the Kellogg pact and felt that something should be done to give it life, to prevent it being a dead letter, and when difficulty arose out in China between a portion of Russia and China, this Government spoke. It spoke through our Secretary of State. It announced that both of those countries were signatories to the Kellogg peace pact, and they were reminded of their obligation. It is true that one of them did not like it and came back with rather a fierce reply, but the world recognized that the voice of the United States had spoken and that we had lived up to our obligation in that controversy.

The President took the matter up with Gibson, our minister to Belgium, and informed Europe that this Government was ready, in spite of the failure of the Geneva conference of 1927, to renew our efforts to adjust the armaments of the world in the interest of peace. That was an unexpected announcement. It created a lot of suspicion. But out of the statement of Gibson that the United States was ready to consider the question of parity, to complete the work unfinished in the Washington conference of 1921 and 1922, came the conversations of General Dawes with the Prime Minister of Great Britain, and along about the 18th of June General Dawes made his great address at the Pilgrim Society dinner, which was an announcement to the world of our willingness to reopen our efforts to secure parity in the interest of peace.

From that came the visit of Mr. MacDonald, and to my surprise, after MacDonald had been received here with open arms and lauded to the skies, with not a word of adverse criticism, now we hear the statement frequently made, not by persons on the Foreign Relations Committee but by those who have their own information as well as their own emotions, that the visit was a mistake, and calling even for the withdrawal of our delegates at the naval conference.

The conference between MacDonald and the President of the United States was unique, the only one of its kind in history, so far as we were concerned. I think such conferences have been more or less common in Europe, but it was unique so far as we were concerned. It was heralded everywhere as an omen of great promise.

The outcome was the conference at London. That conference opened on the 20th of January. This body is highly honored by its representation in that conference. The President exercised his usual good judgment in the selection of the personnel of the delegation of the United States to the conference.

There has been a good deal of concern about how far the conference might go, especially with reference to our involution in European affairs. I think we need have no fear so long as two distinguished United States Senators who can speak the language of this body are present. No one on either side of this Chamber would question the political integrity or the sound thinking of the Democratic leader, the senior Senator from Arkansas [Mr. ROBINSON], who, although he was in favor of the United States entering the League of Nations, would certainly guard the rights of the country without reference to any predilection on any preceding issue.

His colleague, the senior Senator from Pennsylvania [Mr. REED], is not only a thinker, but has the courage that is necessary in discussing these questions with the leaders of Europe. Then, with these are associated the best minds that can be found in the country.

I do not think there is any justification for the suspicion that that conference will do any harm to the interests of the United States, but, on the other hand, if there is a possibility of securing parity and reduction in armaments, this conference is likely to do it. I say that for this reason: MacDonald speaks the language of officials in Europe, and he agrees to parity. Neither the President of the United States nor the people would ever yield to anything less than parity.

The question that is to be thought out is as to whether there could be reduction. I hope there may be. There is some fear that there will not be. There is a desire on the part of the countries which are involved to have an agreement as to equality of ability on the sea, but nobody on either side of this aisle is justified in a criticism of the administration or its efforts to secure parity, even though we fail to secure it, for it is not an easy problem. If we were content to limit ourselves to light ships, it would be an easy problem, but the United States has only 5 or 6 naval stations, widely separated, while Britain has more than 50 naval stations, located everywhere over the civilized seas, so we must demand the large cruiser. England demands the small cruiser. A small cruiser could not serve America because of our geographical situation. The small cruiser can serve Britain, and the large one would be a needless expense.

Mr. CONNALLY. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FESS. Just let me finish this statement.

While Britain demands the 6,000-ton cruiser with 6-inch guns, because that is all that is necessary, with her many naval stations located so closely together, we demand the 10,000-ton cruiser and the 10 or 8 inch gun, because the smaller cruiser would not serve our purpose, as anyone must see.

It once was objected, as every Senator here will recall, when trans-Atlantic steamship transportation was being undertaken, "It is impossible, on account of the simple fact that you can not build a ship big enough to carry the necessary coal to fuel it across the ocean." It was said to be a physical impossibility.

Mr. President, how many 10,000-ton cruisers with 10-inch guns would balance a certain number of small cruisers with 6-inch guns? Would three 10,000-ton cruisers with 8-inch guns be equal to 5, 6, or 7 smaller cruisers with 4 or 5 inch guns? That is not a problem of simple arithmetic; that is a problem difficult to work out, and while nations are wedded to the principle of parity, just what constitutes parity is the problem they are battling to settle. It seems to me that nations are agreed in policy if they could only express it in terms. It shows the will to do it.

Great Britain has a background of policy that she has been building up for 200 years, putting her in such a position that to-day a great freighter flying the British flag could not be found anywhere on the civilized seas with her bunkers filled with coal that she could not speed to a British coaling station before her coal was exhausted. That is the policy of 200 years of British naval supremacy. If the British Government is willing to consider the abandonment of a policy of 200 years of background, and to the extent that a conservative ministry has been turned out in favor of a labor ministry who are in favor of it, I beg the Senate to show a little patience, to wait some time to see whether a result can be worked out. I do not think it is our position, justifiable in the slightest degree, to be sniping at the conference, to call for the return of our delegates. The only thing that can be done in that way is harm. I can not see any good to come from it at all.

Mr. President, the President started out, in renewing the efforts for the peace of the world, to make effective the pact known as the Kellogg peace pact. There is extant a series of utterances both from himself and through representatives leading up to the London conference. He had a conference with the head of the British Government. As a result of that conference the London gathering is now at work. It has a very difficult problem to solve. What is to be the outcome of it? Never in America's history has there been such a feeling toward the United States as to-day because of these efforts and the President's part in readjusting the German reparation situation. It has settled into the common conscience of Americans that if we can lead in this great problem for the peace of the world we ought to do it.

I am hopeful that the conference may be able to see its way clear not to break. I do not think that the recent overthrow of the French Government necessarily means that the conference is going to be broken. I have also in mind the small margin for the British Government in its test the other day, where a change of 4 votes would have put MacDonald out. I think that an adverse vote was withheld because of the desire of the British to further the peace of the world.

At least, the President ought not to be interfered with—within his province, of course, and he has gone not beyond his province—in this great effort to build into the world a will to peace, for it is conceded that if two nations which might get into war would will not to get into war they would not go to war. There is nothing operative in the world to-day that equals public opinion. Public opinion is based upon the good will that is expressed by the interests of the public. If President Hoover can push this progress toward peace to the point where a conviction is built in the interest of peace, we will have peace. I hope the Senate will be patient while these men are working over there on this tremendous problem so stupendous in its possibilities.

Mr. President, I have mentioned only a few things in reference to the President's foreign policy. I had intended to say something about the President's administrative functions. I will do this much only in that respect. The President has demonstrated a high capacity in the choice of men for public office. An unprecedented number of men of successful experience in business and professions have been drawn into the public service. It is possible to say without qualification that the personnel of the Federal Government is stronger to-day than it has ever been before. The President has adopted a new plan. When he sends a nomination to this body he usually follows the practice of publishing the names of those who indorse the nominee, so as to enable the public and the Congress to know the influence, if there is any influence, back of the appointment or the nomination. I think that is a splendid innovation and, while it may embarrass sometimes those whom we call pure politicians, it is in the interest of the public service and I think will be commended by all the country.

His administrative reorganization has been undertaken and strong progress made in many of the important Government bureaus with a view to a reduction of expenditures but at the same time an increase in the efficiency of the service.

The President has initiated an enlarged program for the development of the Mid West, especially the waterways. This creates opposition. There has always been on the part of the great railroads a fear of the development of water transportation. The President has never hesitated on that score. His address upon the completion of the canalization of the Ohio River might be regarded as a classic on water development. In speaking of the completion of the Mississippi waterway, in which the Ohio River is only one branch, he pointed out the tremendous possibilities for increased efficiency and lowering of costs on the part of the people who will be served in that territory. Of course, when we think about the program, the canalization of the Ohio River which is now completed, the improvement of the Missouri River, the improvement of those upper and lower tributaries to the Mississippi River, we realize it would involve an enormous outlay and people are staggered at its magnitude. Yet the President has always taken the position that each improvement will prove itself financially and become a self-supporting enterprise. There will be some opposition to the President's policy on that score, but he has been urging it during the first year of his administration.

The President has also shown a very sympathetic attitude toward the building of our merchant marine and is attempting to administer the White-Jones law in the interest of the upbuild-

ing of a merchant marine. I believe that he is right on that point. If we can not build a merchant marine upon private enterprise—and I am not ready to say that we can not—but if we can not, I think that the merchant marine is sufficiently important that we ought not to abandon it even though the Government must assist in doing it.

These are some of the phases of the President's administrative functions that do not reflect themselves in legislation.

Mr. President, on the question of the social betterment of the country the President has been somewhat criticized just exactly as President Roosevelt was criticized. While I was not in Congress in the Roosevelt days I very accutely recall how his first message was bitterly criticized by our dear beloved and lamented friend, Uncle Joe Cannon. I remember that he said it touched every subject from this to that—I am not using his expressions—meaning that Roosevelt talked about things that were not the subject of legislation, because he talked about the humanizing of legislation.

Mr. President, I have always held that Colonel Roosevelt announced a program that grew out of Republican policies. With most of his program I agreed. I never agreed with his recall of judicial decisions and recall of judges. I think that was fatal, but otherwise I supported him.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from California?

Mr. FESS. I yield.

Mr. JOHNSON. The Senator was speaking of the legislative program announced by President Roosevelt. The recall of judicial decisions and the recall of judges were never announced as a legislative program. That was a matter that was touched upon in the campaign of 1912, but not through any message to Congress whatsoever.

Mr. FESS. The Senator is right.

Mr. WATSON. Mr. President, if the Senator will yield——

Mr. FESS. Certainly.

Mr. WATSON. I think the first announcement made by Colonel Roosevelt in an authoritative way, and I am sure the Senator will agree with me, was the speech he made at Columbus, Ohio.

Mr. JOHNSON. Exactly. I happen to know that is the fact. The first statement he made was at Columbus, Ohio, just preceding the presidential campaign in 1912.

Mr. FESS. The Senator is correct about that. I was vice president of that convention, which was addressed at one time by the distinguished senior Senator from California [Mr. JOHNSON] upon our invitation and also, in turn, by Colonel Roosevelt upon our invitation. It was in that convention that Colonel Roosevelt announced what I regarded as a program. My seat mate in that convention was the present Postmaster General, and we had a good deal of debate in the convention over the utterances of the distinguished colonel. I could not follow Mr. Brown, who was entirely captivated by the announcement of the colonel and became, as Senators know, his Ohio manager.

Mr. President, I have always held that there was a refusal on the part of Republicans to recognize that the program announced by Roosevelt grew largely out of the Republican policy of a protective tariff. We were taking care of industry without looking sharply to the results as they affected human beings. Most of that program has been written into law.

I meant to say that the present President has a very keen response to anything tending to the betterment of humanity. Among other things is the famous conference which he called on child welfare. It is made up of the best talent that could be found in the United States. It is also a conference covering almost every phase of human betterment. The medical service was headed by one of the country's greatest physicians, Dr. Samuel McC. Hammill, of Philadelphia; public health service and administration, headed by the Surgeon General at Washington; education and training, headed by F. J. Kelly, of Moscow, Idaho; the handicapped, prevention, maintenance, protection, and so on, headed by C. C. Carstens, of New York. The field of social betterment as outlined in this program will probably afford a basis of future action or recommendation at some time by the President.

Another indication of his interest in a better social order is his effort to bring about better law enforcement. Mr. President, that has been another subject that has given me considerable mental concern—the growth of crime in the United States, which the enemies of prohibition are trying to impute to the prohibition law. Of course, there is nothing at all to that allegation; and I might as well say here and now, as well as at some future time, that anyone who thinks that the eighteenth amendment to the Constitution will ever be modified has no conception of how moral reform moves.

If anybody thinks that the present agitation is going to lead to the breakdown of the Volstead Act he has no conception of what civilization means once it is aroused. There will be changes in the Volstead law, but the changes will be in the interest of its better enforcement. If we have difficulty in the cities, which we shall have, that will finally be taken care of by education and public sentiment and not by legislation. What I am concerned about is the ease with which friends of prohibition are doing what I think is a detriment to the cause. I have been importuned in this Chamber by persons who seem to think that what we ought to do is to scuttle the movement for prohibition. I say now that suggestions of that kind do more harm to prohibition than do all the wets in the country, because when the morale of a great movement is broken down, especially when all the big newspapers are against it, when everything that is said on behalf of the wets is flashed on the front page of the press and no matter what is said or done on the part of prohibition enforcement is not news, it becomes a difficult problem for us to work out. However, I say to the Senate what the Senate already knows, that the country is stronger for prohibition to-day than it was last year, and it will be stronger next year than it is this year. Movements of reform on a moral basis do not go backward. There will be a reaction of a temporary nature which the newspapers and the wet leadership can effect momentarily, but the subsequent reaction will be tremendous. Now, mark my words. I am speaking of what will take place.

The President has taken the one sound view of the situation. He appointed the finest type of minds in America, a type that is not propagandist, a type that is neither pro nor con. He selected from my State, which is one of the strongest prohibition States in the Union, Newton D. Baker, ex-Secretary of War under President Wilson; a man who is not a propagandist either way, who, I think, has not voted for prohibition, but a man of whom I said to the President, "The announcement of this man's name will immediately command respect throughout my State." He also appointed Judge Kenyon. While the views of Judge Kenyon are well known, he is the type of man who will do his own thinking upon a basis of the facts. The President also appointed Ada L. Comstock. There was some criticism of his appointment of the chairman of the commission. I had no criticism to make.

That commission, the finest in its ability that is available, made a survey and submitted a partial report and recommendations to the President, and he, in turn, sent his recommendations here. The recommendations comprehended seven points: A reorganization in toto of the whole Prohibition Unit, with a relief to the judges, and a greater assurance of expeditious decision of prohibition cases. What did we do? I do not need to say what we have done. We did not follow the recommendations.

Mr. President, in the face of those facts, where is the man who is justified in criticizing the President for what we refuse to do? He has outlined a course. He can not say to Congress, "You must or you must not do this." We would resent that immediately, and we should rightfully resent it. This crime wave is one of the big problems awaiting legislative action.

Mr. President, the executive function, outside of participation in legislative responsibilities, is not confined to diplomacy, administration of law, and the social betterment of the country; it extends to the economic field. There is no doubt in the mind of anyone here as to the clear grasp which the President has of economic problems. I doubt whether there is an individual in Europe or in America who has a greater grasp of such problems. He has announced a new formula, namely, a gradual decrease in the cost of an article, the article at the same time gradually increasing in value, made by highly paid labor, and sold at a reasonable margin of profit. That is a new formula in industry which was outlined by the present President when he was Secretary of Commerce.

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

Mr. FESS. I repeat, that formula involves a gradual reduction of price, a gradual increase in the value of the article, made by highly paid labor, and put on the market at a reasonable profit.

The PRESIDING OFFICER (Mr. GLENN in the chair). Does the Senator from Ohio yield to the Senator from Montana?

Mr. FESS. I should prefer not to yield at this time.

Mr. WHEELER. The question which I wanted to ask has been answered. I merely wanted the Senator to repeat the new formula, as I did not catch it when he first made the statement.

Mr. FESS. Mr. President, the automobile that is put on the market this year is cheaper than the similar car which was marketed last year, yet it is a better car and was made by labor, the wages of which were not reduced. That will have a somewhat bad effect, perhaps, because the process involves an increase in production by decreasing the amount of labor required.

If 25 per cent more product can be put on the market by 10 per cent less labor, that condition reflects itself in a lower cost; and that is being done; but it does have a technological effect upon labor. What is to be the outcome?

The invention of the frigidaire is putting out of commission the iceman. The time will come when almost every home that can afford to buy ice in the summer will have a frigidaire, and then the iceman who goes about peddling his ice will find no market. Such inventions displace a certain amount of labor and, we are told, in some quarters for that reason are subjects of condemnation.

Mr. President, for nine years there has been an effort to prevent what heretofore have been regarded as inevitable, namely, cycles in the business world, a depression following years when there was a high level of business activity. We have always looked upon such a condition as inevitable. It was felt that unregulated production, piling up merchandise on the shelves beyond the power of the people to consume it, and a consequent lack of ability to sell is bound to slow down business or to close down business establishments until the inventories are disposed of. Such slowing down, it had long been thought, portended the beginning of a cycle of depression. We have always looked upon that condition as inevitable, and said, "Oh, it is too bad; we are sorry; but it can not be helped." The present President as Secretary of Commerce, in conference frequently with the leaders of business, recognizing collective leadership, undertook some seven years ago to deal with that problem, and then announced that such cycles of business depression are not inevitable and need not occur if producers will only yield to management and not produce beyond the needs of the public. His idea was this: Increase the wages within limits and base a sound economic system not on low wages in the interest of profit but on high wages in the interest of purchasing power, and if purchasing power be maintained prosperity likewise will be maintained. By holding production within the limits of consumption, measured by the highest purchasing power we can maintain, cycles of business depression will be avoided. That was a major problem of the Secretary of Commerce while he was at the head of that great department; and he has undertaken to carry it into effect as the President of the United States.

Mr. President, I do not know whether or not it is possible to prevent these cycles. I spoke of that subject only a few weeks ago in this Chamber. I have always feared that unregulated production would outrun consumption; and if we ever get to the point where we are producing away beyond what can be consumed, we shall have brought about that result. I have thought a good deal about the battle that the Farm Board is up against right now because of the surplus—not the surplus of this year but the surplus of a hang over from last year. It is calling to the producer of wheat not to market his wheat now, for the reason that it will break the market; and yet, with the enormous surplus that can not be disposed of, for which no buyer can be found, a serious problem is going to accumulate. I have sympathy with the board that is now battling with that particular problem. If we could limit that surplus it would be easy, but we can not.

On the question of manufacturing, where labor is employed, the question is whether we can limit production within the power of consumption. It can be done there a good deal better than it can be done on the farm; so the problem of industry will not be as difficult as the problem of the farm growing out of a surplus.

I have not a firm belief that we can avoid cycles in business, where a high level will be followed by a depression. If it can be done, we have the leadership in the White House that will do it; for the President of the United States has not only been working on the problem for eight years, but he has been educating the public and the leadership of business along that line for eight years.

We had plenty of money. Money was fluid. There were great opportunities for speculation. Securities began to reach the skies. Money was leaving the country banks to be invested in New York because it could command a high rate of interest. Notice was given to the bankers not to permit their money either to go to New York, thus denying local industry its needed capital, nor to charge local industry an additional rate because they could get it in New York. This high scale of buying, due to the fluidity of capital and the amount of money in circulation in the hands of purchasers, created in New York a condition not unlike that created in Florida not long ago; and what we can not understand is why people saw it and did not know that the inevitable was bound to come. They did not, however. The man who had bought and made much in paper profits wanted to buy still more, and the orgy continued. When, finally, uncertainty began to develop, the question came as to what was to be the outcome of industry. The bottom went out of the stock market just as certainly as the bottom went out of the flurry in California, in the Klondike, in Florida. When it started, Mr. President, that was the crisis; for, with the heavy buying on the market, who could tell whether some of the heavy buyers were not involving some great bank? Suppose the word had come to Washington that in the midst of this flurry one depositor withdrew $500,000 from a bank at one time. Suppose the withdrawal of that amount had led others to do likewise. There was not a bank in New York that could have stood it; and if one had gone, they are so articulated that nobody could have told how many would have gone.

Why? Was it because business was unsound? Certainly not. Every factor of sound business that existed in 1928 existed in 1929; and every factor of sound business in 1929 exists today. But if a run had been made upon any one of the major banks of New York, nobody could have told how many would have gone, just as the run on the Knickerbocker Trust Co. in other days precipitated others.

That was a serious moment, Mr. President, when it was known that there was a crisis impending, not because business was not sound, because the unemployment was only the usual unemployment in other years at the same time. It was not that. It was fright. It was lack of confidence. Anybody who knows anything about the banking business knows that all the deposits in a bank can not safely be withdrawn at once. It was on that occasion that we, inclined to criticize, took comfort that we had in the White House the quiet force that knew the situation. He was not an unlearned, inexperienced man, who had to learn his A B C's in matters of business. He grasped the situation immediately; and without making any fuss about it steps were taken to restore confidence.

Now, note, Mr. President and Senators, the steps always preceding a depression:

First, retrenchment on the part of employers.

Second, pay off loans as quickly as possible, and stop.

Third, not only lay off labor but reduce wages.

That is always inevitable in an unregulated depression following a high level. Business says, "We dare not go on. We must retrench. We must keep our outgo within our income"; and business stops. When it stops, it can not be started the next day. It will take two years before it can be gotten on its feet. Instead of laying off men, reducing wages, and retrenching everywhere, with interest rates ascending and banking becoming tighter, the Federal Reserve Board took the step of reducing interest rates. That was to make banking easier. That was to relieve what might be dangerous. Instead of laying off men, the President called the railroad heads here, laid the matter before them, asked them not to retrench on their expenditures, but to enlarge upon their expansions, and they agreed to do it. Then he called labor leaders here and announced to them that he had the promise of business leaders that wages would not be cut, that there would be no retrenchment, that expansion would go on, and asked labor leaders if they would not agree to cooperate, and not demand increased wages; and let it be said forever to the honor of high-type labor leadership that they agreed.

Mr. President, there was for the first time in the history of the world a political leader at the head of the Government, guiding private industry through a maze of crises in the interest of prosperity and the employment of labor.

Then the President called together the key business men outside of transportation, and asked them to cooperate. Then he called a conference of the governors, and asked them to cooperate; and in but a few days we had the forces of capital and labor and the leadership of industry battling against what was always regarded an inevitable crisis following a high level of business activity.

That action was pretty generally applauded throughout the land, Mr. President. I never shall forget, as I sat in the chair presiding over this body when some things were being said in this forum, the words of the senior Senator from Mississippi [Mr. HARRISON] as he suggested, not in language in which I am now speaking, that it was not wise to rock the boat at that time. I never shall forget the words of the senior Senator from North Carolina [Mr. SIMMONS] and the words of the junior Senator from Massachusetts [Mr. WALSH]. This side of the Chamber was quiet. Some of those on the other side of the Chamber, I thought, were unguarded in what they were saying; but there were some golden utterances that came from the leadership that is not of the party to which the President belongs.

Mr. President, I regard the handling by the present President of the economic forces that were playing toward disaster as the most outstanding single economic accomplishment in the history of government of which I have any knowledge.

I am going to conclude by reading a brief editorial from the World's Work, the publication that was given life and great prestige by our much lamented and beloved Walter Page.

After the editor of this nonpartisan publication, giving an appraisal of Mr. Hoover in his first year, had spoken frankly of these accomplishments, he closed with this paragraph:

This is the record for 10 months of 1929 and 2 of 1930, a more detailed account of which appears on page 61. Mr. Hoover enters his second year with much accomplished, more waiting to be done, a wealth of fresh ideas, and certainly the high hope of the country for his continued good health and good fortune.

I bespeak these words to be the words of every Senator here, whether he agrees with Mr. Hoover or not.

Mr. HARRISON. Mr. President, I want to congratulate the Senator from Ohio on his audacity and nerve in speaking explanations of the "mischievements" of the administration during the past one year. It takes a great deal of enthusiasm, an overabundance of Republicanism, for one to rise in this body following what we have experienced in this Chamber, in this country, and at the White House during the last year, and to speak in a laudatory strain of it.

If the failure to solve big and pressing problems is an achievement, then this administration for the past one year has been a success.

If disgusting the farmers of the land is an achievement, then this administration for the past one year has been a success.

If dissatisfying labor and causing to be initiated and administered for labor in this country policies with which they do not agree is an achievement, then this administration for the past one year has been a success.

If inability to maintain confidence in industry and business is an achievement, then this administration has been a success.

It is peculiarly appropriate that to-day, one year following the induction of President Hoover into the White House, whose record the distinguished Senator from Ohio now glorifies, the so-called achievements of the administration should be presented to the American people and to this body by the Senator from Ohio, because if there was one man in public life next to President Hoover who throttled adequate legislation for the farmers of the country when the McNary-Haugen bill was presented to this body for consideration and passage it was the Senator from Ohio. He did more, next to President Hoover's man Friday, Congressman FORT, to pass the present farm law, which is now being administered by this Farm Board, than any man in public life.

I do not suppose there is another Senator sitting here who would have the temerity to claim that the administration of that law as it has been administered has done anything of benefit to American agriculture. We unanimously wrote into the law, as was called to the attention of the Senate the other day, a provision providing for insurance against price decline in the farmer's product, giving the Farm Board power to put the law into operation, and, although cotton and wheat has steadily gone down—in the case of cotton 5 cents and more in the last few months, and in the case of wheat proportionately as much—this board, some of the members of which have been in constant conference with the President of the United States, has failed to put that insurance provision into operation. What nerve does it take for one to speak in laudatory terms of that work as an achievement?

If indecision upon the part of a President is an achievement, then President Hoover's first year is a great success. But the Senator from Ohio can not make labor, which is now out of employment in such numbers, make the farmers of the country, who are receiving practically nothing for their products, or the business men of this country, who have seen their stocks steadily decline during this administration, believe that it is a success.

I had a letter from the Senator's own State the other day. The gentleman who wrote the letter told me of an incident which occurred out in the agricultural regions of Ohio. He said he showed a motion picture, exhibiting to groups of farmers present the pictures of various Presidents. Then he took a secret ballot to ascertain from them the most popular President in their opinion, and out of all the Republicans who voted in that little rural community in the Senator's State the man whom the Senator now lauds received 1 vote.

Mr. CARAWAY. I venture to say he was the postmaster.

Mr. HARRISON. He probably was the postmaster, or perhaps was some kindred to the Senator from Ohio. So, Mr. President, with the feeling upon the part of the farmers of Ohio, and of labor, as indicated by the incident which happened in the city of Cleveland in Ohio, which the Senator, as well as all of us, read of, only recently he can not fool anyone into believing that this administration's first year has been a success.

Mr. HALE. Mr. President, the Senator from Ohio has made a very able and interesting speech on the achievements of the administration, and I want to congratulate him upon it. I was called out of the Chamber while the Senator was speaking about the American position at the London conference, but I have talked with a Senator who was in the Chamber, who told me that the Senator made substantially the following statement:

We insist upon and there is accorded us parity. We demand cruisers of 10,000 tons, with 8-inch guns, while Britain is content with cruisers of lesser tonnage, with 6-inch guns. The one question is to reach parity of so many 10,000 ton 8-inch gun cruisers for a navy of equal strength composed of cruisers of lesser tonnage, with 6-inch guns.

I would like to ask the Senator whether that is substantially what he said?

Mr. FESS. Substantially, except that the quotation seems to indicate that I said that that was the only problem, as if I had said that was the one question. One of the questions was how many of the large cruisers it would take to balance so many of the small.

Mr. HALE. I was simply alluding to the cruiser part of the statement. I think the Senator has very well expressed the American position.

THE FEDERAL POWER COMMISSION

Mr. WHEELER. Mr. President, I have listened with a great deal of interest to the most interesting and amusing and illogical speech of the Senator from Ohio. I agree with him that the President of the United States has many new formulas for the purpose of running the Government of the United States. I desire this morning to call attention for a short time to one of the new formulas which the President of the United States seems to be putting into operation with reference to power. I want to call attention to some very interesting facts which were developed before the Committee on Interstate Commerce of the Senate just recently in one of its hearings.

It should be recalled that the Federal water power act was approved on June 10, 1920. It created a Federal Power Commission to consist of three Cabinet officers—the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture—without additional compensation.

Second, the act provided for the appointment of an executive secretary, whose salary was to be paid by the commission direct.

An appropriation was made for that purpose, and for traveling and miscellaneous expenses of the commission. No appropriation was made for the personnel excepting for the salary of the executive secretary.

Third, it was provided in the act that the commission might request the President to detail an officer from the United States Engineer Corps to serve the commission as an engineer officer, his duties to be prescribed by the commission.

A further provision was made that the work of the commission should be performed by and through the Department of War, the Department of the Interior, and the Department of Agriculture, and their engineering, technical, clerical, and other personnel, except as might be otherwise provided by law.

Upon the organization of the commission there was detailed from the Engineer Corps of the Army one Col. William Kelly as chief engineer and Maj. H. S. Dennison as assistant chief engineer for the commission. Those engineers served about four years, about as long as the regulations of the Army would permit.

When their time was up, Colonel Kelly resigned from the Army and accepted a position with the National Electric Light Association as director of engineering, or with some such title. Major Dennison was relieved before Colonel Kelly and was assigned to duty at New Orleans with some board having to do with the Mississippi River, and his place was taken by Major Edgerton, who acted as Colonel Kelly's assistant for several months, when Edgerton became Chief of Engineers.

After serving for a time with the National Electric Light Association, Colonel Kelly was appointed to a position or an office with the Niagara Falls Power Co., and Major Dennison took his place with the National Electric Light Association. These gentlemen occupy these positions to-day, except that Colonel Kelly now holds a high executive office in several large corporations associated with the Niagara Falls Power Co.

Mr. President, with that preliminary statement as to the duties of the commission, I want to invite the attention of the Senate to the fact that the Power Commission as it is created is composed of the Secretary of the Interior, the Secretary of

War, and the Secretary of Agriculture, who pass upon applications for permits which the great power companies make for the power sites which constitute one of the most valuable natural resources in the country. During all of this time, ever since 1920, when the commission was created, it has been called upon to grant or to deny permits to the great electrical companies which are seeking those permits. It has been called upon to pass upon questions of valuation of some of the electric-light companies. It has been called upon in many other instances to pass upon questions which are of vital interest to the electric-light companies and the electrical companies generally throughout the United States.

I am wondering what the Senate of the United States would think if, as a matter of fact, it should be found that the members of the Interstate Commerce Commission, created by the Government of the United States for the purpose of protecting the people of the country against what they felt were unjust exactions by the railroads, were honorary presidents of an organization which is being financed by the railroads of the country. I am wondering what the Congress of the United States would say if they found that the secretary of the Interstate Commerce Commission, who has to deal directly with granting or refusing favors to the railroads, was having his expenses paid to Europe by an organization that is being financed by the railroads of the country. I am wondering, too, what the Congress of the United States of America would say and what the public generally would think if the members of the Tariff Commission belonged to some organization that was being financed by those who are seeking special favors at the hands of the Tariff Commission. I am wondering what the people of the country would think if the secretary of the Tariff Commission was accepting money for a trip to Europe from an organization which was being financed by the tariff barons. Likewise, I might go on and ask what the people of the country would think if every department of our Government had in it secretaries whose trips to Europe and whose vacations were paid for by those who were seeking special favors at the hands of their department.

Mr. President, I may be very sensitive about this matter, but I was rather shocked the other day when before the Interstate Commerce Committee of the Senate, Mr. Merrill, a former secretary of the Federal Power Commission, brazenly told us that while he was secretary of the commission he went out and organized a world power conference; that this world power conference was financed almost entirely by the National Electric Light Association, by the Guaranty Trust Co., and by the Electric Bond & Share Co.; that while he was secretary of the Power Commission he was also the head of the world conference, which was receiving its money from the Electric Light Association and the great electrical trusts of the country. For fear that I might be misquoted with reference to the matter I desire to read some portions of his testimony. He is speaking now of the representation in the world power conference:

Mr. MERRILL. In the Department of Commerce are the Bureau of the Census, the Bureau of Foreign and Domestic Commerce, the Bureau of Mines, and the Bureau of Standards. In the Department of the Interior are the Geological Survey and the Reclamation Service. In the Department of Agriculture there is the Forest Service. In regard to this Federal Power Commission it is represented——

The CHAIRMAN. By whom?

Mr. MERRILL. By its executive secretary. The next group are individual members. And out of that group of individual members each 100 members has one representative on the council. The final group is a group of contributing members. Those are the corporations. They have their representatives on the council.

The CHAIRMAN. Who promoted this organization?

Mr. MERRILL. I was largely responsible for it. It started in 1923. I have been chairman of the organization committee since it was created in August, 1923. But it has been up to date a voluntary organization.

The CHAIRMAN. Is it incorporated?

Mr. MERRILL. It is not.

The CHAIRMAN. Do you not have a chairman of your board of directors?

Mr. MERRILL. I am the chairman of the board of directors.

The CHAIRMAN. And you vote them all I suppose.

Mr. MERRILL. What was that?

The CHAIRMAN. You vote all the directors?

Mr. MERRILL. I do not.

Senator DILL. Do they have a paid official, or I mean did they have one before you took over the work?

Mr. MERRILL. No.

The CHAIRMAN. Who did the work, then?

Mr. MERRILL. I did the majority of it.

The CHAIRMAN. Voluntarily?

Mr. MERRILL. Yes.

Senator WHEELER. Where did you get your money from?

Mr. MERRILL. Through the dues of our members.

Senator WHEELER. From these corporations?

Mr. MERRILL. No; well, let me go back and explain that: It was organized originally to take part in the London conference of 1924. We had about 300 members, who paid dues of $10 per annum. There was no expectation at that time of doing more than take part in the London conference, and so certain guaranties were made by people interested in order to pay the expense of attending the conference at London. I think something like $25,000 was raised.

Senator WHEELER. Who put that money up?

Mr. MERRILL. These same groups that put up the guaranty at the present time. I do not know the names on the list because I never saw it. But when we came back——

Senator WHEELER (interposing). Did you go over as a member?

Mr. MERRILL. Yes. I went to the London conference as the chairman of the American committee.

The CHAIRMAN. And who paid your expenses?

Mr. MERRILL. My expenses were paid in part by the United States and in part by the committee. I went over as a delegate of the United States as well.

Senator WHEELER. You went over as a delegate representing the United States Government?

Mr. MERRILL. Yes, sir.

Senator WHEELER. Under what authority?

Mr. MERRILL. Under the authority of the Comptroller General that my expenses could be properly paid—no, I will correct that. That was not in 1924. That was not until 1926.

Senator WHEELER. You say that was in 1926?

Mr. MERRILL. Yes, sir.

Senator WHEELER. And the Comptroller General approved your expense account?

Mr. MERRILL. Yes, sir.

Senator WHEELER. For a part of it, and a part of it was put up by these organizations?

Mr. MERRILL. Yes, sir.

Senator WHEELER. And the money of the organization was put up by the power companies?

Mr. MERRILL. I say, Senator WHEELER, I do not know. I presume that it was. It was put up by the power, manufacturing, and industrial groups. But who they were I do not know, because I never saw the list.

Senator WHEELER. Wasn't there a question in your mind as to whether or not you should accept or permit these organizations to put up any money, particularly the electrical companies, for the purpose of paying your expenses when you were a representative of the United States Government and the executive secretary of the Federal Power Commission?

Mr. MERRILL. Not when we were dealing with organization, the purpose which this meeting was.

Senator WHEELER. It never occurred to you that there was anything wrong?

Mr. MERRILL. No; and I do not think that it occurred to anybody else. And I might go one step further and say that the honorary chairman of our organization at that time was Secretary Hoover, of the Department of Commerce.

Senator WHEELER. It never occurred to him that there was anything wrong about it?

Mr. MERRILL. Evidently not. And three other members of the Cabinet were honorary members of the committee. At the present time the honorary chairman of the American section is Secretary Lamont, and honorary members are the three members of the Federal Power Commission.

At this point I want to call attention to just who are the members of the American World Power Conference Committee. I find in the list, which has been furnished me, that the honorary chairman of the organization is the Hon. Robert P. Lamont, Secretary of Commerce. The honorary vice chairmen are the Hon. Patrick J. Hurley, Secretary of War, member of the Federal Power Commission, Washington, D. C.; Hon. A. M. Hyde, Secretary of Agriculture, member of the Federal Power Commission, Washington, D. C.; Mr. Owen D. Young, chairman of the board of the General Electric Co., 120 Broadway, New York City; Mr. A. W. Robertson, chairman of the board of the Westinghouse Electric Co., 150 Broadway, New York City; Mr. Matthew S. Sloan, president of the National Electric Light Association, 420 Lexington Avenue, New York City; Mr. Sidney Z. Mitchell, chairman of the board of the Electric Bond & Share Co., 2 Rector Street, New York City; Mr. Samuel Insull, president of the Commonwealth Edison Co., 72 West Adams Street, Chicago; Mr. George B. Cortelyou, president of the Consolidated Gas Co., 4 Irving Place, New York City; Mr. James H. McGraw, chairman of the board of the McGraw-Hill Publishing Co., Tenth Avenue at Thirty-sixth Street, New York City.

The next gentleman on the list is Mr. Charles Piez, president of the American Society of Chemical Engineers, 910 South Michigan Avenue, Chicago; Mr. William H. Bassett, first vice presi-

dent of the American Institute of Mining and Metallurgical Engineers, 33 West Thirty-ninth Street, New York City; Mr. John F. Coleman, president of the American Society of Civil Engineers, 228 Hibernia Building, New Orleans.

The executive officers are Mr. O. C. Merrill, chairman, Edmonds Building, Washington, D. C.; Mr. Henry J. Pierce, vice president, 2 Rector Street, New York City; Mr. H. M. Addinsell, treasurer; member of the firm of Harris Forbes & Co., 56 William Street, New York City; Miss M. Waters, assistant to the chairman, Edmonds Building, Washington, D. C.

The members of the board are: Mr. O. C. Merrill, chairman, Washington, D. C.; Mr. Henry J. Pierce, vice chairman, 2 Rector Street, New York City; Mr. H. M. Addinsell, treasurer; Mr. Paul S. Clapp, managing director, National Electric Light Association, 420 Lexington Avenue, New York City; and others. The council consists of practically the same members. I ask unanimous consent that at this point the list to which I have referred may be inserted in the RECORD as a part of my remarks.

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

The list is as follows:

AMERICAN COMMITTEE WORLD POWER CONFERENCE

Hon. Robert P. Lamont, Secretary of Commerce, Washington, D. C., honorary chairman.

Hon. Patrick J. Hurley, Secretary of War; member Federal Power Commission, Washington, D. C., honorary vice chairman.

Hon. A. M. Hyde, Secretary of Agriculture, member Federal Power Commission, Washington, D. C.

Mr. Owen D. Young, chairman of the board, General Electric Co., 120 Broadway, New York City, N. Y.

Mr. A. W. Robertson, chairman of the board, Westinghouse Electric Co., 150 Broadway, New York City.

Mr. Matthew S. Sloan, president National Electric Light Association, 420 Lexington Avenue, New York City.

Mr. Sidney Z. Mitchell, chairman of the board, Electric Bond & Share Co., 2 Rector Street, New York City.

Mr. Samuel Insull, president Commonwealth Edison Co., 72 West Adams Street, Chicago, Ill.

Mr. George B. Cortelyou, president Consolidated Gas Co., 4 Irving Place, New York City.

Mr. James H. McGraw, chairman of the board, McGraw-Hill Publishing Co., Tenth Avenue at Thirty-sixth Street, New York City.

Mr. Charles Piez, president American Society of Mechanical Engineers, 910 South Michigan Avenue, Chicago, Ill.

Mr. William H. Bassett, first vice president American Institute of Mining and Metallurgical Engineers, 33 West Thirty-ninth Street, New York City.

Mr. John F. Coleman, president American Society of Civil Engineers, 228 Hibernia Building, New Orleans, La.

EXECUTIVE OFFICERS

Mr. O. C. Merrill, chairman Edmonds Building, 917 Fifteenth Street NW., Washington, D. C.

Mr. Henry J. Pierce, vice chairman, 2 Rector Street, New York City.

Mr. H. M. Addinsell, treasurer, member of firm, Harris Forbes & Co., 56 William Street, New York City.

Miss M. T. Waters, assistant to chairman, Edmonds Building, 917 Fifteenth Street NW., Washington, D. C.

BOARD

Mr. O. C. Merrill, chairman, Washington, D. C.

Mr. Henry J. Pierce, vice chairman, 2 Rector Street, New York City.

Mr. H. M. Addinsell, treasurer, member of firm, Harris Forbes & Co., 56 William Street, New York City.

Mr. Paul S. Clapp, managing director, National Electric Light Association, 420 Lexington Avenue, New York City.

Col. Hugh L. Cooper, consulting engineer, 101 Park Avenue, New York City.

Maj. Alexander Forward, managing director, American Gas Association, 420 Lexington Avenue, New York City.

Dr. Elwood Mead, Commissioner of Reclamation, United States Bureau of Reclamation, Washington, D. C.

Mr. Calvin W. Rice, secretary, American Society of Mechanical Engineers, 29 West Thirty-ninth Street, New York City.

Mr. David B. Rushmore, Fifth Avenue at Fifty-fourth Street, New York City.

Dr. George Otis Smith, director United States Geological Survey, Washington, D. C.

Mr. Scott Turner, director United States Bureau of Mines, Washington, D. C.

COUNCIL

Mr. O. C. Merrill, chairman, Washington, D. C.

Mr. Henry J. Pierce, vice chairman, New York City, representing American Electrochemical Society.

Mr. H. M. Addinsell, treasurer, New York City.

Mr. C. E. Bockus, president Clinchfield Coal Corporation, 75 West Street, New York City, representing National Coal Association.

Mr. F. E. Bonner, executive secretary Federal Power Commission, Washington, D. C., representing Federal Power Commission.

Dr. L. J. Briggs, chief division of mechanics and sound, representing Bureau of Standards, United States Department of Commerce.

Mr. Paul S. Clapp, managing director National Electric Light Association, representing National Electric Light Association.

Col. Hugh L. Cooper, consulting engineer.

Maj. Alexander Forward, managing editor American Gas Association, representing American Gas Association.

Lieut. Gen. Edgar Jadwin, representing Corps of Engineers, United States War Department.

Mr. M. T. Jones, chief division of electrical equipment, representing Bureau of Foreign and Domestic Commerce.

Dr. Elwood Mead, Commissioner of Reclamation, representing Bureau of Reclamation, United States Department of the Interior.

Mr. T. W. Norcross, chief engineer United States Forest Service, representing Forest Service, United States Department of Agriculture.

Mr. George A. Orrek, consulting engineer, 52 Vanderbilt Avenue, New York City, representing American Institute of Consulting Engineers.

Mr. H. deB. Parsons, 26 Beaver Street, New York City, representing American Society of Civil Engineers, power division.

Mr. Calvin W. Rice, secretary American Society of Mechanical Engineers, representing American Society of Mechanical Engineers.

Mr. David B. Rushmore, representing American Institute of Mining and Metallurgical Engineers.

Dr. George Otis Smith, Director United States Geological Survey, representing Geological Survey, United States Department of Interior.

Mr. W. M. Steuart, Director Bureau of the Census, representing Bureau of the Census, United States Department of Commerce.

Mr. Scott Turner, Director United States Bureau of Mines, representing Bureau of Mines, United States Department of Commerce.

Mr. WHEELER. I want to call attention to the fact, Mr. President, that here we have the heads of all the great electrical companies in the United States of America. They are the leading men who have been contributing money to fight legislation in the Congress, for instance, in the case of Muscle Shoals; it is the same group of men who have fought every forward-looking piece of legislation for the control of the Electrical Trust and the Power Trust from one end of the country to the other; it is the same group of men who have come before the Federal Power Commission seeking favors in the way of permits for power sites; it is the group of men who, as the lobby committee has shown, have been furnishing money to the lobbyists in Washington to try to stop legislation. We find them, Mr. President, belonging to an organization of which the members of the Federal Power Commission are honorary members.

We find, further, that the money for the organization is being put up by the National Electric Light Association, which is the lobby committee for all the electric-light concerns and for the Power Trust in the country. But let me read further, Mr. President:

Senator DILL. And it is financed by this National Electric Light Association primarily?

He is referring to the world conference, the names of the executive officers, of which I have just inserted in the RECORD, and of which four members of the President's Cabinet are honorary vice presidents.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the junior Senator from Montana yield to his colleague?

Mr. WHEELER. Yes.

Mr. WALSH of Montana. Will the Senator tell us what is the ostensible purpose of this organization?

Mr. WHEELER. It was not quite clear to the members of the committee, to me, at least, and to some other members of the committee, what the purpose of the organization was, but Mr. Merrill said, in substance, that the purpose of it was to have some kind of a world organization that would exchange views with reference to power and the development of power in various countries and ascertain whether or not power development was feasible in some of the newer countries where power has not been developed.

Mr. WALSH of Montana. Has the organization put out any literature which would indicate the scope of its operations?

Mr. WHEELER. Their only piece of literature, I think, is the one piece of literature which was handed to the committee, but I did not read it through when it was handed to the committee. It was more or less general, however, in its nature.

Mr. WALSH of Montana. The Senator from Montana says the organization is financed by the National Electric Light Association?

Mr. WHEELER. Mr. Merrill said that a few members put in $10 apiece, but that the great bulk of the funds was guaranteed by the National Electric Light Association and was paid

in by the Electric Bond & Share Co., and, I think, he said the Guaranty Trust Co.

I quote further from Mr. Merrill's testimony:

Senator DILL. And it is financed by this National Electric Light Association primarily?

Mr. MERRILL. The financing at the present time is guaranteed by them, but it will be distributed out among all these groups.

In other words, the organization is financed by the National Electric Light Association, I take it, but it will be extended to all of the power companies and electric light companies which are a part and parcel of the National Electric Light Association.

Senator DILL. Does anybody else get a salary besides you?

Mr. MERRILL. Yes, sir; the members of my staff.

Senator TYDINGS. Will the Government pay any part of it?

Mr. MERRILL. No, sir.

Senator TYDINGS. You say it is to be distributed among all the groups?

Mr. MERRILL. I mean among the individuals and this contributing membership group, plus the Government memberships.

Senator WHEELER. The people who put up the money are the National Electric Light Association and Electric Bond & Share Co. and the Guaranty Trust Co., and who else, so that we may have all of it?

Mr. MERRILL. The ones I expect it will be distributed amongst will be organizations like the National Electric Light Association, and propably——

Senator WHEELER (interposing). Oh, do not let us have the probabilities but the facts.

Mr. MERRILL. Well, I say at the present time the National Electric Light Association is guaranteeing the financing and is at the present time paying the expenses for the electrical industry.

Senator WHEELER. And they have been all the time?

Mr. MERRILL. Since the 1st of July, 1929.

Senator WHEELER. Who paid it before that time?

Mr. MERRILL. The expense up to that time was paid out of money left over from the original financing made in 1923, because the expense has been very small.

Senator WHEELER. And who put up that money?

Mr. MERRILL. I have said that I do not know who they were individually, but I assume that they were the American and foreign power companies, banking organizations, and organizations interested in foreign commerce, like the General Electric and the Westinghouse, and so on.

Senator PITTMAN. Why do you assume that?

Mr. MERRILL. Because those are the groups that it was the intention should finance it then.

In other words, Mr. President, Mr. Merrill, while he was acting as secretary for the Federal Power Commission, while he was passing upon permits and passing upon the regulations affecting the power companies and the financing of power companies, if he were carrying out his duties under the act, went out among these electrical companies and the power interests all over the country and said to them, "We want you to put up money to finance a world conference." The strange thing about it, one that I can not understand, is, that Mr. Hoover, who was then Secretary of Commerce, permitted himself to be used as the president of the organization. His name, of course, carried great weight, for when they saw that Mr. Hoover was president of the organization and that Mr. Work and the Secretary of War were permitting their names to be used, of course, the power interests were only too glad to put up the money for this organization.

I am not charging that Mr. Merrill was influenced in his opinions in this respect, but, Mr. President, I say that it was shocking to me, as it was shocking I am sure to practically every member of the committee who listened to his testimony when he brazenly sat there and said, "Yes; they were collecting the money; they were financing the organization," and yet those very interests were appearing before him, perhaps the next day, asking permits from the Government for great power sites, asking that there be given to them under the regulations of the Government the vast natural resources of this country.

I received a letter only yesterday—I have not it with me this morning—from the editor of the Louisville Times. He said, in substance, that probably explains why Mr. Merrill was campaigning actively and making speeches in favor of a power company in his section of the country while he was at the same time executive secretary of the commission. Mr. President, it may also explain a great many other things that have been going on in the city of Washington with reference to the great electrical companies and power interests. It may explain further why it was in the last election in my home State the power interests lined up almost to a man in voting for the present President of the United States.

I want to call attention to the fact that in one or two precincts where the power interests concededly and admittedly dominate the voters, the voters cast their ballots, 18 for the Republican candidate for President and 1 for the Democratic candidate for President; in another place the vote was almost unanimous in favor of the Republican candidate, while at the same time they cast practically all their votes for the Democratic candidate for governor. That shows how completely, if you please, the power interests control the votes in that particular section.

Mr. President, I now read further from the testimony:

Mr. MERRILL. I have said that I do not know who they were individually, but I assume that they were American and foreign power companies, * * *.

Senator PITTMAN. * * * I asked you why you presumed it, because you have said that was the intention, that they should do it.

Mr. MERRILL. I say, that is the intention of the organization as it exists to-day.

* * * * * * *

Senator WHEELER. Who was on the finance committee?

Mr. MERRILL. Mr. H. M. Addinsell, Mr. Henry J. Pierce—

And if my recollection serves me correctly, Mr. Pierce was one of those who was mixed up in one of the lobbies for the power interests here in Washington.

Mr. John W. Lieb, who was then vice president of the New York Edison Co.

Senator DILL (interposing). This man Henry J. Pierce is the same man who has been paid, according to the accounts filed by different companies, considerable sums for his work in Washington?

Mr. MERRILL. It is the same man; yes, sir.

Senator DILL. For Electric Bond & Share and other affiliated companies?

Mr. MERRILL. I know nothing about that, but it is the same man.

Senator PITTMAN. Did you ever have a conference with the finance committee?

Mr. MERRILL. No, sir.

* * * * * * *

Senator PITTMAN. And you knew they were getting money to pay this expense?

Mr. MERRILL. Yes, sir.

Senator PITTMAN. And you knew the purpose of it?

Mr. MERRILL. I say, I assume that.

Senator KEAN. Mr. Lee was originally a New York Edison Co. man?

Mr. MERRILL. Yes, sir.

Senator WHEELER. When did Mr. Hoover become a member of that American committee?

Mr. MERRILL. When it was originally organized, in 1923.

Senator WHEELER. Did he know where the money was being raised?

Mr. MERRILL. I presume so.

Senator WHEELER. What other Cabinet members were members of the American committee of the World Power Conference?

Mr. MERRILL. The three members of the Federal Power Commission.

Senator WHEELER. Who were they at that time?

Mr. MERRILL. At that time they would have been Secretary Weeks, Secretary Wallace, and Secretary Work.

Senator WHEELER. When was it that you became the executive secretary or the head of it?

Mr. MERRILL. Do you mean permanently?

Senator WHEELER. Yes.

Mr. MERRILL. The 1st of July, 1929.

Senator WHEELER. What members of the Cabinet are members of it at the present time?

Mr. MERRILL. The Secretary of Commerce and the three members of the Federal Power Commission, one as the honorary chairman and the other three are honorary vice chairmen.

Senator WHEELER. Do you mean to say that Secretary Wilbur is now an honorary vice chairman?

Mr. MERRILL. Do you mean of the American committee of the World Power Conference?

Senator WHEELER. Yes.

Mr. MERRILL. Yes, sir.

Senator WHEELER. And that the Secretary of War is an honorary member?

Mr. MERRILL. Yes, sir.

Senator WHEELER. And that the Secretary of Agriculture is an honorary member?

Mr. MERRILL. Yes, sir. And Secretary Lamont is the honorary chairman.

Senator WHEELER. Do they understand that this money is being put up by Electric Bond & Share Co., the National Electric Light Association, and so on?

Mr. MERRILL. I assume that they do.

Senator TYDINGS. Do any of them receive any compensation?

Mr. MERRILL. No, sir.

Senator TYDINGS. Who else receives compensation besides you?

Mr. MERRILL. The members of my staff.

* * * * * * *

Senator TYDINGS. Did you have a talk with Secretary Hoover at the time that this thing came into being?

Mr. MERRILL. Do you mean back in 1923?

Senator TYDINGS. Yes.

Mr. MERRILL. Yes.

Senator WHEELER. Did he recommend that it be formed?

Mr. MERRILL. Yes; that is my recollection.

Senator WHEELER. Did he recommend you to any groups that you know of as the proper man to head this organization?

Mr. MERRILL. I do not know.

Senator WHEELER. Did he indicate to you that he would do so?

Mr. MERRILL. I think my recollection is that Secretary Hoover was brought in as honorary chairman after the organization had been created.

Senator WHEELER. Did you learn that he was requested to designate any man to take charge of this organization?

Mr. MERRILL. What was that?

Senator WHEELER. Did he indicate that some one had asked him to designate a good man to take charge of this work?

Mr. MERRILL. No; he had nothing whatever to do with that part of it.

* * * * * * *

Senator WHEELER. Who was the first person that approached you in reference to the formation of this committee?

Mr. MERRILL. The representatives of the committee in Great Britain, who started the organization in the first place.

Then he goes on:

The CHAIRMAN. And who is Mr. Pierce?

Mr. MERRILL. He is the vice chairman of our American committee.

The CHAIRMAN. What is his occupation outside of that?

Mr. MERRILL. He is engaged in financial matters at the present time.

The CHAIRMAN. He is engaged in what?

Mr. MERRILL. In financial dealings.

The CHAIRMAN. With whom?

Senator WHEELER. Yes; with what power interests is he connected?

Mr. MERRILL. I am not sure that he is connected with any particular power group at the present time. But he has been associated, of course, with Electric Bond & Share, and he was and still is the president of the Washington Navigation & Development Co.

Senator WHEELER. And Mr. Paul Clapp is what?

Mr. MERRILL. Executive director of the American Electric Light Association.

It should be recalled, of course, that Mr. Paul Clapp, executive director of the National Electric Light Association, and one of the organizers of this conference, was for several years special assistant to Secretary of Commerce Hoover in charge of power and waterways development. He left the department directly to become the real head of the National Electric Light Association, about which so much has been said in the Federal Trade Commission hearings.

Senator WHEELER. And he was one of the active members in the organization of this matter, this whole work?

Mr. MERRILL. Yes, sir.

Senator WHEELER. And he was one of the men who came to you and wanted you to take charge of this particular work?

Mr. MERRILL. Yes, sir.

Senator WHEELER. Now, likewise, he was one of the men who has been instrumental in raising money for the organization?

Mr. MERRILL. You are quite right about that.

Senator WHEELER. And almost since its inception he has been very active in the organization, has he not?

Mr. MERRILL. No; Mr. Clapp was not particularly active in the organization until Mr. Lieb, who represented the National Electric Light Association, dropped out.

And, of course, when Mr. Lieb dropped out and passed away, Mr. Paul Clapp became the head of the National Electric Light Association, and he immediately became very busy in this organization.

Senator WHEELER. I just wanted to ask you this, Mr. Merrill: You suggested that you had numerous applications from the Electric Bond & Share Co. and had granted certain permits to them while you were the executive secretary of the Federal Power Commission. Is that right?

Mr. MERRILL. Yes.

Senator WHEELER. And that likewise you had had application from a great many other power companies while you were the executive secretary of the Federal Power Commission?

Mr. MERRILL. Yes.

Senator WHEELER. And that a good many were granted?

Mr. MERRILL. Yes.

Senator WHEELER. And these people you knew, I mean, Electric Bond & Share, were contributing to your organization, as well as others, didn't you know that?

Mr. MERRILL. Well, let me get that clear before you if you will.

Senator WHEELER. All right. Go ahead.

Mr. MERRILL. There were contributions made originally, as I have stated, to finance the meeting of 1924 in London. The amount raised for that purpose exceeded the actual expenses of that particular meeting. The treasurer of the American committee offered to return pro rata the difference or to hold it in the treasury as a means of paying current expenses. I think there was about—well, possibly $10,000 left over, and no other money was raised at any time from then until after the permanent organization was created.

So they raised this money first from the Electric Bond & Share Co., from the National Electric, and others, to pay for this trip to London, notwithstanding the fact that Mr. Merrill went there as a delegate from the United States Government, and notwithstanding the fact that the Government of the United States paid part if not all of his legitimate expenses to that conference.

Senator WHEELER. What I am trying to get at is this: The Electric Bond & Share Co. and other power interests, who have business before the Federal Power Commission down here in Washington, are contributing to an organization of which the executive secretary of the Power Commission is a member, and of which also the three members of the President's Cabinet who compose the Federal Power Commission are likewise members.

Mr. MERRILL. That is correct; yes. But in respect of the other question it should be understood that the original financing was for the meeting only in London, and there was no intention at that time at all to create an organization. There were, however, moneys left over from that original financing and which was used to keep temporary organization going until the permanent organization was created on the 1st of last July.

Senator PITTMAN. Did you expect a permanent organization to be created?

Mr. MERRILL. No.

Senator WHEELER. And you could see nothing wrong in permitting these electrical companies, like Electric Bond & Share, to contribute to your expense when you went to the London meeting, notwithstanding the fact that you and rest of the members of the Federal Power Commission had to pass upon their applications which were pending before them?

Mr. MERRILL. Not at all. It never influenced my action in any way at any time, and never was a matter that was so much as mentioned, of course, by anybody at any time.

Senator WHEELER. Oh, of course. Mr. Hoover, you say, knew that the Electric Bond & Share and these other companies were contributing to that work?

Mr. MERRILL. I do not know whether he did or not. He knew, I suppose, that somebody had to finance it. I do not know whether that matter was or was not discussed with him. It certainly was not discussed with him by me.

Senator WHEELER. Well, I think perhaps we can more readily understand why the power companies have so much influence in Washington, by reason of their putting up money for an organization to which Cabinet members and the executive secretary of the Federal Power Commission belong.

Now, Mr. President, I want to say this: I do not want to be misunderstood in the matter. I do not think that Doctor Wilbur would be influenced by his membership upon this commission. I have a very high regard for his integrity and his honesty; but I do say that the members of the Power Commission ought to be like Cæsar's wife. They ought to be above suspicion; and it seems to me that no members of the Cabinet ought to be upon a commission that is being financed by the Electrical Trust of the country when at the same time they have to pass upon questions of fact and questions of law in which the power interests of the country are directly affected.

We criticized Mr. Fall—the Senate severely condemned him—when he gave to his old friend, Doheny, who loaned him $100,000, certain permits. Some of us said it was a direct bribery; but, assuming that it was not an intentional bribery, assuming that it was only a loan of $100,000, we condemned it, and the country condemned it because of the fact, they said, that Fall was accepting favors from Doheny, when the next day or in a short time he was to pass upon, if you please, permits which Mr. Doheny was requesting from the Department of the Interior. The only difference between this incident and the Fall incident is that the electric light and power interests pay their money into an organization. After they pay their money into the organization, the organization finances the secretary of the Power Commission, who passed upon their permits. It financed in part his trip to London on one occasion, and on another occasion financed his trip to some other place in Europe.

Senator PITTMAN. Let me ask one other question right there: Mr. Merrill, you say this money that was left over was used for another purpose. How was it used?

Mr. MERRILL. It was used in part in my expense of attendance on subsequent meetings. It was used in part for incidental office expenses, for postage, and probably four or five thousand dollars of it was still left over when we organized.

Mr. President, as I said a moment ago, here is his own testimony, brazenly given before the committee, that this great Power Trust paid his expenses on a second trip to Europe. We find that these Army officers who were assigned up there by the Power Commission, after remaining there three or four years, were immediately taken over by the great power interests of the country; and now they come down here, appearing before members of the Power Commission and working with Army officers some of whom were inferior in rank to them while they were in the Army. Then we find that the testimony before the committee was to the effect that Mr. Russell—who was taken from the Railroad Commission and was brought over to the Federal Power Commission—before he had actually taken his oath of office, before he had actually received his appointment, was called upon by Mr. Bonner and asked to come over to the office of the Federal Power Commission, being told that Mr. Bonner wanted him to meet with some of the power interests over there. When Mr. Russell got over there he met Mr. Leighton, who has been not only an engineer but a lobbyist for the power interests. Mr. Leighton began to criticize one of the office force, the accountant, Mr. King; and he said to Mr. Russell in substance, "You are the man to control Mr. King. You are the man who ought to be able to tell him how to run these accounts of his, and not to bother the power companies so much. Tell him not to be too meticulous." Then, Mr. President, they asked him if he would not see another group of the power interests later on in the summer.

In other words, Mr. Russell says that what they wanted to do was to tell him how to run his office; and when he protested, when he wrote opinions for the Power Commission striking out of their accounts some false and fictitious items, what happened? When he appeared up there before the commission in a hearing with reference to the Flathead power site, he was told by the secretary of the Power Commission to keep away from the hearing; and it was only after Senators appealed to the Secretary of the Interior that Mr. Russell was requested and permitted to go back into that hearing at all. He was told that he was asking questions that he had no right to ask when he was asking questions which he felt pertained to the public interest of the country.

Then, Mr. President, when the chairman of the Committee on Indian Affairs wrote the commission a letter asking for a public document with reference to the proceedings going on in one of the power applications, the Secretary of War sent Mr. Russell down to the chairman of the Committee on Indian Affairs with an injunction of secrecy as to the document, and that it should not be given out to the public.

Mr. President, the scandal in the last administration was oil. I want to say right here and now that unless some of these things are stopped that are going on down in the Federal Power Commission, the scandal of this administration will be power. The four members of the Cabinet ought to get out of this organization. They ought to resign as vice presidents and presidents of an organization which is being financed by the Electric Bond & Share Co. and the National Electric Light Association. The executive secretary of the Power Commission ought to resign from membership in an organization that is being financed by the National Electric Light Association.

Oh, I know what their answer will be. They will say, "But this organization is for the purpose of promoting trade among foreign governments. It has not anything to do with the matter of power in this country." But, Mr. President, when the secretary of the commission, as did Mr. Merrill, takes money, accepts favors from this organization, when they pay for his trips abroad, who is there in this body that is going to say that it is not, perhaps unconsciously if not consciously, going to affect the decisions on matters which come before him while he is sitting in judgment upon their applications?

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WHEELER. I yield.

Mr. NORRIS. The Senator says that the executive secretary—I presume he refers to Mr. Bonner——

Mr. WHEELER. I refer to Mr. Bonner.

Mr. NORRIS. The Senator says that he ought to resign from his position in this world-wide organization.

Mr. WHEELER. Yes.

Mr. NORRIS. Does not the Senator think that he ought to resign from the Federal Power Commission, and that if he does not the Federal Power Commission ought to remove him?

Mr. WHEELER. That is my judgment about the matter, Mr. President. My experience with Mr. Bonner has been such that I could come to no other conclusion.

I have wanted to be entirely fair with him, I wanted to feel that he was mistaken in judgment in the many things he has done down there. But it should be recalled that when Mr. Russell came there, he said to him, in substance, "You are not dealing now with the power interests. You are not dealing with the same kind of crooks you have been dealing with," referring to the railroads of the country.

It should be borne in mind that the minute Mr. Russell crossed swords with Mr. Bonner down there the thing happened which always happens when somebody gets in the way of the power interests, or in the way of one of these bureaucracies here. They immediately sent out to Montana and tried to check up and find out whom he owed, what indebtedness he owed to different men and different people out there.

Then Mr. Bonner came before the committee and used that as an excuse why he ought to be fired, not that he was not doing his duty down at the commission, not that he was not competent in his work, but trying to prejudice the minds of the committee, trying to prejudice the mind of everybody who had anything to do about whether he should remain or not, trying to inject the question of whether or not Mr. Russell had been in debt and was unable to pay. I do not know anything about his financial situation, but I do say that it was a shameful performance upon the part of the executive secretary of the commission.

Mr. PITTMAN. Mr. President——

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

Mr. WHEELER. I yield.

Mr. PITTMAN. The evidence so far discloses that Mr. Merrill was the secretary of the Federal Water Power Commission, which consisted of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture; that he was the real active force on that commission; that he organized this power association in 1922, organized it in the United States to help support delegates to the meeting in London. That apparently was the only purpose at that time. But as soon as that meeting was over they found that $10,000 had been raised by the power companies, which had not been used, and then they proposed to leave it subject practically to Mr. Merrill's disposition, and the testimony shows that he used that money in three separate trips, as late as 1928; that he supported his executive force with it, and that he went out of office recently, the same organization existing, and became the chairman of this organization.

Mr. WHEELER. He went out of office after organizing it, and getting the National Electric Light Association, the Power Trust, to finance it; he went out and became the head of that organization at a salary of $15,000 a year.

Mr. PITTMAN. While he was executive secretary, I think in 1928, when great complaint had been made that while a lot of permits had been issued, they had not checked up sufficiently on their valuations and their expenditures under them; they went to Congress with a bill to appropriate money to employ some more help, auditors, and so forth, and to sustain that, Mr. Merrill prepared a report, and in that report he showed that there were corporations which had carried as investment property that was actually abandoned and destroyed. He showed in that report that companies had watered their stock. In other words, he showed that there was a terrible condition existing among these permittees, but that they were helpless to remedy that without further assistants.

Mr. WHEELER. That is correct.

Mr. PITTMAN. That report was approved, according to his testimony, read and approved by these three Secretaries who constituted the Federal Power Commission. After it was approved, the testimony showed that he gave a copy of the report to just one reporter, that was the representative of the McGraw Publishing Co. Is not that correct?

Mr. WHEELER. The McGraw-Hill Co.

Mr. PITTMAN. The McGraw-Hill Publishing Co., which is the publishing company which represents these power interests; and that it slipped out of the pocket, apparently, of this reporter, and another representative of the McGraw Co. picked it up.

Mr. WHEELER. It went out of the hands of Mr. Wooten, I understand, who was the newspaper man, and slipped into the hands of another representative of the McGraw-Hill Co. The McGraw-Hill Co. turned it over to the Niagara Falls Power Co., and the Niagara Falls Power Co., according to the testimony of Mr. Merrill, brought pressure to bear upon the Federal Power Commission, and got them to delete all of the portion the Senator has called attention to, so that the Congress

of the United States never got the information which Mr. Merrill himself said they ought to get in order that they could get a clear picture, so that the commission could get sufficient funds with which to carry on the work of the Power Commission.

Mr. PITTMAN. Did not Mr. Merrill testify that the members of the Federal Power Commission had called him in and asked him to delete and take out of that report these exposures of the Niagara Power Co.?

Mr. WALSH of Montana. Mr. President, who was it that ordered the deletion of the matter?

Mr. WHEELER. The members of the Federal Power Commission.

Mr. PITTMAN. In 1928.

Mr. WHEELER. In 1928.

Mr. PITTMAN. The Secretary of War, the Secretary of Agriculture, and the Secretary of the Interior in 1928 ordered that these facts with regard to the Niagara and other power companies be taken out of the report, and not submitted to the Congress; and it was done.

Mr. WALSH of Montana. Mr. President, is the matter thus deleted now available?

Mr. PITTMAN. The matter that was deleted was submitted to the committee the other day, verified by Mr. Merrill, and Mr. Merrill testified that he told these three Secretaries on the commission that it was better to have it come out then than to have it dragged out afterwards.

Mr. WHEELER. In order that there may not be any question about it I will take the time of the Senate to read that portion of the testimony. It is as follows:

The CHAIRMAN. While on that point I should like to ask you why this information was deleted from the final report that you filed with the Committee on Interstate and Foreign Commerce of the House of Representatives.

Mr. MERRILL. All right. I should like to precede that with the story of what led up to the report as such. We had, as I have already explained to you, year after year attempted to get legislation from Congress——

The CHAIRMAN (interposing). You specified all that in reading the letter. You do not need to repeat that now.

Mr. MERRILL. All right. I finally in 1928, when the time was coming up to present this bill, went to the members of the commission and told them that we had been endeavoring to get legislation; that the cry continually in Congress was: This is all a bluff. This is just the commission, or it is just Merrill, trying to get his bureau expanded for its own or his own particular benefit. There isn't any reason why the commission can not do this work. It has the authority to do it.

I stated to the commission that I believed the time had come when the commission should cease to talk in generalities and put some facts on the boards. And I recommended that it be done. I prepared a report that contained this material which I understand has been presented to you. It was later approved by the commission. It was sent to Congress. It had been the practice among newspaper men in Washington that material given out ahead of time is always held in confidence until its release date arrives. I had been in the practice of giving out advance material to the representatives of the press in the city of Washington, with perfect confidence that it would not be abused. Accordingly, as was my constant practice, when this report had been mimeographed and was ready for use, and prior to its submission to Congress, I gave it to a representative in Washington of the McGraw-Hill Co.

Now, the story as I learn it, is that when the gentleman to whom I gave it was going up to the Capitol in connection with a hearing he had this report which I had given him on the seat of the taxicab. Another representative of the company there picked it up and glanced through it. He saw some things in it that interested him. He went back to New York and reported what the report contained to the representative of the Niagara Falls Power Co. They came down to Washington and came to me, and wanted me to withdraw it. I refused to withdraw it. Then they wanted me to modify it. They went to the Secretary of War, and the Secretary of War called me up on the telephone about it. I told him I thought it ought to go through. He refused to withdraw it.

Subsequently, on the plea that if this information got out it would cause a lot of trouble and would bring opposition to the legislation then pending in Congress, which was this commission's bill, the commission decided, over my objection, to strike out the specific references in there, and sent the report in in the form in which it went to the Committee on Interstate and Foreign Commerce of the House of Representatives.

Senator WHEELER. So that as a matter of fact it was stricken out by the commission at the request of the Niagara Falls Power Co.?

Mr. MERRILL. That is quite right.

So, Mr. President, here was a matter which even Merrill felt Congress ought to know about.

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

Mr. WHEELER. I yield.

Mr. NORRIS. I think it ought to be said in all fairness that Mr. Merrill is entitled to a great deal of credit for his action in this matter.

Mr. WHEELER. I agree with the Senator—with reference to this particular matter.

Mr. NORRIS. Yes. I wanted to ask the Senator a question. The Niagara Power Co., at whose instance this Federal Power Commission, consisting of the three members of the Cabinet, overrode the executive secretary and took these things out of the report to which the power companies objected was one of the companies, as I understand it, which had been padding its valuation, and this report showed up the illegal things they had done by way of increasing the valuation of their properties, so that they would have a larger base upon which to reckon rates and also have a higher value in case the Government undertook to recapture the property at the end of the lease. Is that right?

Mr. WHEELER. That was the charge, in substance, made by Mr. Merrill in these items. He claimed that they had included in their items for recapture purposes many items which had no place in there.

Of course, I am not familiar with what the facts are, but that was Mr. Bonner's claim, and he said that was one of the reasons why that ought to go in there, to show Congress what problems the commission had to deal with, and that was what was stricken and deleted from the report.

Mr. BROOKHART. Mr. President, the Senator said "Mr. Bonner's claim." It was Mr. Merrill's claim.

Mr. WHEELER. Mr. Merrill's claim.

Mr. BROOKHART. That claim is apparently well founded in every detail.

Mr. NORRIS. The point I wanted the Senator to make clear was that the company which seemed to have so much influence—enough influence with the Power Commission to have its report withdrawn and deleted—was one of the companies which was shown up by this report to be doing these illegal things.

Mr. WHEELER. Exactly.

Mr. NORRIS. And Mr. Merrill was pleading with Congress to get an additional appropriation so that he would have help enough to stop that kind of business in the future.

Mr. WHEELER. That is exactly correct.

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

Mr. WHEELER. I yield.

Mr. WAGNER. The claim is that pressure had been exerted by this company. Was there any evidence to disclose the identity of the individual who, on behalf of the company, used that pressure?

Mr. WHEELER. My recollection is that it was Mr. Kelly, who was formerly in the Army—Col. William Kelly, who was chief engineer for the Federal Power Commission, and who afterwards went with the Niagara Falls Power Co. My information is that he was the man who exerted the pressure with the Federal Power Commission, and it is easy to understand that. He had been the chief engineer for the commission, he had been in the Army, and he had been working with the three members of the Power Commission.

My information is that he came down to Washington and interviewed them, and acting for and in behalf of the Niagara Falls Power Co., he was successful in having that portion of it deleted. That matter still remains undecided by the commission up to this time. Mr. Russell, the attorney, testified that he had taken up the matter and tried to get the commission to pass upon it, but each time Mr. Bonner had refused to do anything and kept putting it off and delaying it.

Mr. NORRIS. Mr. President, may I interrupt the Senator again?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WHEELER. Certainly.

Mr. NORRIS. I do not have the items with me, but I think perhaps the Senator from Montana is familiar with them. While he is talking about padding the record so that the value of the base rate can be increased and raised higher by fictitious and unlawful amounts, I would like to call his attention to the fact that the practice of the Niagara Falls Power Co. and the other power companies is not an exception to the rule, but in the Senator's own State the Montana Power Co. have notoriously pursued the same course. If the Senator has the items I wish he would give the Senate an itemized account of some of the instances where the Montana Power Co. put all kinds of water into their value, amounting to many thousands of dollars.

Mr. WHEELER. I have not the figures, but I have seen them. What I have seen with reference to them is in an

opinion that was written by Mr. Russell. Mr. Russell, the solicitor for the commission, wrote an opinion for the commission recommending striking from the items of the Montana Power Co. several thousand dollars. I do not recall the exact time or the exact figures. I have not the figures at hand. I think the chairman of the Committee on Indian Affairs has that account. That is the account and the report which the Secretary of War, when he turned it over to the chairman of the Committee on Indian Affairs, said should be held in confidence and not be made public, notwithstanding the fact that in my judgment it is a public document like every other report that is filed by any other power company before the Federal Power Commission.

The Federal Power Commission has these reports filed down there and after they are filed by the power companies, in support of huge claims for watered stock and for the purpose of manipulating their stocks so they can recover more from the Government in the event the Government seeks to recapture the properties, they are all held by the commission as private documents. Those are the things about which the companies are complaining, because the accountant down there, Mr. King, is too meticulous about them. He has been investigating them too closely. So Mr. Leighton and Mr. Bonner called in Mr. Russell and said, "You must control Mr. King, the accountant, in this matter."

I recall some things stated in the Montana Power Co.'s file that was stricken out by Mr. Russell. There were items, for instance, of a contribution of $25 to the Jews, $20 to the Knights of Columbus, and another contribution to the Methodists. They were taking them all in, but they were donations to different organizations, and it was claimed in their report, so Mr. Russell stated, as a part of the money that they should recover from the Government in the event that the Government took over the power sites.

Mr. NORRIS. They made larger contributions than $25. They contributed to all the religious organizations and fraternal organizations. The Boy Scouts, I think, got some. It was all charged up as a part of the necessary expenses in the development of this power. I remember one item was a payment for a powwow with the Indians, amounting to several hundred dollars. They had to get the consent of the Indians for some move they wanted to make, so they held a powwow, as they called it, and that was one of the items included.

Mr. WHEELER. That is correct. Not only that, but if the Senators knows anything about the situation he knows they wanted to get the Indians upon the reservation to grant this permit, because the power site there on the Flathead Indian Reservation belonged to the Indians. They wanted to get the consent of the Indians, so that they donated money to the Indian powwow. They put some of the Indians upon their pay roll. Other Indians went out and circulated petitions to send to the Department of the Interior. That is all very true. Mr. Russell wrote an opinion suggesting that all these items should be stricken out. The power interests, however, as I understand it, claimed that these were not put in as Mr. Russell suggested, but I am not sure about that. Mr. Russell claims that they were put in and claimed that they should be stricken out.

While speaking about the Flathead power site, let me say to the Senator from Nebraska that, of course, that matter has been pending here a long time. The commission has held hearings. Members of the Cabinet, at the suggestion of my colleague and myself, held a public hearing with reference to it. I expect that they will pass upon it in the very near future. However, the Montana Power Co. controls most of the newspapers in my State. When I say the Montana Power Co., I mean the same financial group that controls the company and likewise controls the banks and newspapers and everything else. They have been complaining bitterly in their newspapers, saying they would like to put a spark under the Montana delegation in Congress so we would go down and tell the Power Commission to turn this property over to the Montana Power Co., regardless of price, regardless of conditions or anything else. They just want it turned over to them, and so they are pleading in the editorial columns of their newspapers for the poor, downtrodden farmers of the valleys out there, pleading for the Indians, and condemning my colleague and myself and the Members of the House from Montana because of the fact that we will not go down and make or try to make the Power Commission turn this power site over to them.

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

Mr. WHEELER. Certainly.

Mr. BROOKHART. Is it not also true that they have permits for undeveloped power, some 200,000 horsepower?

Mr. WHEELER. I could not answer that question.

Mr. BROOKHART. It is some large amount.

Mr. WHEELER. I do not know.

Mr. WALSH of Montana. Mr. President, I think the Senator from Iowa is in error about that. I am very sure that the Montana Power Co. has no permit from the Federal Power Commission or from the Government. They do, as a matter of fact, own other power sites in the State of Montana.

But, Mr. President, I rose, with the permission of my colleague, to say a word with respect to the secrecy with which documents filed in connection with applications for permits before the Power Commission are treated. I was astounded to learn that one of the applicants for a permit for a power site was denied an opportunity to inspect certain documents filed in connection with the application of a rival applicant. I had always supposed that every document filed with this commission was a public document open to the inspection of everybody. I had quite a session with the executive secretary, Mr. Bonner, and another member of the force one day. My attention was called to some rule that had been adopted some time back, prior at least to his association with the commission, which seemed to justify that course. I do not mean that the rule was justifiable, but the rule seemed to justify the secrecy which was being observed.

I have forgotten the name of the gentleman who came with Mr. Bonner to talk with me, but I must do him the credit to say that he agreed with me that there was no justification for the rule. I subsequently talked with the Secretary of the Interior about the matter, and he likewise agreed that the rule ought not to be observed. It is said, however, in behalf of this practice that an applicant for a permit would ordinarily spend a large amount of money in sending facts, and particularly engineering data and that kind of thing, in support of his application, and that if this became a public document it would be available for the use of a rival applicant.

But that seems to me no reason at all for secrecy in these matters. There is no reason why the rival applicant ought not to have an opportunity to see anything that is offered in support of the application of his rival because he might very easily demonstrate the error of the facts and figures that are thus submitted to the commission for its consideration, an error which it would never know except as thus pointed out to it. Anyway, it looked as though this incident would result in a correction of that abuse, at least in the proceedings of the commission.

Mr. WHEELER. Coming back for a moment to the Montana Power Co. and the situation there, I, of course, appreciate, as I said a moment ago, that they own practically all of the newspapers in Montana regardless of whether they are Democratic or Republican. They are nonpartisan, so far as their newspapers are concerned. They set about, I assume from their editorial, to try to intimidate the Montana delegation in Congress so that we would go down to the Power Commission and tell the Power Commission that these properties ought to be turned over to the power company regardless of terms or anything else. So far as I am concerned, I have never taken any dictation from them and I have never been intimidated by them. I do not intend to take any dictation from them or to be intimidated by them at any time in the future.

Ever since I have been in Washington I have been amazed at the way the Power Commission has been dominated and controlled by the great power interests of the country. It is perfectly amazing, when we get the picture correctly, to see how engineer after engineer who has been with the Power Commission is immediately taken away and goes with some of the power companies, and then comes down here representing them as a lobbyist before the Power Commission. Mr. Leighton, formerly with the commission, is now a lobbyist for the Electric Bond & Share Co. I have quite a list of former employees of the Government and of the Army and of the Power Commission, who are now engaged in this work. I wondered why it was that there was such a close relationship and why it was that anything said to the secretary of the Power Commission was immediately reported back to the companies themselves. The facts which we have brought out before the committee might explain some of those things.

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

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WHEELER. I yield.

Mr. NORRIS. Is the Senator familiar with what was disclosed before the House committee, where it was shown that one of the Army engineers, while he was holding a position in the Army as an engineer, was at the identical time drawing a salary from a power company?

Mr. WHEELER. No; I did not know they had gone quite as far as that.

Mr. NORRIS. Yes; he admitted it in his own testimony that is a part of the public record.

Mr. WHEELER. I did not know they had gone quite as far as that, but surely when Mr. Merrill was accepting money from the power companies to pay his expenses in 1926 to Switzerland and again when he let them pay a part of his expenses to London, it seems to me that came very close at least to being a violation of the law. Certainly it was a violation of everything that was decent, so far as his dealings with the power companies were concerned.

Mr. Merrill, when he was questioned with reference to this money, at one time said the money was coming from the electric company and then, again, he said that he was not sure about it.

Mr. MERRILL. I do not know it, but I believe they did, and I say I do not know because I have never seen the list.

Senator WHEELER. Didn't they tell you they did it?

Mr. MERRILL. No, sir.

Senator WHEELER. Didn't the organization tell you that they were getting money from them?

Mr. MERRILL. I knew they were going to have to put up money for it, certainly.

Senator WHEELER. And you knew that they were putting up some money, didn't you?

Mr. MERRILL. Well, I did not know it as a fact; no.

Senator WHEELER. Yes; you did not see them put it up.

Mr. MERRILL. But I am morally certain that they did.

Senator WHEELER. Yes; that is it. You are morally certain that they did.

Mr. Merrill finally said:

Mr. MERRILL. I have no doubt of it. I did not mean to express any doubt, but there is a distinction between not having a doubt about a matter and still in actually knowing about a thing.

So, Mr. President, the testimony runs all through. Of what use is it to set up commissions here in Washington to protect the Government and people of the United States against the Power Trust; of what use is it to try to set up an Interstate Commerce Commission, if you please, to regulate railroad rates; of what use is it to create a commission for the purpose of guarding the public interest, if those commissions are either going to be filled up with directors and lawyers and bondholders and stockholders of the very interests against which we are trying to protect the people, or if the Congress of the United States is going to permit the commissioners themselves to become part and parcel of an outside organization that is being financed by the Electric Trust or by the railroads or to have a secretary whose expenses are being paid by the Power Trust or the railroad interests?

Mr. President, I wondered when I heard Mr. Merrill's statement as to how he had gotten this money and had organized this concern, and how the members of the Cabinet had become part and parcel of it, whether I was supersensitive about it; whether or not perhaps there was anything wrong about it after all, and if I was not alone in being shocked. I think, however, every member of that committee who heard that testimony, whether he was a Democrat or a Republican, and every newspaper man in the press gallery who heard it, was likewise shocked; yet, Mr. President, apparently the members of the Cabinet and apparently Mr. Hoover saw nothing wrong about it, because one can not read the testimony of Mr. Merrill without being convinced that Mr. Hoover, when he loaned his name to be used as the president of the conference, knew of and sanctioned the money being put up by those great electrical companies. I can not conceive of its influencing him in his opinion, but, nevertheless, I can not conceive of how he could believe that the secretary of the Power Commission could have his expenses paid over to London and Switzerland and then come back and do justice by the public when he had to pass upon power permits.

I repeat what I have previously said. This may be the new way of doing business; this may be the idea under which our Government is going to be run in the future; this may be, as the Senator from Ohio [Mr. FESS] stated, the new formula under which the President of the United States is going to operate during the next three years; but if that be the new formula, if that be the way he is going to operate during the next three years, if this is a part and parcel of his formula and the way he is going to conduct the Government's business, if the members of the Cabinet are going to become members of these organizations, I want to say that it will be only three years that he will serve in the capacity in which he is now serving, for I do not believe that the people of the country are in accord with any such formula as that for the running of this Government of ours.

Mr. CARAWAY. Mr. President——

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

Mr. WHEELER. I yield.

Mr. CARAWAY. I judge from what I heard of the Senator's speech that the new formula was merely the revamping of the old one, that one was going to get less for what he sold and pay more for what he bought; that is what he kept on announcing to the farmers; and they realize that has been the formula for a great number of years.

Mr. WHEELER. Mr. President, I ask unanimous consent to insert in the RECORD at the conclusion of my remarks the paragraphs which were deleted from the report made by Mr. Merrill as secretary of the Federal Power Commission to the Committee on Interstate and Foreign Commerce of the House of Representatives. These were deleted by the Power Commission at the request of the Niagara Falls Power Co., according to the testimony of Mr. Merrill.

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

The matter referred to is as follows:

26. A case which illustrates some of the problems involved in valuations is that of the Niagara Falls Power Co. This company was given, on March 2, 1921, a license covering four existing power plants in the Niagara River at Niagara Falls, hydraulic plants No. 2 and No. 3, with its extension, and Niagara plants Nos. 1 and 2, having an aggregate installation of 312,450 horsepower. The license also gave authority for the construction of a further extension to hydraulic plant No. 3 to develop an additional 210,000 horsepower. The license provided that "the fair value of the completed parts of the project as of the date of this license shall be determined as early as practicable in the manner prescribed in the act, and the licensee hereby agrees to accept for the purpose of this license and of any provisions of the act the fair value so determined, whether arrived at by mutual agreement or as a result of proceedings in or final adjudication by the courts."

27. The records of the Niagara Falls Power Co. have been examined from time to time by the accountants of the commission and a report of such examination was made by one of the accountants in January, 1927. The report could not be completed because access to certain records of the constituent companies was refused. The examination disclosed that considerable property which had been abandoned and demolished was still carried in whole or in part in the plant investment account; that many large amounts in connection with new construction appeared to have been erroneously charged to property investment; and that many millions of dollars carried in the plant investment account did not represent actual investment either by the company or by its predecessors.

28. The Niagara Falls Power Co. was formed by the consolidation in 1918 of a former corporation by the same name, of Hydraulic Power Co., and of Cliff Electrical Distributing Co. The last-named company had been organized on March 16, 1909, and there had been transferred to it that part of the property of Niagara Falls Hydraulic Power & Manufacturing Co. which was used in generating and distributing electric energy for use in public service. The Public Service Commission of the State of New York had been created in 1907 with authority over accounts, rates, services, and securities of public utility corporations. It was, presumably, for the purpose of avoiding supervision by that commission over the major parts of its operations that such transfer was made by Niagara Falls Hydraulic Power & Manufacturing Co. The transferred properties appear to have been carried on the books of the transferor for approximately $422,000. The transferee paid for the properties $500,000 in bonds and $250,000 in stocks, or $328,000 in excess of book costs to the transferor, an increase of 78 per cent.

29. In 1910 the stockholders of Niagara Falls Hydraulic Power & Manufacturing Co. organized Hydraulic Power Co. of Niagara Falls and transferred to the latter company the properties and business of the former. At the time of the transfer the fixed capital account of the original company stood at $3,973,716.65. The new company issued its capital stock in the amount of $12,000,000 in payment for the property and business transferred. The new corporation set up on its books under the caption "Purchased property," as an asset item, $15,771,-208.90, or nearly $12,000,000 in excess of the amount carried in the fixed capital account of its predecessor. This transaction and that connected with the organization of Cliff Electrical Distributing Co. added $12,123,964 to investment accounts which prior to transfer had aggregated $4,395,245, an increase of 282 per cent.

30. Niagara River Hydraulic Tunnel, Power & Sewer Co. was incorporated in 1886 by special act of the State legislature. By order of the supreme court the name of the corporation was changed in November, 1889, to the Niagara Falls Power Co. On April 1, 1890, in pursuance of a preliminary contract of the preceding year, a formal contract was executed with Cataract Construction Co. for the acquisition of property and for the construction of a power plant for the Niagara Falls Power Co. There are differences of opinion as to what relation, if any, other than contractual, existed between the power company and the construction company. The contract provided for a "profit" to the construction company variously stated as from 25 to 33⅓ per cent. The report of the examiners of the New York Public Service Commission shows that the power company paid to the construction company a total of $9,892,239, of which $6,887,225 was for "land and rights" and for

"other capital property." The remainder consisted of $1,189,864 for "construction overhead," or 17.3 per cent of the total direct cost, and $1,815,150 for "profit," or 26.4 per cent of such cost. The aggregate of the inflations of capital account previously mentioned plus the "profit" paid to Cataract Construction Co. amounts to approximately $14,000,000 out of the aggregate property investment account of $34,500,000 existing at the time of the consolidation. The latter figure was, after the consolidation, entered on the books of the new company, the Niagara Falls Power Co., as an undistributed item representing the company's property investment as of the date of consolidation.

31. Since the commission has never been in a position to prosecute this case to a conclusion, there has never been a formal proceeding to determine the "fair value" of the Niagara Falls project, and the company has never filed a formal statement of its claims. It did, however, transmit to the commission through the district engineer at Buffalo an inventory and appraisal as of the date of the license, March 2, 1921, of the project property in existence at the date of the consolidation in 1918, made by American Appraisal Co., of Milwaukee, at the request of the company. It is understood that this constitutes the company's claim for fair value. The appraisal shows—

Tangible fixed capital (that is, lands, structures, and equipment)	$31, 190, 974
Intangible property	5, 762, 143
Overhead costs	8, 718, 334
Water and rights	32, 000, 000
An aggregate of	77, 671, 451

This aggregate represents what appears to be the claim for "fair value" of the property which was transferred on the books at the time of the consolidation at $34,500,000, and which appears to have represented not more than $20,500,000 of actual investment.

32. Adjustments made up to December 31, 1925, in the accounts of the properties transferred for the $34,500,000 make that item $31,620,983, or very nearly the same as the "tangible fixed capital" in the tabulation above. Increase over costs for the purpose of determining "value" for which the appraisal stands sponsor is, therefore, approximately the sum total of the three new items, "intangible property," "overhead costs," and "water rights," or $46,000,000, and is in addition to the $14,000,000 of similar inflation appearing in the $34,500,000. To the total of $77,671,451 the appraisal adds "charges for new construction" of $27,465,125, making a grand total of $105,136,577. In the total for new construction there are included many questionable items, and there has been failure to give appropriate credit for properties abandoned.

33. The wide divergence between actual investment, which is the general basis recognized by the Federal water power act, and claims for "fair value" under the provisions of section 23 of the act in circumstances where that section applies, as that divergence is illustrated in many of the valuation cases before the commission, must inevitably lead to a judicial interpretation of the term "fair value" as used in the act—to a determination of whether this term is to be given a meaning independent of, or in harmony with, other provisions of the act.

34. The commission can not with its present force undertake to carry these cases to a conclusion. To do so without technical preparation and without experienced legal assistance would be foolishly to risk scores of millions of dollars, for the amounts finally determined in these proceedings will be the amounts which the United States would be required to pay if it ever exercised its option to purchase at the termination of a license. They are likewise the amounts which would serve as the rate base if the commission ever exercised its authority of rate regulation. The settlement of this class of cases and of other similar cases to be later discussed is, from the standpoint of the public interest, one of the most important features of the administration of the Federal water power act.

* * * * * * *

46. An example of claims for interest during the prelicense period is afforded in the case of the Chelan Electric Co., Washington, to which license for a power project at the outlet of Chelan Lake was issued on May 8, 1926. It appears that the company in 1907 acquired the properties of a former company which has a small power plant and which also supplied domestic water in the town of Chelan Falls, and that during the year prior to such acquisition one J. T. McChesney expended some $262,200 for lands and rights looking to a larger development which might supply energy for Great Northern Railway Co. In connection with this transaction Chelan Electric Co. issued stock at par value of $500,000. This stock was purchased by the railway company at a price sufficient to pay for McChesney's expenditures. From time to time thereafter Great Northern Railway Co. made cash advances to Chelan Electric Co., these advances aggregating $858,992. Shortly after the issuance of license the Washington Water Power Co. appears to have acquired for $1,500,000 the interests of Great Northern Railway Co. in Chelan Electric Co. In the claims of prelicense costs the Washington Water Power Co., acting for Chelan Electric Co., includes only compound interest to May 7, 1926, at 6 per cent on the advances of the railway company, such interest amounting to $342,499, but also $516,600 as compound interest at the same rate from the latter part of 1907 to May 7, 1926, on the $262,200 paid by Great Northern Railway Co. for the $500,000 par value of stock of Chelan Electric Co. The total of interest thus claimed, $859,000, is 78 per cent of the total claimed to have been actually paid for all the properties purchased by or on behalf of Chelan Electric Co. up to the date of the license. No evidence has been presented to show that the $516,600 of additional interest has been paid, or is intended to be paid. There have been many other cases where accrued but unpaid interest charges comprise a very substantial part of alleged prelicense costs.

47. An example of claims of "prelicense costs" is afforded in the Conowingo project on the Susquehanna River in Maryland and Pennsylvania, license for which was issued on February 20, 1926. The project had been under way in one form or another for over 40 years. Involved in the final development were four corporations, two organized in Maryland and two in Pennsylvania. One corporation from each State became a licensee and the other two were made parties to the license. Accompanying the application for license was claim for some $9,000,000 of "prelicense costs." Since many months would be required to examine the accounts and reach decision upon the costs, and since it was desirable that construction be not delayed until decision could be reached, the commission authorized issuance of license subject to the following condition, which condition was incorporated in the license:

"(c) The costs of said project up to date of issuance of license shall be fixed jointly by the Public Service Commission of Pennsylvania, the Public Service Commission of Maryland, and the Federal Power Commission; it being understood, however, that if said bodies shall not unanimously agree on said cost, then the Federal Power Commission and the Public Service Commission of Maryland shall fix said cost of properties within the State of Maryland, and the Federal Power Commission and the Public Service Commission of Pennsylvania shall fix said cost of properties within the State of Pennsylvania, and that the sum of said findings shall constitute the cost of said properties to the date of the license; and it being further understood that if said agreement shall not be reached within six months, then the Federal Power Commission shall fix an amount which, in its opinion, represents said cost; and that no amounts in excess of the total so fixed shall be entered upon the capital accounts of the licensees as representing the cost of the project to said date."

48. Subsequent to issuance of license and through cooperation between the Federal Power Commission and the Public Service Commissions of Maryland and Pennsylvania a joint auditing committee was formed consisting of one accountant from the Federal Power Commission and one each from the two State commissions. This committee spent six months in examining the involved records of the various corporations which at one time or another had made expenditures now claimed as prelicense costs. In a joint report filed with the three commissions on September 18, 1926, the committee reported that of a total of $7,246,832.07 appearing on the books of the various corporations as costs of the project, $3,090,253.14 appeared to be actual legitimate project costs, $3,443,708.35 appeared not to be a proper charge to the project, and the balance of $712,870.58 was doubtful and should be included in the project costs only if supported by affirmative evidence. This report was submitted to the licensees for comment, and on November 1, 1926, they filed with the commission an itemized claim of prelicense costs of $7,308,527.12. Of this total, $2,223,797.72 represented "property acquired" (lands, flowage rights, securities of other corporations, etc.); $347,906.31, payment for services of Bertron, Griscom & Co., bankers; $888,013.12, preliminary engineering investigations; $598,498.39, legal services and expenses; $98,733.54, "other fees and expenses"; and $2,145,191.68, interest. The balance of $1,006,386.36 was claimed as the "value" of the Class B stock of one of the licensees—securities which appear to have little or no value. Of the total claimed, only 30 per cent represents original cost of property.

49. To reach final determination of prelicense costs a joint hearing of representatives of the three commissions was called in Washington on February 16, 1927, at which attorneys of the licensees appeared, raised technical objections to the hearing, and asked for postponement. The meeting was adjourned to consider the objections raised. In view of the fact that millions of dollars are at issue and that action in the courts may be necessary not only with relation to prelicense costs but also on account of what appears to be violation of the commission's order on security issues, it has been deemed inadvisable to prosecute this matter further until the commission can be equipped to handle it in the manner which the amounts at issue demand.

50. As an example of inflation of fixed capital accounts through charges for construction, as well as through prelicense costs, may be cited the Clarion River project of Clarion River Power Co., of Pennsylvania. From such information as has been secured the history of this case is as follows: The company was organized in 1912 by one J. R. Paull, who, having apparently failed to obtain the necessary financial backing, sold about 1919 a controlling interest in the corporation to H. D. Walbridge & Co., New York bankers. Walbridge & Co. at that time controlled certain public-utility companies in Pennsylvania, a realty company, and a construction company known as General Con-

struction Corporation. License for the project was issued by the commission on October 13, 1922. Construction was financed by the issuance of $5,347,000 of bonds and $4,518,000 of stocks. Securities of the corporation at par appear to have been paid to General Construction Corporation for the construction of the project, to J. R. Paull for services and expenses in promoting the corporation, and to H. D. Walbridge & Co. for expenditures made and services rendered. Book costs of the Clarion River development show a total of $11,032,816.57.

The expenditures on actual construction work appear to be approximately $4,360,000. To this is added a supervision fee of $400,000 paid to an engineering firm employed by General Construction Corporation; reservoir lands, $153,000; interest, $754,000; and other miscellaneous items, making a total of $5,773,000. To this amount, which probably represents the maximum of actual legitimate construction costs, is added $451,000, par value of stock issued to J. R. Paull for promotion and for preliminary investigations; $2,214,000, par value of stock issued to H. D. Walbridge & Co. for "services"; and $2,595,000, General Construction Corporation for "services and expenses." Of the total charged for "services" of H. D. Walbridge & Co., $1,119,900 is for engineering services and exploration work, a part in connection with two other projected developments; $200,000 is a fee for securing the construction contract with General Construction Corporation, which Walbridge & Co. controlled; $300,000 is a fee for securing from Penn Public Service Corporation, which Walbridge & Co. controlled, a contract to purchase the output of the plant when constructed; $200,000 is a fee for securing a contract with the same company to guarantee payment of principal and interest on Clarion River Power Co.'s bonds; and $294,100 is for expenses in connection with issuance of securities. The payments to General Construction Corporation consist primarily of a fee of $2,550,000, paid likewise in securities, for "general engineering and supervision," or more than 50 per cent of the actual cost of construction, this being in addition to the above-named fee of $400,000 paid for "supervision" to an engineering firm employed by General Construction Corporation. The book costs of this project are probably inflated by not less than $4,000,000, and possibly by much more. Vouchers and other original records in support of less than $5,000,000 of total book costs have been furnished for inspection. More than $6,000,000 of alleged cost is represented merely by entries on the books and is supported by evidence of expenditure or cost. Original records necessary for determining costs are supposed to be in possession of H. D. Walbridge & Co., but access to them has been refused. The commission has examined such books and records of the licensee as have been made available for inspection. The licensee corporation is now controlled by Associated Gas & Electric Co., a holding company. Further action is dependent upon securing means to prosecute such cases of apparently flagrant lack of compliance with the law.

51. Not all licensees, of course, make claims of the character above illustrated; but since under the Federal water power act actual cost is the basis of accounting, of rate regulation, of security issues, and of recapture, every licensee endeavors to enter in its fixed capital accounts every possible dollar, in the hope that the commission will authorize the entry, or will not be in a position to check the entries, or, if later they are found improper, will be unable to eliminate them.

THE PERMANENT COURT OF INTERNATIONAL JUSTICE—ADDRESS BY HON. CHARLES S. DENEEN

Mr. FESS. Mr. President, last night in the city of Marshall, Ill., our colleague, Senator CHARLES S. DENEEN, made an eloquent and informative speech on the World Court. I ask unanimous consent to print the address in the RECORD at this point, and that it may be referred to the Foreign Relations Committee.

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

SPEECH OF UNITED STATES SENATOR CHARLES S. DENEEN, OF ILLINOIS, ON THE PERMANENT COURT OF INTERNATIONAL JUSTICE, DELIVERED AT MARSHALL, ILL., MARCH 3, 1930

An effort has been made by Mrs. MCCORMICK in this primary campaign to make the Permanent Court of International Justice, popularly known as the World Court, an issue therein. I think, therefore, that the Republicans of our State will be interested in having a restatement of the development and the character of the World Court and the attitude of the Republican Party and its great leaders toward it.

THE SUPREME COURT OF THE UNITED STATES

For more than half a century the United States has taken not only an active but the leading part in the judicial settlement of international disputes. The popular support in the United States for the idea of an international court is probably due in large part to the existence in this country of the Supreme Court of the United States, which, in the course of its long and distinguished history, has frequently had occasion to pass upon differences between the sovereign States of the Union. The American people have thus seen for more than 140 years the practical application of legal principles in controversies arising between sovereign States.

As far back as 1872 the well-known American jurist, David Dudley Field, wrote an "Outline of an International Court."

President McKinley stated in his first inaugural address in 1897 that the leading feature of our American policy throughout our entire history has been, "An insistence on the adjustment of judicial difficulties by judicial methods rather than by force of arms."

THE FIRST HAGUE PEACE CONFERENCE

President McKinley and John Hay, his Secretary of State, instructed the American delegates to the First Hague Peace Conference, in 1899, to act upon "the long-continued and widespread interest among the people of the United States in the establishment of an international court."

THE SECOND HAGUE PEACE CONFERENCE

President Roosevelt and Elihu Root, his Secretary of State, in 1907, instructed the American delegates to the Second Hague Peace Conference to work for the development of the Permanent Court of Arbitration—which had been set up at the Hague conference in 1899—into a tribunal composed "of judges who are judicial officials and nothing else, who are paid adequate salaries and have no other obligation, and are devoting their entire time to the trial and decision of international cases by judicial methods and under a sense of judicial responsibility."

The earnest efforts of the American delegates to improve upon the Permanent Court of Arbitration did not meet with success, and though the conference agreed upon a general plan for a new Permanent Court of Arbitral Justice, no agreement could be reached on the methods of choosing the judges.

FAILURE TO RECONCILE LARGE AND SMALL STATES

The problem which confronted the nations at that time was the same problem which confronted the thirteen sovereign Colonies when they strove to organize the United States of America. The larger states demanded greater representation in the legislative department of the government than the smaller states. The smaller states demanded equal representation in the legislative department of the Government. The American Colonies solved the problem by giving equal representation to all States in the United States Senate and representation according to population in the House of Representatives.

But the nations at the Second Hague Peace Conference failed to reconcile their differences in the matter of the selecting of the judges for the court, the smaller nations demanding equal representation in the court, the larger nations demanding representation according to their power and standing.

THE PEACE CONFERENCE

The peace conference which sat in 1919 devoted its energies to the organization of the covenant of the League of Nations and made no effort to agree upon a plan for a Permanent Court of International Justice. The conference did, however, agree upon article 14 of the covenant of the League of Nations, which is:

"The council shall formulate and submit to the members of the league for adoption plans for the establishment of a permanent court of international justice. The court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The court may also give an advisory opinion upon any dispute or question referred to it by the council or by the assembly."

At the second session of the League of Nations the council invited a group of distinguished jurists to form a plan for the new international court, and this commission had a representative from each of the following nations: Japan, Spain, Belgium, Brazil, Norway, France, Great Britain, Italy, and the United States.

This commission met at The Hague from June 16 to July 24, 1920. The difficulty which had prevented the establishment of the World Court in 1907 was solved by the suggestion of the American member, Mr. Elihu Root, based upon the precedent in the creation of our own Constitution by the thirteen sovereign Colonies.

RELATION OF WORLD COURT TO LEAGUE OF NATIONS

The only reference to the World Court in the covenant of the League of Nations is that contained in article 14 already mentioned. The constitution of the court, which outlines its organization, competence, and jurisdiction, is contained in a so-called statute of the court which was framed by the committee of jurists above-mentioned independently of the League of Nations. This statute provides that:

"The members of the court shall be elected by the assembly and by the council from a list of persons nominated by the national groups in the Court of Arbitration."

The Court of Arbitration referred to is The Hague court established in 1899 and which is composed of 43 member nations. If we add to the foregoing provision of the statute of the court that the league defrays the cost of the court in a special budget and that it may request the court to give an advisory opinion, referred to it by the council or assembly of the league, we have exhausted the contacts of the League of Nations with the Permanent Court of International Justice.

On the other hand, the league is powerless to affect the conduct of the court in the following matters. The court frames its own rules of procedure and determines, of its own free will, whether it will entertain a

request for an advisory opinion in pursuance of article 14 of the covenant. As may be recalled, the court denied the request for an advisory opinion in the famous Eastern Carelia case when Russia refused to appear as a party before the court. Moreover, the court decides for itself whether it has jurisdiction to hear parties appearing before it and whether the evidence submitted by them is sufficient in the cases submitted. The court is obviously untrammeled by the league or any political or other agency in its free and impartial consideration of cases submitted to it for adjudication.

Within a nation, no matter how strictly the principle of judicial independence is safeguarded, there is always an ultimate power in the sovereign state to remove judges. That power is not possessed by the League of Nations in regard to the court. Again, the legislative body enacts laws which are binding upon its national tribunals, but the league has no such power in regard to the international court. Finally, the sovereign power in the state which created its courts can alter their nature and functions or abolish them altogether, whereas the League of Nations has no power whatever to modify the statute (which is its constitution) of the Permanent Court of International Justice. In fact, this can be done only by the signatory nations in signing a new treaty. It may fairly be stated that except for the election of the judges the court could exist and function as an international institution if the league disappeared; and in this connection it should be remembered that the statute of the court, which alone gives it legal existence and determines its powers, was brought into operation by the direct act of the individual signatory nations. The statute of the court is an independent treaty and has been signed by 54 nations, and has been ratified by the following 42 nations:

Abyssinia, Albania, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, China, Cuba, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Haiti, Hungary, India, Irish Free State, Italy, Japan, Latvia, Lithuania, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Rumania, Serb-Croat-Slovene State, Siam, South Africa, Spain, Sweden, Switzerland, Uruguay, Venezuela.

The league has no part in the actual proceedings of the court, and neither the covenant of the league nor the statute of the court provides machinery whereby the league can enforce the judgments of the court.

THE JUDGES OF THE WORLD COURT

The Permanent Court of International Justice is composed of a body of independent judges, elected regardless of their nationality. The court consists of 15 members, 11 judges and 4 deputy judges. The court sits at The Hague permanently. There is a provision of the statute of the court that the electors should bear in mind that the whole body should represent the main forms of civilization and the principal legal systems of the world. There is a provision that not more than one national of the nations which signed the statute of the court shall be a member of the court at one time.

There is also a provision that each contesting party shall have the right to have one of its own nationals take part as a member of the court. This enables each party to know fully what was discussed by the judges, how they arrived at their decision, and to correct any misapprehension of the customs or laws of the national of which he is a part. This provision avoids secrecy, suspicion, and misunderstanding. The merits of the case as they appeared to the judges are thus fully known to the contesting parties.

THE WEAKNESS OF THE COURT OF ARBITRATION

The Permanent Court of Arbitration, which was set up at The Hague conference in 1899, consists of a panel of judges, four of whom are elected by each member nation. The number of judges in the panel is 147. It does not sit permanently, but must be set up whenever a case to be presented to it arises, and the arbitrators in each case must be chosen from the judges in the panel. In case of a failure to agree as to the composition of the court, each party appoints two arbitrators, of whom only one can be its national. These arbitrators together choose an umpire. In case of their disagreement, this choice is entrusted to a third nation selected by agreement between the two parties. Valuable as has been the Permanent Court of Arbitration at The Hague, it is not really a court but only a list of names from which the parties in each case select and constitute a court. Moreover, since in disputes to be decided by arbitration, the arbitrators are selected by the parties on each occasion, and are in most cases different individuals acting as arbitrators; there is no continuity in the administration of justice. Long delays may arise in the creation of this so-called tribunal, and when it is at last assembled it is but at best a body of arbitrators unknown to each other, forced to formulate its own rules of procedure, and unable to rely for guidance on its own precedents.

The Chief Justice of the United States, Charles Evans Hughes, who formerly sat as a member of the World Court, well said the other day in his speech in New York before the Association of the Bar of the City of New York, that "the judicial settlement of international disputes can not be adequately secured by mere sporadic occasional efforts."

HOW WORLD COURT JUDGES ARE SELECTED

The judges of the Permanent Court of International Justice are elected from jurists nominated by the national groups in the Court of Arbitration (established at The Hague in 1899). This list of candidates so nominated is then presented separately to the council and to the Assembly of the League of Nations, which vote independently upon the candidates presented. To elect a judge it is necessary that he receive a majority in the council and in the assembly. Should the United States become a member of the World Court, it would, for the purpose of the election of the judges, have a vote in the council and in the assembly of the league. The judges hold office for nine years, and under the new rules of the court are not authorized to engage in any business or profession.

INTERNATIONAL LAW AND THE WORLD COURT

It has been suggested by some that before setting up a world court an attempt should be made to codify the law which it is intended to apply. Such a procedure would be directly contrary to the manner in which our own common law was gradually evolved by the courts—a process which should be followed by the World Court in the field of international law. The two sources at the present day of international law are customs and treaties, and it should be the function of an international court to study the former and to interpret the latter, thus gradually building up a common law among the nations similar in structure to the common law which is the basis of our own legal system.

Chief Justice Charles Evans Hughes has defined international law as follows:

"It is the body of principles and rules which civilized states consider as binding upon them in their mutual relations. It rests upon the consent of sovereign states."

At present the United States is a party to some 600 treaties and less formal agreements with other countries. About 80 of these are general conventions, often, in effect, great international statutes to which many countries are parties. This situation raises an important problem of interpretation. Just as the great expansion of State and Federal enactments has made more important than ever before the functions of our national courts, so the multiplication of treaties, a necessary incident to expanding international life, has created a need for a World Court to interpret them, and in doing so to establish precedents for future guidance. Herein lies one of the most valuable features of the Permanent Court of International Justice; a consistent and uniform policy and practice in the interpretation of treaties can hardly be developed through special arbitral tribunals which sit for the hearing of a case and then cease to exist. But the World Court, like the Supreme Court of the United States, is developing precedents which insure reasonable precision and guidance.

KELLOGG TREATY RENOUNCING WAR

The court's usefulness will undoubtedly increase as nations become more and more convinced of the utter futility of resolving disputes by force of arms.

Fifty-seven nations of the world have by the execution of the Kellogg treaty agreed, among other things, on the following articles:

"ARTICLE 1. The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

"ART. 2. The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be which may arise among them shall never be sought except by pacific means."

The Senate ratified the Kellogg treaty by a vote of 85 to 1 on January 15, 1929. The United States having taken a leading part in the formulation of the Kellogg treaty (the Paris pact), it becomes imperative that it should consider the very best procedure whereby it may submit disputes to which it is a party to the most competent and trustworthy international judicial body.

Mr. Root said in his instructions to the American delegates to the second Hague peace conference of 1907:

"If there can be a tribunal which would pass upon questions between nations with the same impartial and impersonal judgment that the Supreme Court of the United States gives to questions arising between citizens of the different States, there can be no doubt that nations would be much more ready to submit their controversies to its decision than they are now to take the chances of arbitration."

The United States must determine whether it will act with the rest of the world or whether it will hold aloof and turn against the very embodiment of its own ideals. In favoring the entrance of the United States into the World Court Chief Justice Hughes said:

"In supporting the World Court in the manner proposed we lose nothing that we could otherwise preserve; we take no serious risks that we could otherwise avoid; we enhance rather than impair our ultimate security; and we heighten the mutual confidence which rests on demonstrated respect for the essential institutions of international justice."

HARDING INDORSES WORLD COURT

In his message of February 24, 1923, to the Senate President Harding suggested that the United States become a member of the World Court, which had been set up as a result of the deliberations of the committee of international jurists.

COOLIDGE FAVORS WORLD COURT

President Coolidge, in his first message to Congress on December 6, 1923, and in later speeches, expressed himself strongly in favor of American adherence to the new International Court.

HOUSE OF REPRESENTATIVES FOR WORLD COURT

On March 3, 1925, a resolution was passed by the House of Representatives stating that it desired "to express its cordial approval of the said court and an earnest desire that the United States give early adherence to the protocol esablishing the same," and expressing its readiness to participate in the enactment of such legislation as would necessarily follow such approval. The vote by the delegation from Illinois at that time was as follows:

Members voting for the resolution: Morton D. Hull, Adolph J. Sabath (Democrat), Frank R. Reid, Charles E. Fuller, William E. Hull, Frank Funk, William P. Holaday, Henry T. Rainey (Democrat), J. Earl Major (Democrat), William W. Arnold (Democrat), Thomas S. Williams, Everett E. Denison, Henry R. Rathbone, Carl R. Chindblom, Allen F. Moore. Total, 15.

Members voting against the resolution: Edward J. King. Total, 1.

Members not voting: Martin B. Madden, Elliott W. Sproul, Thomas A. Doyle (Democrat), M. Alfred Michaelson, Stanley H. Kunz (Democrat), Fred S. Britten, Richard Yates, James R. Buckley, John C. McKenzie, Edward E. Miller. Total, 10.

REPUBLICAN PARTY INDORSES WORLD COURT

Moreover, the Republican Party has consistently favored in its platforms adherence to the World Court. In 1912 the Republican Party in its national platform said:

"Together with peaceful and orderly development at home the Republican Party earnestly favors all measures for the establishment and protection of the peace of the world, and for the development of closer relations between the various nations of the earth. It believes most earnestly in the peaceful settlement of international disputes and in the reference of all controversies between nations to an international court of justice."

In 1916 the national Republican platform declared that:

"The Republican Party believes that a firm, consistent, and courageous foreign policy, always maintained by Republican Presidents in accordance with American traditions, is the best, as it is the only true way to preserve peace and restore to us our rightful place among nations. We believe in the peaceful settlement of international disputes, and favor the establishment of a World Court for that purpose."

In 1924, after the establishment of the World Court, the national Republican platform stated:

"The Republican Party reaffirms its stand for agreement among the nations to prevent war and preserve peace. As an immediate step, we indorse the Permanent Court of International Justice and favor the adherence of the United States to this tribunal as recommended by President Coolidge."

The recommendation to which the above plank in the Republican national platform refers was made by President Coolidge on December 6, 1923, and is a follows:

"Pending before the Senate is a proposal that this Government give its support to the Permanent Court of International Justice, which is a new and somewhat different plan. This is not a partisan question. It should not assume an artificial importance. The court is merely a convenient instrument of adjustment to which we could go, but to which we could not be brought. It should be discussed with entire candor, not by a political but by a judicial method, without pressure and without prejudice. Partisanship has no place in our foreign relations. As I wish to see a court established, and as the proposal presents the only practical plan on which many nations have ever agreed, though it may not meet every desire, I, therefore, commend it to the favorable consideration of the Senate, with the proposed reservations clearly indicating our refusal to adhere to the League of Nations."

In 1928 the Republican national platform reaffirmed its indorsement of the Permanent Court of International Justice, as follows:

"We approve the foreign policies of the administration of President Coolidge. We believe they express the will of the American people in working actively to build up cordial international understanding that will make world peace a permanent reality."

SENATE FAVORS COURT WITH RESERVATIONS

The United States Senate, out of abundant caution, added five reservations to the statute of the Court of International Justice and then consented on January 27, 1926, to the adherence of our country to the court by a vote of 76 to 17. These reservations are as follows:

"1. That membership in the court shall involve no legal relation with the League of Nations or the assumption of any obligations under the treaty of Versailles.

"2. That the United States shall participate in the election of judges.

"3. That the United States shall pay a fair share of the expenses of the court as determined by the Congress of the United States.

"4. That at any time the United States may withdraw from the court.

"5. That the court shall not render any advisory opinion except publicly after due notice to all States adhering to the court and to all interested parties and after public hearing or opportunity for hearing given to any State concerned, and that the court shall not, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest. The signature of the United States to the said protocol shall not be affixed until the powers signatory to such protocol shall have indicated through an exchange of notes their acceptance of the foregoing reservations and understandings as a part and a condition of adherence by the United States to said protocol.

"*Resolved further, as a part of this act of ratification,* That the United States approve the protocol and statute hereinabove mentioned with the understanding that recourse to the Permanent Court of International Justice for the settlement of differences between the United States and any other state or states can be had only by agreement thereto through general or special treaties concluded between the parties in dispute; and resolved further that adherence to the said protocol and statute hereby approved shall not be so construed as to require the United States to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall adherence to the said protocol and statute be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions."

SENATE FOLLOWS RESERVATIONS OF FIRST HAGUE CONFERENCE

It is interesting to note that in the report of the delegation to the first international peace conference at The Hague in 1899, of which we became a party to the convention, the American delegates made the following statement in their report to the President:

"In order, however, to make assurance doubly sure and to leave no doubt whatever of the meaning of the convention, affecting the United States of America, the commission made the following declaration in the full session of the conference held July 25 (1899):

"'The delegation of the United States of America, in signing the convention regulating the adjustment of international differences as proposed by the International Peace Conference makes the following declaration:

"'Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or international administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.'"

CONSENT OF UNITED STATES NECESSARY FOR JURISDICTION

It will be observed that the World Court under no circumstances assumes jurisdiction over the United States in any case in which the latter refuses to submit to its jurisdiction. The United States can only be a party before the court by its own full consent. And may it further be stated that no amendment to the statute of the World Court can be made without the consent of the United States. It will be readily seen that, while the United States is not a member of the World Court, there is nothing to prevent the World Court now from giving an advisory opinion on questions in which the United States might consider itself to have an interest.

MRS. MCCORMICK FAVORS A WORLD COURT

May I devote a moment to the principal contention made by one of my opponents? Mrs. McCormick in her speeches, so far as I have received reports, has asserted that the World Court is an annex to the League of Nations and then has proceeded to devote considerable attention to the League of Nations. The League of Nations is not an issue in this campaign. The Republican Party in its national platforms and the Republican Presidents in their messages to the Congress have expressed the views of the party in that regard. I am against the United States entering the League of Nations, so that issue can not be injected into this campaign. Mrs. McCormick has, however, expressed herself upon "a world court" in the following letter:

[Candidate for the Republican Nomination for Congressman at large from Illinois, RUTH HANNA MCCORMICK (Mrs. Medill McCormick)]

BYRON, ILL., *January 30, 1928.*

Mr. RUDOLPH WITTE,
Mendota, Ill.

MY DEAR MR. WITTE: Thank you for sending in my petition.

I have not discussed the World Court in my speeches, but, in speaking about national affairs and international policy I have discussed the outlawry of war program and referred to the position taken by the French in answer to our request that they sign a treaty with us for the outlawry of war and say they can not do it on account of the covenant of the League of Nations. The outlawry of war program calls for a World Court, and this sort of a court I do support. I was against America's joining the so-called World Court or League of Nations World Court.

Does this answer your question?

Very sincerely yours,

(Signed) RUTH HANNA MCCORMICK.

I call the attention of the Republican voters of Illinois to the statement in the letter of Mrs. McCormick as follows: "The outlawry of war program calls for a World Court, and this sort of a court I do support. I was against America's joining the so-called World Court or League of Nations World Court. Does this answer your question?"

For my part, I do not think that the Republican voters of Illinois will consider that her explanation does answer the question. The United States has signed the Kellogg treaty condemning recourse to war for the solution of international controversies and renouncing it as an instrument of national policy in our relations with other states, as stated heretofore. As Mrs. McCormick states that the outlawry of war (Kellogg treaty) called for "a World Court" I think it is fair to the Republican voters of our State that she outline the kind of "a World Court" which she would favor, and indicate the likelihood of the adoption of a new world court. Does she think that any of the nations of the present World Court had in mind, in signing the Kellogg treaty, the creation of a new World Court to which differences on the application of international law could be referred for decision?

Would Mrs. McCormick decline to permit the 54 nations which are members of the League of Nations, and which have signed the Kellogg treaty, to enter a new World Court unless they withdrew their membership from the league? Would she decline to permit the 42 nations which are signatory of the Permanent Court of International Justice (the existing World Court) to enter the new World Court until they had withdrawn their membership in the Permanent Court of International Justice? As Russia, Mexico, Turkey, and a few small countries are the only nations not members of the Permanent Court of International Justice, except the United States, would she limit membership in a new World Court to these nations? Would she change the method of electing judges and grant to each nation equal power in their election? If she would not do so, what sort of an organization would she have created which would reconcile the differences and claims of the large nations and the small ones in electing the judges? What would be the jurisdiction of the new World Court and who would define it? What assurance can she give to the Republican voters of Illinois that any nation in the Permanent Court of International Justice would adhere to a new World Court as suggested in her letter?

If Mrs. McCormick feels that her opinion as to international law and its administration through an international court should be set up against the attitude of the Republican Party and its leaders, I submit that she should not be content with the mere statement that she favors "a World Court" and opposes the existing World Court but that she should outline in some detail the structure, character, membership, and conditions of membership and the administration of the new World Court which she so briefly suggests.

To the suggestion that while this country is committed to the idea of an international court it should join some other tribunal than the Permanent Court of International Justice it may be said that this would mean that the present 42 signatory nations of the World Court would have to give up a world institution which has been in existence for over 8 years, which has rendered 16 judgments in controverted cases and also delivered 16 advisory opinions; and, which has set up a body of precedents unknown heretofore in the history of international relations. It is difficult, however, to understand how such a mythical court to which Mrs. McCormick refers in her letter would differ from the present World Court itself. The membership would be the same, and the machinery for electing its judges would have to be copied from the present structure of the league, since this is the only method that has proved acceptable to the great and the small nations of the world. These nations, members of the new court, would still belong to the League of Nations. The machinery of the League of Nations is therefore used only as a matter of convenience and the League of Nations has no other functions in this regard with the World Court than any independent organization would have which might be set up for electing the judges, the payment of their salaries, the expenses of the court and the requesting of advisory opinions on interpretation of treaties among them. It is enough to state the proposition to show its futility.

THE LEAGUE OF NATIONS NOT AN ISSUE

I will submit to any fair-minded Republican voter that the League of Nations is not an issue in our Republican primary. I submit further that the Permanent Court of International Justice with the reservations passed by the Senate is in no wise connected with the League of Nations, except in matters relating to its administrative features, and this to the extent only that it is necessary to have an agency through which the World Court may be set in operation.

THE COURT CREATES ITS OWN PROCEDURE

May I add further that the League of Nations does not provide for the methods to be pursued by the World Court in its investigations, but, on the contrary, article 38 of the Statute of the Permanent Court of International Justice sets forth exactly the methods which can not be changed without the consent of the United States should we adhere to the World Court. Article 38 is as follows:

"The court shall apply:

"1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting States;

"2. International custom as evidence of a general practice accepted as law.

"3. The general principles of law recognized by civilized nations.

"4. Subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of the rules of law. The provision shall not prejudice the power of the court to decide a case ex aequo et bono if the parties agree thereto."

Article 59 referred to above is as follows:

"The decision of the court has no binding force except between the parties and in respect of that particular case."

COURT HAS NO POWER TO ENFORCE ITS DECISIONS

There is no way to enforce the decisions of the World Court except through the sense of moral obligation. There is no other way to enforce an award by the Hague Court of Arbitration. There is no way to enforce agreements reached through diplomacy except through moral obligations. Each nation is sovereign, and there is no superstate.

The Permanent Court of International Justice is not a substitute for other methods of settling disputes or conflicts among the nations which are members of the court. These nations may refer their disputes to the Permanent Court of Arbitration at The Hague (established in 1899), or they may settle their disputes and conflicts through diplomatic negotiations or by any other pacific means. But the Permanent Court of International Justice is the last and the greatest international organization and represents the main forms of civilization and the principal legal systems of the world. It creates a body of international law to guide the nations of the world in settling their disputes and conflicts through "pacific means." (Kellogg treaty, art. 2.)

I have endeavored to state as clearly and as briefly as the facts would permit the development and the nature of the Permanent Court of International Justice, and the attitude of the Republican Party and its great leaders toward it.

THE ROOT FORMULA

The first four reservations made by the Senate of the United States were acceptable to the other signatory nations to the statute of the World Court, but the fifth reservation was not acceptable to all, because, as alleged, it gave to the United States a veto power upon the other 54 signatory nations, in reference to an advisory opinion.

Mr. Elihu Root suggested a formula to the signatory nations to the statute of the World Court, and which they have signed, providing, as to the fifth reservation, for an exchange of views between the United States and the members of the council or assembly of the league as to whether an interest of the United States is affected; that any proceeding shall be stayed for a period sufficient to enable such an exchange of views between the council or the assembly and the United States on the matter at issue; that the objections of the United States shall have the same force and effect as attaches to a vote against asking for the advisory opinion granted to a member of the League of Nations in the council or in the assembly; that, if after such exchange of views there shall appear that no agreement can be reached and the United States is not prepared to forego its objection, the exercise of the powers of withdrawal provided for in article 8 thereof shall follow naturally without any imputation of unfriendliness or unwillingness to cooperate generally for peace and good will; that the United States may at any time notify the secretary general of the League of Nations that it withdraws its adherence to the World Court and that the secretary general shall immediately communicate this notification to all the other states signatory to the World Court; and that in such a case the present protocol of the World Court shall cease to be in force respecting our country as from the receipt by the secretary-general of the notification of the United States.

On the other hand, each of the other signatory countries may at any time notify the secretary-general of the League of Nations that it desires to withdraw its acceptance of the special conditions attached by the United States to its adherence to the protocol of December 16, 1920, and means are provided for the withdrawal of such states as set forth in article 8.

President Hoover, in his message to the Seventy-first Congress, December 3, 1929, in referring to the statute of the World Court, said:

"In January, 1926, the Senate gave its consent to adherence to the Court of International Justice with certain reservations. In September of this year the statute establishing the court has, by the action of the nations signatory, been amended to meet the Senate's reservations and to go even beyond those reservations to make clear that the court is a true international court of justice. I believe it will be clear to everyone that no controversy or question in which this country has or claims an interest can be passed on by the court without our consent at the time the question rises. The doubt about advisory opinions has been completely safeguarded. Our adherence to the international court is, as now constituted, not the slightest step toward entry into the League of Nations. As I have before indicated, I shall direct that our signature be affixed to the protocol of adherence and shall submit it for approval of the Senate with a special message at some time when it is convenient to deal with it."

The so-called Root formula will in due course be submitted to the Senate and referred to the Committee on Foreign Relations. It is impossible now to determine or foresee how the issues will be presented to the Senate. The Root formula may be modified by the Committee on Foreign Relations of the Senate, as was the statute of the Permanent Court of International Justice by the same committee in January, 1926, by annexing to it the five reservations to which I have referred.

I voted for the reservations attached by the Senate to the statute of the World Court and have not changed my views in reference thereto. The whole debate will turn upon whether the Root formula in any way weakens the fifth reservation or removes the safeguards which it was deemed advisable by the Senate to create.

May I add that our country is in no different situation than any of the 42 nations which have ratified the statute of the World Court. Not one of the countries in ratifying the statute relinquished its sovereignty or any of its policies or traditions which are attributes of its national life. None of them has asked the United States so to do. Where all nations are striving for the same end and where no nation is required to sacrifice anything to achieve that end, it would seem reasonable to hope that an amendment to the statute of the World Court could be agreed upon which would state accurately the things upon which all the nations, in fact, do agree. An international court created to administer international law should rest upon the firm foundation of equality of right among the nations which are members thereof and the method of providing and securing that equality of right, in so far as our country is concerned, "will be hammered out on the anvil of debate" in the United States Senate. In becoming a member of the World Court the United States will protect its traditional policies of not intruding upon, or interfering with, or entangling itself with the political questions or policies of internal administration of any foreign state, nor will it relinquish its traditional attitude toward purely American questions, nor surrender any of its sovereign rights, policies, or traditions.

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.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. President, I am going temporarily to withdraw the amendment at the request of the Senator from Utah [Mr. SMOOT], who wants to clean up quite a large number of amendments of various kinds to the pending bill. So I have agreed with the Senator from Utah, since my amendment will probably consume considerable time and require considerable debate, to withdraw it until he has an opportunity to clean up the amendments of less importance that will take less time. Before I do that I want to modify my amendment in one or two respects.

I refer in the amendment on page 2 to the Court of Customs. That is a mistake. There is no such court, and I want to make it read "United States Customs Court," which is the proper legal name. So I want to change the amendment in line 3, on page 2, by striking out the words "Court of" and inserting the words "United States," and after the word "Customs," inserting the word "Court"; and in line 10 to strike out the first two words of the line "of customs."

Mr. President, with the understanding I have with the Senator from Utah, I temporarily withdraw the amendment.

Mr. NORBECK. Mr. President, if it is order at this time, I wish to call up an amendment which was offered by me on the 6th of January to section 527 of the pending bill. It relates to the importation of certain wild animals and birds. The amendment merely requires shipments from other countries to be accompanied by proper permits which have been secured beforehand; that is, the American representative shall certify that such permit has been granted; so that the legality of the shipment will be determined in advance. I do not think there will be any objection to the amendment at all, but I desire to perfect it at this time by inserting after line 21 two of the subdivisions which were in the House bill, namely, subsections 2 and 3.

The VICE PRESIDENT. The modified amendment offered by the Senator from South Dakota will be stated.

The LEGISLATIVE CLERK. On page 429, after line 11, it is proposed to insert the following:

SEC. 527. Importation of certain wild animals and birds: Whenever the laws or regulations of any country, dependency, province, or other subdivision of government restrict the taking, killing, possession, or export of any mammal or bird, alive or dead, or restrict the export of any part or product thereof, whether raw or manufactured, no such mammal or bird, or part or product thereof, shall be imported into the United States after the expiration of 90 days after the enactment of this act, unless accompanied by a certificate of the United States consul for the consular district in which is located the port or place from which such export was made, setting forth that such mammal or bird or part or product thereof has been duly acquired and shipped in accordance with the laws or regulations of such country, dependency, province, or other subdivision of government.

Forfeiture: Any mammal or bird, alive or dead, or any part or product thereof, whether raw or manufactured, imported into the United States in violation of the provisions of the preceding paragraph shall be subject to seizure and forfeiture under the customs laws. Any such article so forfeited may, in the discretion of the Secretary of the Treasury and under such regulations as he may prescribe, be placed with the departments or bureaus of the Federal or State governments, or with societies or museums, for exhibition or scientific or educational purposes, or destroyed, or (except in the case of heads or horns of wild mammals) sold in the manner provided by law.

Nothing in this section shall apply to—

(1) Articles the importation of which is prohibited under the provisions of this act or of section 241 of the Criminal Code or of any other law;

(2) Scientific or educational purposes: Wild mammals or birds, alive or dead, or parts or products thereof, whether raw or manufactured, imported for scientific or educational purposes;

(3) Certain migratory game birds: Migratory game birds (for which an open season is provided by the laws of the United States and any foreign country which is a party to a treaty with the United States, in effect on the date of importation, relating to the protection of such migratory game birds) brought into the United States by bona fide sportsmen returning from hunting trips in such country, if at the time of importation the possession of such birds is not prohibited by the laws of such country or of the United States.

Mr. SMOOT. Mr. President, the amendment is the same as the House provision, as I understand.

Mr. NORBECK. I am adding two of the subsections that are in the House bill in order to harmonize the amendment with that provision.

Mr. SMOOT. The committee has already agreed to strike out that provision.

Mr. NORBECK. The Finance Committee reported in favor of striking it out; I am well aware of that; and that is the reason I am offering the amendment.

Mr. SMOOT. The Senate agreed to the amendment reported by the committee.

The VICE PRESIDENT. The amendment of the Senator from South Dakota would not be in order at this time without reconsidering the vote whereby the Senate committee amendment was agreed to.

Mr. SMOOT. Mr. President, we might just as well act on the amendment now, and I ask unanimous consent that the Senator from South Dakota may offer his amendment at this time.

The VICE PRESIDENT. Without objection, the vote whereby the committee amendment, beginning in line 12, page 429, was agreed to will be reconsidered, and the Senator from South Dakota is recognized to offer his amendment. The question now is on agreeing to the amendment offered by the Senator from South Dakota.

Mr. SMOOT. Mr. President, let me ask the Senator would it not be just as well to disagree to the committee amendment?

Mr. NORBECK. No; the amendment I am now offering will clarify the provisions. The conference committee, in the event my amendment shall be agreed to, will have the whole matter in hand; and if they think the House provision is better, they can adopt it, but I think the amendment I have offered is clearer than the House provision which was stricken out.

Mr. SMOOT. I will simply make a statement as to the attitude of the department, and then the Senate may act on the amendment. The department says:

The provision partakes of the nature of an attempt to enforce the laws of foreign countries in respect of matters of their internal policy. While it may not be proper to encourage violations of foreign laws, it would seem to be beyond the proper purpose of a tariff bill to adopt the amendment proposed by the House bill.

Mr. NORBECK. What department sent that communication?

Mr. SMOOT. It came from the Treasury Department.

Mr. NORBECK. Under what date?

Mr. SMOOT. The statement is from the report they have sent to me on the bill.

Mr. NORBECK. On the bill; yes; but I think the Senator has a more recent communication from the Treasury Department on the matter which will clarify it.

Mr. SMOOT. I wanted the RECORD to be clear, Mr. President. I will say to the Senator I have no objection to the amendment going in; and in the meantime, of course, we will take it up with the Treasury Department.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from South Dakota.

The amendment was agreed to.

Mr. McNARY. Mr. President, we are about to return to the discussion of the tariff bill. I am advised that there are a number of Senators who desire to be on the floor; and I suggest the absence of a quorum.

Mr. SMOOT. Just a moment, Mr. President.

Mr. McNARY. I withhold the suggestion for a moment.

Mr. SMOOT. On page 263, I move to strike out line 18. That is the oil-cake paragraph. We put a duty upon it in paragraph 730, and this is simply carrying out that action.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. VANDENBERG. Mr. President, will the Senator from Oregon withhold his point for just a moment?

Mr. McNARY. Yes.

Mr. VANDENBERG. I must leave the Chamber, and I desire to offer an amendment about which I think there will be no controversy.

Mr. McNARY. Very well.

The VICE PRESIDENT. The Senator from Michigan proposes an amendment, which will be stated.

Mr. HARRISON. Mr. President, before the Senator from Michigan offers the amendment, I will say that I do not know anything about it——

Mr. VANDENBERG. This is an amendment that has been agreed upon with the Senator from Massachusetts [Mr. WALSH].

Mr. HARRISON. A lot of Senators thought perhaps this other discussion was going on for some time, and they did not know that these amendments would be offered. It seems to me we ought to have a quorum present before they are acted upon.

Mr. VANDENBERG. I asked the Senator from Oregon to yield to enable me to present an amendment about which there is no controversy. I should like to have this amendment disposed of before the quorum call is made.

The VICE PRESIDENT. Let the amendment be stated.

The LEGISLATIVE CLERK. In paragraph 404, page 118, line 25, after the word "valorem" the second time it appears, it is proposed to insert the words—

And, in addition thereto, on birch and alder plywood, 10 per cent ad valorem.

Mr. VANDENBERG. Mr. President, when this subject was under consideration before I offered an amendment with a substantially larger duty involved. The Senator from Massachusetts [Mr. WALSH], who was in charge of the wood scshedule for the minority, himself suggested the amendment which I now offer. Because of the parliamentary situation it could not then be considered, but the matter has since been discussed with the Senator from Massachusetts in detail and he is entirely agreeable to this amendment. I think there is no disagreement as to the importance and necessity of it, and unless there are some questions regarding it I will submit the matter to a vote.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Michigan.

The amendment was agreed to.

Mr. McNARY. Mr. President, I renew my suggestion of 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:

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

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. McKELLAR. Mr. President, I offer an amendment to which I invite the attention of the Senator from Utah. It is on page 119, paragraph 407.

Mr. SMOOT. That is the amendment which the Senator submitted in relation to barrel shooks and staves?

Mr McKELLAR. Yes.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 119, line 13, it is proposed to strike out all after the word "that," down to and including the word "shooks" in line 19, and insert the following:

Fruit-box shooks and fruit-barrel staves of the growth or manufacture of the United States, when exported and reimported in complete form, filled with fruit, shall be subject to duty at half the rate imposed on similar boxes or barrels of entirely foreign growth and manufacture; but proof of the identity of such shooks and staves——

Mr. SMOOT. This is simply a rewording of the provision as submitted by the department. I rather think it is a little better than the House provision; and I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLEN. Mr. President, I ask reconsideration of paragraph 206, page 37, and send two amendments to the desk.

The VICE PRESIDENT. Let the first amendment be stated.

The LEGISLATIVE CLERK. On page 37, line 25, in lieu of the word "one-twentieth," inserted by the amendment of the Senate Committee on Finance, it is proposed to insert "one-tenth."

Mr. SMOOT. That is the rate provided by the House. In order to have the Senate consider it, the Senator will have to ask unanimous consent for reconsideration.

The VICE PRESIDENT. Is there objection to reconsideration?

Mr. GEORGE. Mr. President, we are so close to the consideration of the bill in the Senate that I think I shall object. I will say to the Senator from Kansas that I would not do so if he would be delayed longer than perhaps a few minutes.

Mr. ALLEN. I shall not take more than two minutes to explain the purport of the amendment.

Mr. GEORGE. I think we ought to wait until the bill gets into the Senate.

Mr. BARKLEY. Mr. President, the consideration of this amendment will take more than two minutes.

Mr. GEORGE. I understand that it will lead to some debate. I think we might wait until we get into the Senate with the bill. Then, of course, the amendment will be in order.

Mr. ALLEN. Very well. I withdraw the amendment.

The VICE PRESIDENT. The Senator from Kansas withdraws his amendment. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. HARRISON. Mr. President, I have no amendment to offer; but since it looks now as if we will get the bill out of the Committee of the Whole and into the Senate to-day, I desire to ask the Senator in charge of the bill if we can not agree that to-morrow, on the convening of the Senate, sugar can be taken up for consideration?

Mr. SMOOT. I should like very much to take it up just as soon as the bill gets into the Senate.

Mr. HARRISON. That is satisfactory.

I ask unanimous consent that to-morrow, on the convening of the Senate, the first item to be taken up for consideration shall be the sugar item.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Why not make it just as soon as the bill reaches the Senate?

Mr. HARRISON. For the reason that some Senators may not be here. It is a very important item. It would not delay matters very much to have it go over until to-morrow. Not many Senators thought we would probably get the bill out of the Committee of the Whole and into the Senate to-day.

Mr. SMOOT. I thought perhaps we might go on with the bill in the Senate to-day.

Mr. HARRISON. If the Senator prefers, I will ask unanimous consent to fix a time for voting on sugar, to vote on his amendment at a certain definite time to-morrow—1 o'clock, 2 o'clock, or what not.

Mr. BROUSSARD. Mr. President, I should object to that.

The VICE PRESIDENT. The Senator from Louisiana objects.

Mr. SMOOT. The Senator from Louisiana does not object to taking it up?

Mr. BROUSSARD. No; I object to fixing a time to vote to-morrow.

Mr. SMOOT. The Senator from Louisiana does not want to fix a time to vote. I am perfectly willing, then, to agree to the request of the Senator from Mississippi that we take up the sugar item the first thing to-morrow.

Mr. HARRISON. I renew my request for unanimous consent.

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

Mr. TRAMMELL. Mr. President, does the Senator think that if we arrange to take up this subject to-morrow that will possibly cause a delay in the final disposition of the bill, in view of the fact that this afternoon or this evening we may run out of anything to do, and will have to recess early, and thus lose two or three or four hours?

Mr. HARRISON. Oh, no. On the contrary, I think it will expedite the disposition of the bill.

Mr. TRAMMELL. If the result would be to cause delay I should object to the request, because I think we ought to try to get rid of the bill, and not have any long recesses until we do get rid of it.

Mr. SMOOT. What I should like is to have the Senator modify his request so as to take up the sugar item as soon as the bill reaches the Senate. I assure the Senator that so far as I am concerned I do not want to make a long speech in regard to the matter.

Mr. HARRISON. I do not expect to take very much time, either; but I thought it might expedite matters to take up the subject to-morrow. If, in the meantime, the bill should get into the Senate to-day, we can take up some other amendments and get through with them.

Mr. SMOOT. I do not think it will take very long. Let us take that up just as soon as we get the bill into the Senate.

Mr. SIMMONS. Mr. President, I doubt very seriously whether the Senator from Utah will be able to have the Senate finish the consideration of the bill as in Committee of the Whole to-day.

Mr. SMOOT. That may be; I am only saying that if we do, then we can take up the sugar item.

Mr. SIMMONS. If the Senator will make it conditional, I have no objection to it. I am perfectly willing that the sugar item should be taken up first when the bill gets into the Senate, but I think it would be rather hazardous for the Senator from Utah to agree to take it up to-morrow, because I doubt very much whether we will finish with the bill as in Committee of the Whole to-day.

Mr. SMOOT. Then we would not take it up to-morrow. I would like to have the Senator from Mississippi modify his request, so as to ask that just as soon as the bill reaches the Senate we will take up the item of sugar for consideration.

Mr. SIMMONS. I have no objection to that.

Mr. SMOOT. Whether it be to-day, or to-morrow, or whenever it reaches the Senate.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. BARKLEY. When the bill gets into the Senate, what will be the order of procedure? Will we take the bill up schedule by schedule for amendment, or will anyone have the right to offer an amendment to any part of the bill at any time during the consideration of the bill in the Senate?

The VICE PRESIDENT. The usual practice is, as soon as a bill reaches the Senate, to concur in all the amendments that have been made as in Committee of the Whole which are not objected to and reserved, and then to submit a list of those upon which a separate vote has been requested, and take a vote upon them. Of course, the whole matter is in the hands of the Senate.

Mr. SMOOT. Certainly.

Mr. BARKLEY. That relates to amendments which have been agreed to as in Committee of the Whole, but what course will be pursued relative to any amendment which a Senator may desire to offer from the floor, independent of any amendment agreed to as in Committee of the Whole?

The VICE PRESIDENT. The amendments proposed will be taken up as they are offered by individual Senators, unless some other order is made by the Senate.

Mr. COPELAND. Mr. President, I wish there might be an agreement that we would take up the bill schedule by schedule. There are certain to be a number of amendments offered, and those interested in any schedule to be taken up can have their material on hand. It is a great undertaking to keep everything on one's desk covering 16 or 17 schedules.

Mr. DILL. Mr. President, why do we not wait until the bill gets into the Senate?

Mr. SMOOT. I would like to have the unanimous consent, if the Senator will modify his request.

Mr. HARRISON. I modify my request accordingly. I ask unanimous consent that when the bill gets out of the Committee of the Whole the first item to be considered in the Senate shall be the sugar schedule.

The VICE PRESIDENT. Is there objection?

Mr. SIMMONS. Mr. President, I presume this action will not be taken as a precedent. I think it is very wise to fix a time for considering the item of sugar, and I think it is very well to begin with sugar, but I do not believe it would be wise to establish a precedent, and every day have some amendment singled out for first consideration. After the bill gets into the Senate, and after we have concluded the consideration of the sugar item, I shall insist that Senators are entitled to have their amendments considered when they get recognition and offer them.

Mr. SMOOT. That is right.

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

Mr. FRAZIER. Mr. President, I offer an amendment, on page 133, to strike out "10 per cent," in line 14, and to insert in lieu thereof "one-half cent per pound." This relates to the screenings of wheat and flaxseed.

Mr. HARRISON. Let us have the amendment reported.

The VICE PRESIDENT. The amendment will be reported.

The LEGISLATIVE CLERK. On page 133, paragraph 731, line 14, strike out "10 per cent ad valorem" and insert in lieu thereof "one-half cent per pound," so as to read:

PAR. 731. Screenings, scalpings, chaff, or scourings of wheat, flaxseed, or other grains or seeds: Unground or ground, one-half cent per pound.

Mr. SMOOT. Mr. President, the Senator from North Dakota spoke to me in relation to this matter. It is only carrying out the policy in relation to protection for the farmer on the products he sells in this country, and I have no objection to it.

Mr. HARRISON. I understand the Senator makes the rate a half a cent a pound?

Mr. SMOOT. That is correct.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still as in Committee of the Whole and open to amendment.

Mr. HARRISON. I understood the senior Senator from Nebraska [Mr. NORRIS] temporarily withdrew his amendment, but that he desired to offer it while the bill is still in Committee of the Whole.

Mr. SMOOT. I do not think it will make any difference if the Senator will ask unanimous consent that he may offer it in the Senate.

Mr. HARRISON. I do not see the Senator from Nebraska in the Chamber. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

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

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

Mr. SMOOT. Mr. President, one of the representatives of the Tariff Commission has just brought to my attention what he thinks will, if not rectified, result in the impossibility of adminstering certain wool rates. He suggests that on page 170, line 14, after the word "as" we add the words "or in their natural condition"; then to insert a comma after the word "animal," in line 14; to strike out lines 15 and 16 and to add the words "and not cleansed other than by shaking, willowing, or burr picking."

The object of the amendment, as stated by the members of the Tariff Commission, is that if those words are not added, the question of carbonizing will be involved, and it may be that shaking, willowing, or burr picking only would be considered, and that the question of carbonizing would not be taken into consideration. The amendment is merely to clarify the language for administration, making no difference in the rates whatever.

Mr. DILL. Mr. President, what is the matter with the language as it is?

Mr. SMOOT. I have just stated that if the amendment I have suggested is not made, there would be a question whether certain types of wool would not come in free of duty. It is only to clarify the language, so that in the administration there would be no question as to the duty to be imposed.

Mr. DILL. How would wool be carbonized if it was in its natural condition?

Mr. SMOOT. It is not carbonizing that takes place in its natural condition. It is shaking, willowing, or burr picking. The wool can be shaken and everything shaken out of it, and it is still in its natural condition. Unless the amendment is accepted, every fleece of wool may come in here free, because they will say it has been shaken before it was shipped and therefore should come in free.

Mr. GEORGE. Mr. President, I want to ask the Senator if there is any intent or purpose to change any rate whatsoever in the wool schedule?

Mr. SMOOT. None whatever. The question involved in the proposed amendment is that the commission is fearful that under the wording, unless it is changed as I have suggested in the amendment, the operation of just shaking the wool and shaking out some little dirt may throw that wool into the free list. They say that in order to make it safe they want the wording which I have proposed.

Mr. GEORGE. That is the only purpose?

Mr. SMOOT. That is the only purpose.

Mr. GEORGE. No change in language is to be construed as having any other purpose?

Mr. SMOOT. None whatever.

Mr. WALSH of Montana. I understand security comes from the use of the expression "in their natural condition."

Mr. SMOOT. Yes.

Mr. WALSH of Montana. And it is intended to indicate that, although it is shaken or the burrs picked, it would still be in the natural condition?

Mr. SMOOT. Yes; that is all there is to it.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Utah.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole, and open to amendment.

Mr. GEORGE. Mr. President, if I may have the attention of the Senator from Utah [Mr. SMOOT], before the bill is reported to the Senate, I should like to insist upon the amendment which I suggested when we were considering Schedule 10, found on page 164, paragraph 1009, line 16, restoring "4½" in lieu of "4," and, in line 18, striking out "36 inches" and insert "24 inches."

Mr. SMOOT. As I remember it, that is restoring existing law.

Mr. GEORGE. That is all.

Mr. SMOOT. It would throw a great number of items falling under paragraph 1009 at 55 per cent into paragraph 1010 at 40 per cent.

Mr. GEORGE. It would throw some into paragraph 1010, some into paragraph 1008, and would leave some in paragraph 1009.

I would like to remind the Senator that if he will recur to the history of this section, he will see that it was inserted in the act of 1922 solely for the purpose of affording protection to what was called the linen kitchen crashes. It was not intended to raise the duty to 55 per cent upon so-called shirting linen, but it was intended to increase the duty upon the one particular kind of goods to 55 per cent. Therefore, the description or limitation was placed in it with reference to the thread and also with reference to the weight, and it was provided that it should weigh not less than 4½ ounces and not more than 12 ounces per square yard, and exceeding 12 inches but not exceeding 36 inches in width. These limitations made the highest rate apply to the kitchen crashes or linen crashes, and at the same time it was intended to keep it from applying to shirting and other cloths.

If the Senator should insist upon leaving the language as it now stands, he will have coming into this country articles of wearing apparel under paragraph 1017 at 35 per cent ad valorem, and he will destroy practically the manufacturers of these products, because it will be cheaper to import them in the finished state than it will be to pay the 55 per cent ad valorem duty upon the cloths and then manufacture them, so the American manufacturer will have to cease making them.

I am aware of the fact that it was stated before the committee that certain knicker crashes might be made if the 4½ was placed at 4, but the Senator knows that knicker crashes consist of an almost infinite variety of cloths and, the whole principle in American manufacture running to long production or mass production, the American manufacturers in making knicker crashes can hardly hope to content themselves or to produce profitably such a highly specialized cloth as the knicker fabrics. The result will be that by the change of these words we will throw the French and Belgian wearing apparel under this high duty of 55 per cent.

Mr. SMOOT. Taking all three of the paragraphs into consideration and reducing them to an ad valorem equivalent, there would be a slight increase of about 1 per cent over existing law. That is the way it works out, provided the Senator's amendment should be adopted. There is a little more than that under the provision as reported to the Senate.

Mr. GEORGE. It is not so much a rate of duty, but it is what seems to me to be a poor adjustment. That is the reason why I suggested the amendment.

Mr. SMOOT. I will accept the amendment and let it go to conference and we will work it out in detail.

Mr. GEORGE. That is all I ask because in conference the Senator can look into it more carefully and he will see that there ought to be a change made there.

Mr. SMOOT. Of course, if we agree to 4½ in this place, then we ought also to have 4½ in line 19 on page 165, where it reads:

> Plain woven fabrics, not including articles finished or unfinished, wholly or in chief value of flax, hemp, ramie, or other vegetable fiber, except cotton, weighing less than 4 ounces per square yard, 35 per cent ad valorem.

They ought to be the same. If we adopt the 4½ ounces as the Senator proposes in paragraph 1009, we ought to make it 4½ ounces in line 19, paragraph 1011.

Mr. GEORGE. I presume the Senator is correct in that, though I do not know. I think it might be changed and the whole matter taken into conference.

Mr. SMOOT. That will be satisfactory to me.

Mr. GEORGE. That would involve a change in line 19 from 36 inches to 24 inches.

The VICE PRESIDENT. Is there objection to considering the proposed amendments en bloc? The Chair hears none, and, without objection, the amendments are agreed to.

Mr. GEORGE. Mr. President, fabrics falling under subparagraph (b), page 164, according to my information are not really produced in the United States. If that be true subparagraph (b) ought to be stricken out. I am informed that woven fabrics such as are commonly used for padding and interlining in clothing, wholly or in chief value of flax or hemp, are not made in the United States.

Mr. SMOOT. That is true.

Mr. GEORGE. I move that subparagraph (b) be stricken from the bill.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Georgia to strike out subparagraph (b) of paragraph 1009, page 164.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I was instructed by the Finance Committee this morning to offer certain amendments relating to the countervailing duties provided for in the bill. I do not know but that we ought to have a quorum called, but I think we probably have as many Senators present now as we could have at any time even though we called a quorum. Therefore, by instruction of the Finance Committee, I wish to offer the following amendments. I send the first one to the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 187, line 16, strike out all after the word "valorem," down to and including the word "paper," in line 17, page 188, as follows:

> *Provided*, That if any country, dependency, province, or other subdivision of government shall forbid or restrict in any way the exportation of (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly), or impose any export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise) upon printing paper, or wood pulp, or wood for use in the manufacture of wood pulp, the President may enter into negotiations with such country, dependency, province, or other subdivision of government to secure the removal of such prohibition, restriction, export duty, or other export charge, and if it is not removed he may, by proclamation, declare such failure of negotiations, setting forth the facts. Thereupon, and until such prohibition, restriction, export duty, or other export charge is removed, there shall be imposed upon printing paper provided for in this paragraph, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, an additional duty of 10 per cent ad valorem and in addition thereto an amount equal to the highest export duty or other export charge imposed by such country, dependency, province, or other

subdivision of government, upon either an equal amount of printing paper or an amount of wood pulp or wood for use in the manufacture of wood pulp necessary to manufacture such printing paper.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. WALSH of Massachusetts. Mr. President, I understand the committee voted to remove all countervailing duties in the bill?

Mr. SMOOT. Yes.

Mr. WALSH of Massachusetts. So when the Senate gets through with the bill there will be no such duties left?

Mr. SMOOT. That is true.

Mr. DILL. Mr. President, I think there ought to be a quorum present. I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

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

The PRESIDING OFFICER (Mr. JONES in the chair). Eighty-eight Senators having answered to their names, a quorum is present.

Mr. HEBERT. Mr. President, I offer an amendment.

The PRESIDING OFFICER. There is an amendment now pending.

Mr. HEBERT. I beg pardon. I did not realize that fact.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. HEBERT. Mr. President——

Mr. SMOOT. I will ask the Senator to allow me to present one or two similar amendments along the same line.

Mr. HEBERT. Very well.

Mr. SMOOT. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 274, line 23, it is proposed to strike out all after the word "for" down to and including the word "States," in line 18, on page 275.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. Mr. President, the amendment on page 252 has already been agreed to. I ask unanimous consent that the vote whereby the amendment was agreed to may be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote by which the amendment referred to by the Senator from Utah was agreed to is reconsidered.

Mr. SMOOT. I send to the desk an amendment to the amendment.

The PRESIDING OFFICER. The Senator from Utah offers an amendment to the amendment, which will be stated.

The LEGISLATIVE CLERK. In the amendment on page 252, after line 21, putting cement on the free list, it is proposed to strike out the proviso.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DILL. Mr. President, I will ask to what the amendment refers?

Mr. SMOOT. It refers to cement.

Mr. DILL. Where is the provision with reference to coal?

Mr. SMOOT. That is already out, but if the Senator desires to reserve a separate vote on it in the Senate, he had better do so now.

Mr. DILL. I certainly do. I want to reserve that right. I also want to reserve the right to have a separate vote on the lumber item.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment on page 252.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. Mr. President, I ask unanimous consent that the letters addressed to the chairman of the Finance Committee by the State Department outlining reasons why the countervailing duties should be eliminated from the bill be printed in the RECORD at this point. I was going to read the letters, but I did not bring them with me when I came to the Senate Chamber this morning. I desire them, however, to be printed in the RECORD, so that the Senate may understand exactly why the committee took the action it has taken.

The PRESIDING OFFICER. Is there objection?

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

DEPARTMENT OF STATE,
Washington, D. C., September 4, 1929.

The Hon. REED SMOOT,
Chairman Finance Committee, United States Senate.

MY DEAR SENATOR: Your letter of August 27 regarding certain provisions of the pending tariff bill deemed contrary to existing treaties of the United States has been received.

There appears to have been no formal protests by foreign governments respecting the particular contingent duty provisos tentatively retained by the majority members of the Senate Finance Committee in paragraphs 1402, 1641, 1650, and 1687 of the pending bill. However, the inconsistency of provisos of this character and the most-favored-nation clause of treaties has on several occasions been informally commented upon by representatives of foreign governments.

May I suggest that the absence of formal protests would not, of course, relieve this Government of the obligation faithfully to execute the provisions of its treaties. Moreover, there is no assurance that if these provisos are reenacted and discriminating duties are applied thereunder to products of countries entitled by treaty to most-favored-nation treatment, formal protests would not later be received.

No protests appear to have been received regarding the provisions of 812 of the pending bill.

With reference to contingent duty provisos of the kind above referred to there are certain aspects of the matter to which you may wish to give further consideration. The policy represented by such provisos tends to place this Government in an inconsistent position in its relations with foreign countries on tariff matters. The provisos in question do not apparently have in view protecting the domestic producers of the products affected from foreign competition in the American market, but are apparently designed to facilitate the exportation of such products by bringing pressure to bear on foreign governments to reduce their duties thereon.

Our success in protecting American foreign trade from discriminatory treatment abroad depends on the extent to which we succeed in making precisely the opposite tariff principally prevail, namely, that the tariff being solely a domestic matter a country may impose whatever level of nondiscriminatory duties it deems necessary for the protection of domestic producers and standards of living without affording foreign countries any ground for complaint or justification for discriminations against its trade.

Opposing tariff theories are gaining considerable support abroad, and departures from our declared policy on tariff matters thus assume particular importance at this time. The principle embodied in the provisos in question has recently received considerable attention abroad, and was recently given prominence in the French and German press.

You may wish to consider whether the gains to American producers of the products covered by the provisos in question are sufficient to offset the disadvantages arising from the inconsistent position in which they tend to place this Government and their tendency to hamper this department's efforts on behalf of American exporters generally.

Sincerely yours,

W. R. CASTLE, Jr.

DEPARTMENT OF STATE,
Washington, D. C., February 4, 1930.

The Hon. REED SMOOT,
United States Senate.

MY DEAR SENATOR SMOOT: I note in the CONGRESSIONAL RECORD that consideration is being given to restoring certain of the so-called countervailing duty provisos in paragraph 1650 and certain other paragraphs of the tariff bill.

For reasons heretofore stated it seems highly desirable to this department that the provisos in question be eliminated. If, however, the Senate should deem their restoration essential, it is suggested that the objections thereto from the standpoint of our international relations could in large part be removed by making their application discretionary with the President, as in the case of the provisos in paragraphs 1301 and 1700 of the present law. It would thus be possible to avoid their application in cases in which treaty violations would result or in other circumstances in which such action would embarrass negotiations with foreign governments, such as occurred a few years ago during important tariff negotiations with France.

If, however, it is considered necessary to retain any of these provisos in their mandatory form, I trust that consideration will be given at least to adding to any such proviso a stipulation to the effect that it shall not operate to impair the treaty rights of any foreign country.

It is understood that the provisos in question were devised primarily with reference to our trade with Canada, and since we have no treaty with Canada guaranteeing most-favored-nation treatment in customs matters such a stipulation would not prevent their operation in so far as our trade with that country is concerned. While a stipulation of the kind referred to would only partially meet the difficulties occasioned by the provisos in question, it would at least afford evidence of an intention on the part of this Government to carry out if and when the occasion arises the obligations accepted in its treaties.

Sincerely yours,

J. P. COTTON, *Acting Secretary.*

Mr. HEBERT obtained the floor.

Mr. GLASS. Mr. President, I want to understand the gist of the statement just made by the Senator from Utah. Does the Senator mean that a Senator must give in detail every vote that he wants taken in the Senate?

Mr. SMOOT. No; that is not what I asked. I asked that a letter received from the State Department——

Mr. GLASS. I understand about the letter, but the Senator, responding to some inquiry by the Senator from Washington [Mr. DILL] a while ago, took the position, as I understood him, that in order to obtain a separate vote in the Senate after the bill shall have passed from the Committee of the Whole a Senator will have now to give notice in detail.

Mr. SMOOT. The amendment referred to by the Senator from Washington has already been stricken out as in Committee of the Whole and the Senator from Washington said that he desired to reserve the right to have a separate vote upon that amendment in the Senate. Of course, there is no objection to that at all, and when the bill is in the Senate the Senator from Washington may make a statement as to why he thinks the action of the Senate was wrong.

Mr. GLASS. The Senator means the action of the committee?

Mr. SMOOT. No; the action of the Senate; the Senate has already acted upon the amendment the Senator from Washington has in mind, and there is no amendment offered, because the Senate has already taken action upon it.

Mr. GLASS. I did not know that the bill had gone into the Senate.

Mr. SMOOT. It has not. The Senator from Washington only called attention to the fact that he wanted a separate vote when the bill shall be in the Senate.

Mr. GLASS. What I want to ask the Senator from Utah is whether it is necessary, in detail, to reserve the right in order to obtain a separate vote on any of the provisions of the bill when the bill shall be in the Senate.

Mr. SMOOT. I do not know that it is absolutely necessary, but that custom has been followed in this body.

Mr. GLASS. If that be so, any Senator may give notice that he is going to reserve the right to have a separate vote on every provision in this bill?

Mr. SMOOT. I think he could do that.

Mr. BARKLEY. Mr. President——

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

Mr. HEBERT. I yield.

Mr. BARKLEY. Is it not conceded that when the bill gets into the Senate the Chair asks if the amendments made as in Committee of the Whole shall be voted on en bloc, and then any Senator can reserve the right to have a separate vote on any amendment which has been agreed to in which he may be interested?

Mr. SMOOT. That is true.

Mr. BARKLEY. He does not have to do that while the bill is being considered as in Committee of the Whole?

Mr. SMOOT. That is not necessary; but, as I say, it has been the custom of this body to do it, and the Senator from Washington is only following the custom.

Mr. DILL. Mr. President, as I understand, a Senator can make a reservation while the bill is being considered as in Committee of the Whole, and it is not necessary to make it again when the bill is in the Senate. I want it made clear in the RECORD that I am reserving the right to have a separate vote on the coal countervailing duty and the lumber countervailing duty.

The PRESIDING OFFICER. The Chair will state that the usual practice is after a bill shall have been reported to the Senate for the Chair to ask if a separate vote is requested on any amendment, and if such request is made it is granted, and the remaining amendments are concurred in en bloc.

Mr. GOFF. Mr. President, I should like to ask the Senator from Utah what, if any, action has been taken or can now be taken with reference to the countervailing duty on coal between the United States and Canada?

Mr. SMOOT. Action on that item can only be taken by unanimous consent.

Mr. GOFF. When the bill reaches the Senate, then, of course, it is subject to amendment?

Mr. SMOOT. Certainly.

Mr. GOFF. Do I understand there is objection at this time to unanimous consent to consider merely the countervailing duty to which I refer, inasmuch as consideration at this time has been given to all the other items affecting countervailing duties?

Mr. SMOOT. No Senator has asked for such unanimous consent. I do not know whether there would be objection or not.

Mr. GOFF. Then, Mr. President, I am going now to ask unanimous consent for a reconsideration of the countervailing duty on coal between the United States and Canada.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Kentucky?

Mr. HEBERT. I yield.

Mr. BARKLEY. I understand the situation to which the Senator from West Virginia has called attention, but what will be gained by taking up the matter to which he refers now, as in Committee of the Whole, when all these questions may have to be taken up when the bill gets into the Senate?

Mr. GOFF. The only point that will be gained would be that they would be considered all together.

Mr. BARKLEY. No; not at all——

Mr. GOFF. The Senator from Utah has made certain reports which have eliminated, in the light of the action of the Committee on Finance, the right to have the countervailing duties on other articles of commerce between the United States and Canada and other countries; and, inasmuch as those matters are before the Senate, it seems to me an opportune time to take up the very relevant question of the countervailing duty on coal between the United States and Canada; inasmuch as Canada is imposing a duty of 50 cents a ton on all coal that passes from the United States into Canada.

Mr. BARKLEY. I understand that the Senate has heretofore eliminated all countervailing duties except the two or three referred to by the Senator from Utah a while ago. Now, the Senator from Washington [Mr. DILL] has already reserved the right to have a separate vote on the coal and lumber countervailing duties when the bill gets into the Senate. It is simply a matter of procedure; but I was wondering what is to be gained by taking that up now when it may have to be taken up also when we get into the Senate?

Mr. GOFF. The only thing that is to be gained is to accomplish it. That may possibly be a concrete answer to the question which the Senator asked; but if there is objection——

Mr. BARKLEY. I am not going to object, because I am interested in the very same thing; but I do not see what we gain by singling that out at this particular time when we will have again to consider it when the bill gets into the Senate.

Mr. TRAMMELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Florida?

Mr. HEBERT. I yield.

Mr. TRAMMELL. I think the question raised by the Senator from West Virginia could be taken up when the other similar questions are considered and discussed in the Senate, but there is no use taking two bites at the cherry and kill that much more time; so, in the interest of expediting the business of the Senate, I object.

Mr. GOFF. It might take two bites to make an impression on the Senator from Florida.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Virginia?

Mr. HEBERT. I yield.

Mr. SWANSON. Mr. President, when the bill is reported to the Senate it certainly ought to lie over long enough to have a memorandum made of the items upon which there is a desire to have a separate vote in the Senate. It has been customary when the bill shall be reported to the Senate for the Chair to say that all amendments made as in Committee of the Whole, unless reserved, are concurred in.

The VICE PRESIDENT. The Chair will state that such a list has been made, and any Senator who desires to reserve an amendment on which he wishes a separate vote may make the request and it will be placed on the list.

Mr. SWANSON. The Senator from West Virginia desires, as I understand, that the amendment regarding the countervailing duty on coal be reserved for a separate vote in the Senate. Is that true?

Mr. GOFF. That is true.

Mr. SWANSON. As I understand the ruling of the Chair, that is sufficient notice to prevent that item from being concurred in without such a vote when the bill is in the Senate. It is not necessary, however, to make the reservation now; it can be made when the bill gets into the Senate.

Mr. SMOOT. The amendment has already been reserved for a separate vote.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Washington?

Mr. HEBERT. I yield.

Mr. JONES. Mr. President, I merely wish to say a word with reference to the question of countervailing duties. I have no objection to it being considered in the Senate, but I do want to call attention to the situation which exists. I know the Senator from Utah has acted in perfect good faith, but when I called attention to this proposition previously I was assured that the countervailing provision would be restored. Otherwise I would have insisted upon a reconsideration of it at that time. I understand that the Finance Committee comes in now with a recommendation that it be left out. I think that is hardly fair; I do not think it is treating those of us who are interested in the coal countervailing duty provision exactly right.

As I have said, I am satisfied the Senator from Utah has been acting in perfect good faith all the time, but the provision was stricken out while a good many of us were away. It was referred to, it is true, by the Senator from Ohio [Mr. FESS] and the mere statement was made that it was recommended to be eliminated because of a letter from the Secretary of State; but there was no further discussion until, I think it was the next day, when I called attention to the matter and objected to it; and was assured by the Senator from Utah that that provision would go back in the bill along with the other countervailing provisions. With this statement, I am perfectly willing, of course, to take the matter up when the bill gets into the Senate and have it there disposed of.

Mr. HEBERT. Mr. President, I offer the amendment which I send to the desk, and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 407, between lines 9 and 10, it is proposed to insert the following section:

SEC. 510. Inspection of exporter's books: If any person manufacturing, producing, selling, shipping, or consigning merchandise exported to the United States fails, at the request of the Secretary of the Treasury, or an appraiser, or person acting as appraiser, or a collector, or the United States Customs Court, or a judge of such court, as the case may be, to permit a duly accredited officer of the United States to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the market value or classification of such merchandise, then while such failure continues the Secretary of the Treasury, under regulations prescribed by him, (1) shall prohibit the importation into the United States of merchandise manufactured, produced, sold, shipped, or consigned by such person, and (2) may instruct the collectors to withhold delivery of merchandise manufactured, produced, sold, shipped, or consigned by such person. If such failure continues for a period of one year from the date of such instructions, the collector shall cause the merchandise, unless previously exported, to be sold at public auction as in the case of forfeited merchandise.

Mr. HEBERT. Mr. President, this amendment proposes to restore the language of the existing law.

The VICE PRESIDENT. May the Chair state that this is really a substitute for section 511; and the proper course would be to move to strike out section 511 and insert this language?

Mr. HEBERT. It is an addition to section 510.

The VICE PRESIDENT. The Chair is advised that it is practically the same as section 511.

Mr. SMOOT. As the Senator suggests, it is the existing law.

Mr. HEBERT. It is the existing law.

Mr. SMOOT. The only reason why the House struck it out, so far as I know, is that it caused friction and protest until the Treasury Department decided that the best thing to do would be to strike it out. That is the reason why it was stricken out. It led to ill feeling.

Mr. HEBERT. Mr. President, in lieu of that provision another provision was inserted by the House in the bill, at page 340, entitled "Finality of appraiser's decision." That was stricken out by the Senate, so that there is nothing of this kind left in the bill at the present time.

The Senate struck out the House provision fixing a definite way in which the decisions of appraisers were to be determined, and then struck out the provision contained in the amendment which I have offered. When the Senate Committee on Finance struck out this provision they did not restore the existing law, as I consider should have been done; and so, under a foreign-valuation law, there is no way in which its provisions may be administered except to authorize the United States collectors or their accredited representatives to examine the books of exporters in order to arrive at the facts. I am credibly informed that this provision is absolutely essential to the enforcement of the law in all its provisions.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Rhode Island.

Mr. WALSH of Montana. I desire to inquire of the Senator from Rhode Island whether his amendment is not entirely identical with section 511?

Mr. HEBERT. If the amendment were to be read over for the information of the Senator from Montana, I think he would realize that it is not identical.

Mr. WALSH of Montana. It covers the same subject matter?

Mr. HEBERT. It does relate to the same subject matter; but it affects exporters and authorizes officials of the American Government to examine exporters' books.

Mr. WALSH of Montana. Exporters' books?

Mr. HEBERT. Yes; exporters' books.

Mr. WALSH of Montana. I dare say that would be advisable; but will the Senator explain to us why an exporter's books should be inquired into?

Mr. HEBERT. Let me read the amendment for the information of the Senator:

Inspection of exporters' books.

This is the existing law, I may say:

If any person manufacturing, producing, selling, shipping, or consigning merchandise exported to the United States——

Mr. WALSH of Montana. Exported to the United States?

Mr. HEBERT. Exported to the United States—

fails, at the request of the Secretary of the Treasury, or an appraiser, or person acting as appraiser, or a collector—

And so forth, to expose his books——

Mr. WALSH of Montana. Section 511 relates to those who import into the United States.

Mr. HEBERT. Exactly; but it does not authorize the United States to require exporters domiciled abroad to submit to an examination of their books of account in order to verify the cost of the goods that are imported into this country.

Mr. GLASS. Mr. President, that means that no one can export any goods whatsoever to this country unless the agents of this Government are permitted to examine the books and papers and determine the nature of the business.

Mr. HEBERT. Mr. President, it does not mean that at all. It means that where there is any question about the value of goods imported into this country, and the officials of this Government raise the question or are in doubt about the proper valuation of the goods imported, then a representative of this Government may investigate the cost of those items by an examination of the accounts of the exporter.

Mr. GLASS. Suppose the people exporting goods decline to permit the agents of the Government to examine their books?

Mr. HEBERT. Then it is provided as a penalty that they may not ship those goods into this country.

Mr. GLASS. That, I can conceive, might amount to an embargo. If I were a foreign exporter, I would see the United States Government hanged before it should come and pry into my books.

Mr. GEORGE. I express the hope that the Senate will not hastily commit itself to the extraordinary provision which the Senator from Rhode Island [Mr. HEBERT] is proposing. If it be scrutinized carefully, it will be seen that under the amendment an ordinary collector of customs might go into any foreign country and demand of any citizen of that country his books, his records, in order that an American citizen who had purchased merchandise from the manufacturer and exporter in a foreign country might have them admitted.

Why, Mr. President, I presume that if such a law as that were passed with reference to the American business man he would resent it deeply. I presume that he would not tolerate it for a moment.

Here is a manufacturer, let us say, in Great Britain or in Germany. An American citizen buys goods from this manufacturer, who not only makes his goods but who sells them for domestic consumption, and who sends them out into the trade and commerce of the world. The American citizen buys from him. The American citizen can not have his goods come in at the port unless and until a collector of customs is permitted to demand of this citizen of a sister sovereign nation the complete surrender of his books, his correspondence, and of his accounts! Not even a court order is required.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Virginia?

Mr. GEORGE. I do.

Mr. GLASS. May not the Senator readily conceive of a case of this sort under the provisions of the proposed amendment: That an American manufacturer, desiring to ascertain in detail the business methods of a European manufacturer and exporter, might purchase a given amount of his goods and himself raise the issue as to the cost of those goods, and then have this Government send its sniping and snooping agents into the establishment of this European manufacturer and get the details and the nature of his business?

Mr. GEORGE. Undoubtedly he could, Mr. President. Undoubtedly exactly what the Senator from Virginia asserts could be done. Of course, the whole purpose of the amendment is to set up an embargo.

Mr. GLASS. Why, of course it is.

Mr. GEORGE. The House committee and the Finance Committee originally conceived of this opportunity to raise an absolute embargo against all importations; and they were thwarted in their effort by the determined resistance of Senators on the other side of this aisle and on this side of the aisle. This is but another step in that direction.

Why, I stood here for two days and argued against the provision in section 526 which would make it impossible for an American citizen to import into the United States merchandise manufactured in a foreign country on which he had placed his trade-mark; and the regulars voted it down. Now the State Department is compelled to appeal to the Senate on the ground that we were about to violate our treaty agreement—and the Senator from Utah [Mr. SMOOT] wished to put the appeal of the State Department in the RECORD a while ago—that we were about to violate our solemn treaty in our willingness to turn over the writing of the tariff to the selfish people who would put up these embargoes.

Think of this proposition! We are proposing by provision in our customs laws to stop goods at the border, and to say to the manufacturer and the importer in foreign countries from whom the goods were bought, "Unless your books and your trade secrets are thrown open to a collector of customs, without an order of court, we will not let your goods come in"; and the Senator who proposes it belongs to the party that session after session of Congress has contended that not even the income-tax returns of an American citizen should be exposed to public inspection. We had by a majority vote to compel the Treasury Department to unlock the returns of our manufacturers when we wanted to know whether they were entitled to impose additional taxes upon the American citizen; and we had to do it over the opposition of the party on the other side of the aisle; that is, the regulars on the other side of the aisle.

Here it is proposed to treat other nations and their citizens, regardless of treaty stipulations, as if they were not entitled to decent consideration. The foreign manufacturer, seller, or shipper is not to be given the opportunity to furnish the information to our minor officers through the channels of his own government.

Mr. President, the Senator is seeking, under this amendment, to apply what any open-minded man must concede to be a very drastic and harsh remedy, which we have seen fit to apply to importers, to people residing within or coming within the jurisdiction of our country, to the manufacturers, merchants, and shippers of foreign countries.

It seems to me the Senate ought to reject this amendment promptly, and it seems to me that if paragraph 526 is violative of the true intent and spirit of our treaties with other nations, certainly such legislation as this is an affront to other peoples.

Mr. President, inasmuch as this amendment is not printed, or, if printed, I have been unable to find a copy of it, I ask that the clerk may read the amendment again.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. On page 407, between lines 9 and 10, insert:

SEC. 510. Inspection of exporter's books: If any person manufacturing, producing, selling, shipping, or consigning merchandise exported to the United States fails, at the request of the Secretary of the Treasury, or an appraiser, or person acting as appraiser, or a collector, or the United States Customs Court, or a judge of such court, as the case may be, to permit a duly accredited officer of the United States to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the market value or classification of such merchandise, then while such failure continues the Secretary of the Treasury, under regulations prescribed by him, (1) shall prohibit the importation into the United States of merchandise manufactured, produced, sold, shipped, or consigned by such person, and (2) may instruct the collectors to withhold delivery of merchandise manufactured, produced, sold, shipped, or consigned by such person. If such failure continues for a period of one year from the date of such instructions, the collector shall cause the merchandise, unless previously exported, to be sold at public auction as in the case of forfeited merchandise.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Rhode Island [Mr. HEBERT].

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

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

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. BINGHAM]. Not knowing how he would vote on this question, I am compelled to withhold my vote. Were I permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. METCALF (after having voted in the affirmative). Has the senior Senator from Maryland [Mr. TYDINGS] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. METCALF. I have a general pair with the senior Senator from Maryland, and, not knowing how he would vote, I withdraw my vote.

Mr. SIMMONS. I transfer my pair with the senior Senator from Massachusetts [Mr. GILLETT] to the senior Senator from Arizona [Mr. ASHURST], and vote "nay."

Mr. McKELLAR (after having voted in the negative). I have a pair with the junior Senator from Delaware [Mr. TOWNSEND], and in his absence I withdraw my vote.

Mr. OVERMAN. I transfer my pair with the senior Senator from Illinois [Mr. DENEEN] to the senior Senator from Nevada [Mr. PITTMAN], 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 Illinois [Mr. GLENN] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 30, nays 42, as follows:

YEAS—30

Allen	Grundy	Moses	Thomas, Idaho
Baird	Hale	Oddie	Trammell
Broussard	Hastings	Patterson	Vandenberg
Dale	Hatfield	Phipps	Walcott
Fess	Hebert	Robsion, Ky.	Waterman
Goff	Jones	Smoot	Watson
Goldsborough	Kean	Steiwer	
Greene	McNary	Sullivan	

NAYS—42

Barkley	Couzens	Howell	Smith
Black	Cutting	La Follette	Steck
Blaine	Dill	McMaster	Stephens
Borah	Fletcher	Norbeck	Swanson
Bratton	Frazier	Norris	Thomas, Okla.
Brock	George	Nye	Wagner
Brookhart	Harris	Overman	Walsh, Mass.
Capper	Harrison	Ransdell	Walsh, Mont.
Caraway	Hawes	Schall	Wheeler
Connally	Hayden	Sheppard	
Copeland	Heflin	Simmons	

NOT VOTING—24

Ashurst	Glenn	McCulloch	Robinson, Ark.
Bingham	Gould	McKellar	Robinson, Ind.
Blease	Johnson	Metcalf	Shipstead
Deneen	Kendrick	Pine	Shortridge
Gillett	Keyes	Pittman	Townsend
Glass	King	Reed	Tydings

So Mr. HEBERT's amendment was rejected.

Mr. SMOOT. Mr. President, on page 234, line 13, after the word "graphophones," I move to insert the word "dictaphones." In line 11 in the same paragraph the word "dictaphones" was inserted by the Senate, and therefore that word ought to be inserted where I have suggested.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 234, line 13, after the word "graphophones," insert the word "dictaphones."

The amendment was agreed to.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there are no further amendments to be offered the bill will be reported to the Senate.

Mr. SMOOT. Mr. President, I agreed that I would call for a quorum before the bill left the Committee of the Whole and went into the Senate. Therefore I suggest the absence of a quorum.

Mr. SMITH. Mr. President, before the roll is called may I ask the Senator from Utah if this winds up the work on the bill as in Committee of the Whole?

Mr. SMOOT. It is all of which I have any knowledge.

The VICE PRESIDENT. The absence of a quorum having been suggested, the clerk will call the roll.

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

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

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendments to be offered as in Committee of the Whole the bill will be reported to the Senate.

Mr. BAIRD. Mr. President, I wish to offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 241, after line 14, insert the following new paragraph:

PAR. —. Manufactures of fibers of leather or of fibers of hides or skins, in the form of rods, tubes, strips, bands, or sheets, 50 per cent ad valorem; if laminated, glazed, coated, lined, printed, grained, embossed, decorated, or ornamented in any manner, 55 per cent ad valorem; manufactures of any of the foregoing, 55 per cent ad valorem.

Mr. BAIRD. Mr. President, this is a new industry in the United States located in New Jersey. Those interested in it have made an initial expenditure of $3,000,000 and they contemplate this year a program of expenditure to the extent of about $2,000,000 more in the production of this new commodity. It is an industry using American labor and tends to conserve leather waste, which is made into a useful product by a new process. If given this protection, I am quite sure it will mean the building up of a new industry in this country, making a useful article, and give work to American labor.

Mr. BORAH. Mr. President, I should like to ask the Senator from Utah what facts he has upon which he bases the amendment.

Mr. SMOOT. Mr. President, this is a new industry in the United States, if not in the world. They buy up scrap leather wherever they can get it and of every kind. It is then worked into fancy leather such as the samples which I hold in my hand. There is no provision in the present law to cover the commodity. Undoubtedly it falls in the basket clause, where, I think, it would bear a duty of 25 per cent ad valorem. The industry is just beginning to develop. It takes this waste leather and similar articles which are perfectly useless and makes them into a useful product. That is the story and all that I know about it.

Mr. BORAH. Has the Senator any facts as to the cost of production?

Mr. SMOOT. No; none whatever. The Senator from New Jersey may know something about it, but the Tariff Commission does not.

Mr. KEAN. Mr. President, in New Jersey some of our people have started this new industry. They are taking a waste product, comprised of the trimmings of leather and trimmings from hides from shoe factories, and so forth, and are making this waste product into a brand-new product, and have created a new industry. It has more leather in it per pound than the ordinary leather, because it has no interstices such as are between the layers of leather. It is a farm product and we are here to help the farmer. American labor is employed in its manufacture. We are here to do anything, I understand, that will help the working men of the United States. The protection of this industry and its building up will enable this industry to employ a considerable number of men. The industry has brought about an increase in the price of waste leather until it is now something like 18 cents a pound, whereas it used to be sold for practically nothing.

Mr. BORAH. I should like to ask the Senator from New Jersey if there is any competition anywhere?

Mr. KEAN. There is competition from Europe, where they are just starting some factories for the manufacture of a similar product. Of course, these people in New Jersey have to pay a much higher wage per day than is paid for labor in Europe. That is the kind of competition which they have to meet.

Mr. BORAH. From what countries does the competition come?

Mr. KEAN. From Italy.

Mr. WALSH of Montana. Mr. President, I understood the Senator from Utah to say that this is a unique industry, the only one in the world.

Mr. SMOOT. I said the only one in the United States.

Mr. WALSH of Montana. The Senator said in the United States and perhaps in the world. If that is the case, I was wondering upon what principle a protective duty should be imposed.

Mr. HARRISON. May I ask the Senator from Utah if he is willing to accept the amendment?

Mr. SMOOT. I have not given it any special study. I do know that it is a new industry in the United States. They are taking scraps of leather that have never been used to any advantage heretofore and are making this useful product.

Mr. HARRISON. If the Senator will permit me, I did not think he displayed his usual enthusiasm in discussing the amendment. It struck me a little strange that he did not oppose it as vigorously as he has some other amendments, with sugar coming on so immediately in the future.

Mr. SMOOT. That has nothing to do with the question now before us.

Mr. HARRISON. Of course not, but to me it seemed a little strange.

Mr. SMOOT. Perhaps when I display a little more enthusiasm it is because I know a little more about the subject than I do about this one. I am frank to admit that all I know about it is that it is a new industry, a new product, and it is made in the United States.

Mr. WALSH of Massachusetts. Mr. President, will the Senator state what, if any, duty is levied on this product now?

Mr. SMOOT. I presume it is an article that falls in the basket clause, which carries a rate of 25 per cent.

Mr. WALSH of Massachusetts. I have heard that as a substitute for leather it can not be used in the manufacture of shoes, but it can be used for bags and many other commodities. This product is made from scraps that are picked up in shoe factories and by some chemical process made into this imitation leather. I inquire if it is not to a certain degree a substitute for leather, and leather being on the free list we would be in the position of having the real genuine article of leather not dutiable and this imitation of leather dutiable. Has the Senator considered that aspect of the question?

Mr. SMOOT. No. Of course, being a new industry and in competition with the cheap labor of Italy, it appealed to me. I do not think it interferes to any extent with the leather industry. I thought that at least we ought to encourage the industry which is taking a worthless product and making it into a product that is useful.

Mr. WALSH of Massachusetts. The industry has been helpful in providing an avenue for the disposition of leather waste and cuttings. To that extent it has been rather helpful to the leather industry and the boot and shoe industry. I suggest that the matter might well be taken up when we finally reach the leather item in the bill.

Mr. BRATTON. Mr. President, will the chairman of the Finance Committee tell us to what extent this commodity is imported into the United States?

Mr. SMOOT. I do not think it has ever been kept separate and distinct. We have no figures now to show just how much of the particular item may be manufactured or imported or anything about it.

Mr. BRATTON. What is the rate now?

Mr. SMOOT. I suppose it would fall in the basket clause, and that would be about 25 per cent.

Mr. BRATTON. What is the rate proposed?

Mr. SMOOT. As I heard the amendment read, it provides 50 per cent.

Mr. BRATTON. Then the Senator is asking an increase of 100 per cent in this duty, with virtually no facts on which the Senate can act intelligently. We do not know the amount of importations, the value of the imports, but the industry is a new one, and so we are asked to go into the realm of speculation in the imposition of a 100 per cent increase in the duty.

Mr. SMOOT. We do know that the competitor of the American manufacturer is the manufacturer of Italy, and there is no country in the world that has cheaper labor than has Italy. That is an item which should be taken into consideration. I can not tell the Senator, nor can the Tariff Commission tell the Senator, how much of this commodity has been imported into

the United States. It is such a new product that the information is not at hand.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Virginia?

Mr. BRATTON. I yield the floor.

The VICE PRESIDENT. The Senator from Virginia is recognized.

Mr. GLASS. Mr. President, I am a little astonished at the lack of discernment in the Senate in regard to this particular proposition. It is purely symbolic. Alexander Hamilton, as we all know, established the protective system as the cure-all for infant industries, and at last we have discovered an infant industry. It is the industry of the manufacture of imitation leather, and in order to keep the Grand Old Party to its symbolic principle by all means let us protect this one infant industry.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. COPELAND. Mr. President, I desire to ask the Senator from New Jersey is it possible that the making of this product will afford a sale for the scrap leather from the shoe factories?

Mr. BAIRD. That is quite true.

Mr. COPELAND. And that it will in that sense help the shoe industry?

Mr. BAIRD. That is also quite true.

Mr. COPELAND. I have seen the article itself. It seems to me that for certain uses it would be most desirable. Of course, I am not prepared to say what the rate should be, but I think the industry should be encouraged.

Mr. LA FOLLETTE obtained the floor.

Mr. BARKLEY. Mr. President——

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

Mr. LA FOLLETTE. I yield.

Mr. BARKLEY. If the Senator from Wisconsin will yield to me, I desire to ask the Senator from New Jersey to what extent the production of this article would interfere with the sale and use of real leather?

Mr. BAIRD. It can not be used in shoes or for any other purpose other than as a substitute.

Mr. BARKLEY. But it can be used as a substitute for leather?

Mr. BAIRD. It may be so used.

Mr. BARKLEY. In other words, it occupies the same relationship to the leather industry that shoddy occupies as to the woolen industry?

Mr. BAIRD. Yes.

Mr. LA FOLLETTE. Mr. President, no facts are given to the Senate to justify the adoption of the pending amendment. All the facts that have been presented in behalf of the amendment, as I get them, are, first, that this is a new industry and its product is a substitute for leather; secondly, that it employs a number of men, but the number is not stated; and, in the third place, it is claimed that the industry has provided a market for a waste product.

It seems to me, however, Mr. President, that the most important fact in the situation has not been presented to the Senate, namely, that this infant industry has grown up under existing law; that men have gone into the business and invested their money in it, knowing full well that their product was to be protected under the basket clause at 25 per cent ad valorem. They are now engaged in the business; they have built it up; it is successful, according to their own statements. Now, in the closing hours of the consideration of the tariff bill as in Committee of the Whole, is the Senate going to adopt a 100 per cent increase in the duty upon the commodity upon such a statement of facts as is presented in support of the amendment? I sincerely trust that it will not do so.

Mr. WALSH of Massachusetts. Mr. President, I call attention to the further fact that leather, with which this commodity competes, is on the free list, and this substitute for leather has the benefit of a duty of 25 per cent. It does not seem to me that an increase of 100 per cent in duty is justified in view of that fact.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Virginia?

Mr. WALSH of Massachusetts. I yield.

Mr. GLASS. But does not the Senator observe that there is the element of farm relief in this proposition? The substitute leather comes in competition with the real hide that is taken from the animal; and, therefore, what is proposed contains a large measure of farm relief.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole, and is open to amendment.

Mr. BARKLEY. Mr. President, there are a couple of matters which I think ought to be cleaned up before the bill leaves the Committee of the Whole. They merely involve corrections. When we had under consideration Schedule 2, on page 48, section 221, certain language in the Senate committee amendment at the bottom of the page was stricken out in order to take cylinder, crown, and sheet glass out of the provisions of the amendment. Since the adoption of the amendment, I find that a type of glass that is used really as plate glass is brought into this country, ground and polished, except that in one corner a portion on the edge is left rough, strip, unground or unpolished, enables the article to be imported at a rate lower than the plate-glass rate, although after the glass arrives in this country that narrow strip is cut off and the material is used as plate glass. It really is plate glass. I conferred with the drafting service for the purpose of offering the amendment to correct that situation. I send the amendment to the desk, and ask unanimous consent to reconsider the vote by which the amendment on page 48 was agreed to, in order that I may offer my amendment as a correction of that situation.

The VICE PRESIDENT. Is there objection to reconsidering the vote by which the amendment referred to was agreed to? The Chair hears none, and the vote is reconsidered.

Mr. BARKLEY. I now offer my amendment.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 48, it is proposed to strike out all after the word "pound," in line 20, down to and including the word "glass," in line 2, on page 49; on page 49, after line 17, to insert:

(d) Rolled, cylinder, crown, and sheet glass, not plate glass, if ground wholly or in part (whether or not polished) otherwise than for the purpose of ornamentation, or if one-eighth of 1 inch or more in thickness and obscured by coloring prior to solidification, shall be subject to the duties provided in subparagraph (a) or (b) of this paragraph; if any of the foregoing is subjected to any of the processes specified in paragraph 224, the additional duty provided therein shall apply.

On page 50, line 8, after the word "plate," to insert the word "rolled";

On page 50, lines 10 and 11, to strike out "obscured in any manner except by grinding"; and

On page 50, line 13, after the word "colored," to insert in parentheses "except glass not plate glass not less than one-eighth of 1 inch in thickness, when obscured by coloring prior to solidification."

Mr. BARKLEY. All of these amendments are offered to effectuate the purpose I have indicated, and I ask that they all may be voted on as a whole.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I hope that will be done.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

Mr. SMOOT. Mr. President, I think the amendment offered by the Senator from Kentucky carries out the idea the committee had in mind, and I think it ought to be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kentucky to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. Without objection, the amendment as amended is agreed to, and the amendments en bloc are agreed to.

Mr. WALSH of Montana. Mr. President, I wish to suggest to the Senator from Kentucky that his amendment on page 48 is an amendment to an amendment.

Mr. BARKLEY. I understand that.

Mr. SMOOT. The vote whereby that amendment was agreed to has been reconsidered.

Mr. BARKLEY. I obtained unanimous consent to reconsider the vote by which that amendment was agreed to. So now the amendment as amended will have to be agreed to.

Mr. SMOOT. That has already been done.

The VICE PRESIDENT. The amendment as amended has been agreed to.

Mr. WALSH of Montana. Yes; but having reconsidered the vote by which the committee amendment was adopted, an amendment has been proposed to it, and has been agreed to, and now it seems to me the question is on agreeing to the amendment as amended.

The VICE PRESIDENT. The Chair announced, "Without objection, the amendment as amended is agreed to."

Mr. WALSH of Montana. Mr. President, that will hardly make the record straight, because the amendment embraces two or three items that are not amendments to amendments at all, but are amendments to the text.

Mr. SMOOT. They have all been agreed to.

Mr. WALSH of Montana. Very well.

Mr. BARKLEY. Mr. President, when we had under consideration the item of sodium in paragraph 82, on page 32, lines 4 and 5 were stricken out and baking soda and borax were put on the free list. At the same time in lines 6, 7, and 8 the words "carbonate, calcined, or soda ash, hydrated, or sal soda, monohydrated, one-fourth of 1 cent per pound" were likewise stricken out, and transferred to the free list. Upon further investigation I wish to ask unanimous consent to reconsider the vote by which that amendment was adopted for the purpose of withdrawing the amendment.

Mr. SMOOT. I trust the Senator will also request at the same time to reconsider the vote by which the same item was transferred to the free list. That will clear it all up at once.

Mr. BARKLEY. The request also includes the elimination of the item referred to from the free list.

The VICE PRESIDENT. Is there objection? The Chair hears none. The question is upon the amendment offered by the Senator from Kentucky.

Mr. BARKLEY. Mr. President, what I desired to do upon obtaining unanimous consent to reconsider the vote was to withdraw the amendment which I had previously offered. I wish to withdraw the amendment on page 32, lines 6, 7, and 8, embracing the language which I read.

The VICE PRESIDENT. Without objection, the amendment is withdrawn.

Mr. BARKLEY. I ask also that the same language be stricken out in the free list where it was inserted in pursuance of a previous vote of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered. The Chair understood that the Senator from Tennessee [Mr. McKELLAR] has an amendment which went over until to-day.

Mr. ASHURST. Mr. President, I have no amendment to offer, but before the bill is reported to the Senate—I do not suppose that I would be required to do so under the rules but out of common fairness—I shall ask for a separate vote in the Senate——

The VICE PRESIDENT. The question will be submitted to the Senate in a few moments as to the reservation of amendments.

Mr. McKELLAR. Mr. President, I will submit the amendment to which the Chair has referred when the bill is in the Senate. It can be done just as well then, and, at the request of the Senator from Utah, I will do that.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole, and is open to amendment

Mr. HARRISON. Mr. President, a parliamentary inquiry.

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

Mr. HARRISON. When the bill goes out of the Committee of the Whole into the Senate can an amendment be offered in the Senate even though it was not offered while the bill was being considered as in Committee of the Whole?

The VICE PRESIDENT. Any Senator may offer such an amendment.

Mr. HARRISON. Does a Senator have to ask for a separate vote before the bill gets out of the Committee of the Whole or can he wait until the bill gets into the Senate?

The VICE PRESIDENT. He can wait until the bill shall have been reported to the Senate, at which time the question will be submitted as to whether there are further amendments to be reserved for a separate vote.

The bill is still before the Senate as in Committee of the Whole, and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. Sundry amendments, which will be stated, have been reserved for a separate vote.

The Chief Clerk read as follows:

AMENDMENTS RESERVED FOR SEPARATE VOTE IN THE SENATE

Paragraph 16, page 7, line 1, carbide (Mr. KING).
Paragraph 19, page 7, line 12, casein (Mr. HOWELL and Mr. BLAINE).
Paragraph 52, page 23, line 20, camphor (Mr. Edge).
Paragraph 54, page 24, line 14, olive oil (Mr. KING).
Paragraph 83, page 32, line 24, sulphide (Mr. KING).
Paragraph 83, page 33, line 1, sulphite (Mr. KING).
Paragraph 207, page 38, line 16, silica (Mr. PITTMAN).
Paragraph 211, page 40, line 19, painted earthenware (Mr. GOFF).
Paragraph 218 (c), page 45, line 12, illuminating art (Mr. SMOOT).
Paragraph 221, page 48, line 6, rolled glass (Mr. COPELAND).
Paragraph 301, page 56, line 19, chromium (Mr. WALSH of Montana).
Paragraph 305, page 62, lines 6 and 7, tungsten (Mr. WALSH of Montana).
Paragraph 305, page 62, lines 23 and 24, chromium (Mr. WALSH of Montana).
Paragraph 319, page 72, line 7, iron cylinders (Mr. COPELAND).
Paragraphs 501 and 502, sugar, molasses (Mr. SMOOT).
Paragraph 601, page 123, line 3, wrapper tobacco.
Paragraph 736, page 134, lines 12, 14, and 17; and page 135, line 8, berries, "frozen, without sugar" (Mr. SMOOT).

Mr. HARRISON. Mr. President, did the clerk say "cherries, frozen, without sugar"? [Laughter.]

The VICE PRESIDENT. No; "berries, frozen, without sugar."

Mr. SMOOT. Mr. President, to ease the feelings of the Senator from Mississippi I desire to say that the only request in regard to berries was to make an amendment so that the provision would be perfectly understood.

The VICE PRESIDENT. The clerk will resume the reading of the list of amendments reserved for separate votes.

The Chief Clerk read as follows:

Paragraph 751, page 138, line 1, flowers, bulbs (Mr. HARRISON).
Paragraph 781, page 146, line 8, long-staple cotton.
Paragraph 1405, page 192, line 14, paper, coated (Mr. WALSH of Massachusetts).
Paragraphs 1530–1531, page 225, hides (Mr. ODDIE).
Paragraph 1650, page 253, line 8, coal (Mr. JONES).

ADMINISTRATIVE PROVISIONS

Section 305, page 286, line 10, immoral articles (Mr. SMOOT).
Section 484 (h), page 379, line 4, entry of merchandise.
Section 484 (j), page 380, line 14, release of merchandise.
Section 584, page 447, line 12, opium (Mr. HOWELL).

The VICE PRESIDENT. Are there further amendments to be reserved for separate votes in the Senate?

Mr. ASHURST. Mr. President, as I construe the rules I am not required to make the reservation or give notice; but out of fairness to the opposing parties I believe I should make the following reservations:

On page 142, paragraph 767, peas in their natural state.
On page 143, paragraph 770, tomatoes in their natural state.
On page 143, paragraph 772, peppers in their natural state.

Mr. DILL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Washington will state it.

Mr. DILL. If the amendments not reserved for separate votes are concurred in, will it then be in order for a Senator to offer an amendment changing an amendment that has been concurred in?

The VICE PRESIDENT. Not without a reconsideration.

Mr. DILL. Let me illustrate it so that it will be clear. I do not want any mistake about this matter.

Suppose that the tariff on wheat has been changed, we will say, from 30 to 40 cents a bushel, and 40 cents is agreed to. Then if, in the Senate, I should want to offer an amendment for 35 cents, would that be in order?

The VICE PRESIDENT. The Senator would have a right to offer that amendment.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Tennessee will state it.

Mr. McKELLAR. I should like to know if this bill is going to be printed as it has come out of the Committee of the Whole, or will it go along just in the same shape that it is in now?

The VICE PRESIDENT. There is no order for a reprint. That would depend upon the Senate.

Mr. SMOOT. There is no necessity of it.

Mr. BROUSSARD. Mr. President, when we considered section 301 I had two amendments relative to the Philippine Islands. At that time I made reservations for a separate vote in the Senate. I wish to note that reservation now.

The VICE PRESIDENT. The amendment was rejected. It may be offered in the Senate without reservation.

Mr. HAYDEN. Mr. President, I wish to reserve a separate vote on the amendment on anhydrous sulphate, page 32, paragraph 82. That, I believe, is the only change made in Committee of the Whole.

The VICE PRESIDENT. The Senator reserves the right to a separate vote.

Mr. McKELLAR. Mr. President, I want to ask the Senator from Utah if the bill can not be printed with the amendments that have been agreed to. I do not see how it is possible to keep up accurately with what has been done with only one copy, possibly, of the bill as it has been agreed to.

I hope the Senator will have a reprint of the bill with the amendments that have been agreed to, so that we can all understand it. It is possible that members of the committee might understand it, but for other Senators to keep up with what has been done is impossible unless there is a reprint.

I hope, therefore, the Senator will agree that a reprint may be made for the benefit of the Senate.

Mr. SMOOT. I had hoped we would pass the bill before that could be done.

Mr. McKELLAR. It could be done by to-morrow morning; and the bill is not going to be passed for two or three days at any rate.

Mr. SMOOT. It can not be done short of two or three days. Not only that, but if the bill comes up here to-morrow morning reprinted as it stands to-night, by to-morrow evening it will be entirely changed. We will have the amendments all over here.

Mr. McKELLAR. It may or may not. It seems to me we ought to know what is in it.

The VICE PRESIDENT. Are there other amendments reserved for separate votes in the Senate?

Mr. BLAINE. Mr. President, I desire to ask for a separate vote on the amendment adopted on page 241, paragraph 1556.

Mr. WALSH of Massachusetts. Mr. President, I desire to reserve the right for separate votes on paragraphs 1530, 1807, and 1510.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Ohio will state it.

Mr. FESS. Quite a number of Senators here are confused about the order. They desire to know whether any new amendments they may desire to offer will have to be announced before the bill gets out of the Committee of the Whole.

The VICE PRESIDENT. No; they may be offered from the floor just the same as they were offered in Committee of the Whole.

Mr. FESS. And the only reason why we are asking for these separate votes is that all the amendments on which there is not a separate vote will be concurred in en bloc?

The VICE PRESIDENT. That is the object.

Are there any further reservations? If not, the question is on concurring in the amendments made as in Committee of the Whole, other than those reserved. Without objection, they will be concurred in.

The bill is now in the Senate and open to amendment; and, under the agreement, the sugar amendment is now before the Senate.

Mr. SIMMONS. Mr. President, I understood the Chair to rule on yesterday that where an amendment was offered in Committee of the Whole, and defeated, it was not necessary to give notice in order to secure a separate vote on that amendment when the bill reaches the Senate.

The VICE PRESIDENT. Where the amendment was defeated?

Mr. SIMMONS. Yes.

The VICE PRESIDENT. It is not necessary. It may be offered in the Senate.

Mr. HARRISON. Mr. President, I understood the Chair to announce that those amendments that had been agreed to in Committee of the Whole, and had not been reserved in this list, were concurred in.

The VICE PRESIDENT. The Chair made that announcement.

Mr. HARRISON. It may be that there are some Senators not present who have not reserved the right to have separate votes in the Senate. I do not know. I understood that a reservation was made on sugar and molasses. An amendment was adopted on maple sugar, and I presume that was included.

The VICE PRESIDENT. Sugar and molasses are reserved.

Mr. HARRISON. The sugar item included also maple sugar?

Mr. SMOOT. No; it did not. The Senator had better reserve that.

Mr. HARRISON. Then I reserve the right to a separate vote on maple sugar.

The VICE PRESIDENT. Without objection, that reservation will be added.

Mr. GOFF. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from West Virginia will state it.

Mr. GOFF. Suppose there has been no reservation made under the procedure now before the Senate and a Senator desires to offer an amendment in the Senate. There is no reason, as I understand the Chair's ruling, why that can not be done.

The VICE PRESIDENT. None.

Mr. FESS. Mr. President, that raises the question which has been asked here. Suppose that some Member wants to amend one of the amendments we have concurred in en bloc and we have already acted upon it. Would that be open to amendment?

The VICE PRESIDENT. Will the Senator restate his question? Let the Senate be in order, so that Senators may be heard and so that the officers of the Senate may hear what is being said.

Mr. FESS. We have concurred in all the amendments except those which were reserved for separate votes. The question is, If a Senator desires to amend one of those amendments that we have concurred in, would it be in order?

The VICE PRESIDENT. It would have to be reconsidered.

Mr. BROOKHART. Mr. President, would it be in order to offer something additional, without changing the amendment that was adopted?

The VICE PRESIDENT. If any amendments are to be proposed to committee amendments, they should be reserved.

Mr. ASHURST. Mr. President, if the Chair will pardon me, I am the last person here to obtrude my views as to the rules; but undoubtedly it is the rule and law of the Senate that when a bill reaches the Senate it may be treated de novo. Any amendment may be offered by any Senator at any place.

The VICE PRESIDENT. The Chair has so stated.

Mr. ASHURST. I beg the Chair's pardon.

The VICE PRESIDENT. The Chair has so stated. The question raised was where an amendment had been made as in Committee of the Whole and then concurred in en bloc a few moments ago. That makes a final action upon that matter in the Senate.

Mr. SWANSON. Mr. President, I understand the Chair to rule that, where amendments have been concurred in en bloc, the only way one of those amendments can be changed is to move to reconsider, which, under the rule, must be done within three days; and if we do reconsider, the matter is entirely open as if it had not been adopted en bloc.

The VICE PRESIDENT. That opens the amendment.

Mr. SWANSON. Consequently, there is not any trouble about any Senator who has a majority; for he can move during the next three days to reconsider any amendment that has been concurred in, as I understand, and if that motion is agreed to the matter comes up as an entirely new proposition. Is that correct?

The VICE PRESIDENT. The Senator is right.

Mr. BROOKHART. Mr. President, in order to avoid confusion, then, I ask unanimous consent to reconsider and permission to offer an amendment to paragraph 502, blackstrap molasses.

The VICE PRESIDENT. Paragraph 502 has been reserved.

Mr. VANDENBERG. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. VANDENBERG. If a committee amendment in some paragraph has been stricken from the bill, does the concurrence of the Senate in the amendments made as in Committee of the Whole preclude offering an amendment to that particular paragraph?

The VICE PRESIDENT. It does not, if a separate vote was reserved.

Mr. VANDENBERG. No separate vote was reserved in the case I have in mind.

The VICE PRESIDENT. Then the vote by which the amendment was rejected would have to be reconsidered.

Mr. VANDENBERG. I ask unanimous consent to have the vote by which the amendment in paragraph 401, relating to hardwood flooring, be added to the list for a separate vote.

The VICE PRESIDENT. It will be added.

Mr. SIMMONS. Mr. President, where, in Committee of the Whole, an amendment has been made to one item in a paragraph, will it be in order to move a substitute for the whole paragraph without reserving the right?

The VICE PRESIDENT. If it embraces House text, which has not been amended, then the right would not have to be reserved.

Mr. SIMMONS. The illustration I have in mind simply changes the rates provided as to one item in a paragraph carrying a number of items. Does the fact that an amendment has been adopted to those items make it necessary for me to give notice that I shall ask a vote in the Senate upon a motion to substitute other rates on other items in that paragraph?

The VICE PRESIDENT. It does not.

Mr. McKELLAR. Mr. President, in answer to the Senator from Michigan the Chair made a ruling a moment ago, and I want to know if it applies to the case found on page 192, relating to plain basic paper. In that case the amendment of the committee was disagreed to, and I proposed to offer an amendment, when the bill was in Committee of the Whole, and it was said it would have to be offered after the bill got into the

Senate. I want to know if I have to reserve any right, or what is necessary to be done in order to offer the amendment when the bill is in the Senate.

The VICE PRESIDENT. A vote has been reserved on one amendment in that paragraph, and the Senator should reserve the right on the amendment to which he refers.

Mr. McKELLAR. I reserve the right to offer the amendment to that paragraph.

Mr. BARKLEY. Mr. President, I raise a question upon the point on which the Chair has just passed. Where the Senate committee offered an amendment to the text of the bill, which amendment was disagreed to, that leaves the text of the bill just as it passed the House, as if no amendment had been offered by the committee. I raise the question that, without regard to the action taken as in Committee of the Whole in rejecting the committee amendment, a Senator could offer an amendment without any reservation, because the language is still as it was in the House.

The VICE PRESIDENT. The action of the Senate as in Committee of the Whole is tantamount to keeping the House text as it was when the bill originally came to the Senate.

Mr. BARKLEY. Yes, but is not an amendment in order to the House text when the text comes into the Senate unchanged?

The VICE PRESIDENT. The action of the Senate as in Committee of the Whole was to keep it in, and therefore the vote would have to be reconsidered.

Mr. NORRIS. Mr. President, may I suggest to the Chair, in the case put by the Senator from Kentucky, that the amendment was defeated. There is no reservation necessary. It was just the same as though it was never offered.

The VICE PRESIDENT. It is equivalent to keeping the House text as it was when the bill came to the Senate.

Mr. NORRIS. But that would be true of any amendment that was defeated, and a reservation could not be made as to such an amendment. There is not any amendment. It has been rejected as in Committee of the Whole. The result is it is just the same, when the bill gets into the Senate, as though that amendment had never been offered, and the fact that it is a committee amendment does not give it any preference over any other amendment.

Mr. THOMAS of Oklahoma. Mr. President, in Committee of the Whole I offered a substitute paragraph for paragraph 1532, on gloves. The substitute was adopted. Some exceptions were taken to the form of my amendment. I asked the experts of the Tariff Commission to redraft the paragraph and make such suggestions as would embody the necessary changes, carrying the same rates, however. The Tariff Commission has complied with my request.

I desire to propound the following parliamentary inquiry: Is a reservation necessary for me now to ask that some time before we complete consideration of the bill I may have the right to offer that as a substitute for my original amendment?

The VICE PRESIDENT. The Senator should reserve a separate vote on his amendment, and then offer the amendment.

Mr. THOMAS of Oklahoma. I now do that.

Mr. THOMAS of Idaho. Mr. President, I ask unanimous consent to reserve the amendment in paragraph 73, on litharge and red lead.

Mr. HARRISON. Mr. President, I reserve the right for another vote on white lead. That is in the same paragraph.

Mr. GOFF. Mr. President, at this time I want to reserve the right to offer an amendment in sections 211 and 212, relating to pottery; in sections 219 and 222, relating to glass; and in section 74, relating to red lead.

The VICE PRESIDENT. The reservations will be made.

Mr. KEAN. Mr. President, I ask unanimous consent to reserve the right to move a substitute on page 37, subsection (b).

Mr. BLAINE. Mr. President, I understand that on page 180, at the end of Schedule 11, the wool schedule, the junior Senator from Idaho [Mr. THOMAS] offered as an amendment a new section providing for rates on fabrics containing 15 per cent in weight of wool. I desire to reserve a vote upon that amendment.

The VICE PRESIDENT. It will be reserved. Are there other reservations?

Mr. WAGNER. I desire to reserve the right to substitute a new section in place of section 641.

Mr. WALSH of Massachusetts. I would like to have the right to reserve a vote on the amendment in paragraph 1105 and paragraph 743.

Mr. SIMMONS. Mr. President, I wish to reserve the right to a separate vote on paragraph 208 and to offer a substitute.

Mr. JONES. Mr. President, I had to be out of the Chamber until a moment ago. I want to ask if a reservation has been made for a vote on the coal countervailing amendment.

The VICE PRESIDENT. It has been made.

Mr. SMOOT. Mr. President, in behalf of the senior Senator from Vermont [Mr. GREENE], I ask a reservation on the rate of duty upon spring clothespins.

Mr. GRUNDY. Mr. President, I desire to reserve a separate vote on paragraph 374, page 107, aluminum products.

Mr. LA FOLLETTE. Mr. President, I desire to reserve a separate vote upon paragraph 385, page 112.

The VICE PRESIDENT. Are there further reservations?

Mr. SIMMONS. Mr. President, I wish to add to the reservation I asked a few minutes ago a reservation to offer a separate amendment in paragraph 1552.

Mr. SWANSON. Mr. President, what we are now doing illustrates one of the main causes of delay in the Senate in connection with obtaining the passage of legislation. We have been here for six months discussing a bill as in Committee of the Whole. We have offered amendments, we have discussed some of them for days and weeks, and have taken yea-and-nay votes. The questions have been discussed fully and completely. We have had the right to demand roll calls.

Now, we have witnessed the amusing spectacle that every issue, possibly everything that has been fought over for six months, is again to be gone over, the same old round, the same roll calls, the same discussions, if Senators wish that, that course shall be followed.

I have insisted for a long time, and I simply want to take this occasion to repeat, that as the Senate membership is larger than it used to be, this method of considering measures in Committee of the Whole and then going back and considering them in the Senate in the same way, with the same roll calls and the same discussion, is simply a waste of time.

In the House of Representatives and in Parliament matters are considered in committee of the whole because it takes only a hundred to make a quorum, and there are no roll calls. Then the measures are submitted to the House and votes are taken.

We ought to some extent to modify the method of considering measures in Committee of the Whole and have a different consideration in Committee of the Whole from what we have in the Senate. The present method simply means the double consideration of every item.

I think in connection with this bill everything has been reserved, there will be the same old round, the same old discussions, the same old roll calls. In the House of Representatives roll calls are not had in Committee of the Whole. Measures are discussed more fully. This spectacle shows the necessity for some amendment of the rules to prevent repeated votes and repeated consideration.

I hope the Committee on Rules will devise a method to get rid of this procedure, the folly of which is indicated in this case.

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

Mr. SWANSON. I yield.

Mr. FESS. The suggestion of the Senator is very pertinent. In the House of Representatives, while there are no roll calls, no record votes, in Committee of the Whole they do consider every phase of a measure, and then when they get the legislation into the House there is only one motion permitted, a motion to recommit, and that ends the matter.

Mr. SWANSON. There is no necessity for considering a bill in Committee of the Whole and then considering it in the Senate. A motion for reconsideration can be made as to anything within three days, under the rules of the Senate. But we simply go over the same old ground month in and month out.

The VICE PRESIDENT. Again the Chair asks, Are there any further reservations?

Mr. KEAN. Mr. President, I ask unanimous consent to reserve the right to a vote on the amendment found on page 208, line 9.

Mr. GRUNDY. Mr. President, I also want to make a reservation on page 110, paragraph 382, line 6, aluminum foils.

Mr. GLASS. Mr. President, I wonder if it would not save time if I would just notify the Chair that I reserve the right to offer an amendment to every provision of the bill.

Mr. LA FOLLETTE. Mr. President, I desire to reserve paragraph 1402 and paragraph 1413.

The VICE PRESIDENT. Are there any further reservations? If not, the Chair again announces that all amendments made as in Committee of the Whole, except those reserved, are concurred in.

The bill is now in the Senate, and the amendment on sugar is before the Senate.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. COPELAND. I was out of the Chamber while this discussion was going on. I was attending a meeting of the Committee on the District of Columbia involving a very important subject. Am I to understand that a Member of the Senate is

debarred from offering an amendment proposing to change any provision adopted by the Senate as in Committee of the Whole?

The VICE PRESIDENT. Unless the matter is reserved in the Senate for a vote. Reservations have been made, as announced by the Chair. However, if the Senator from New York wants to make a reservation he should make it now, although the announcement has been made three different times that no further reservations were in order.

Mr. COPELAND. I have certain paragraphs which I desire to present for consideration at some time. Should I at this time give the numbers of those paragraphs?

The VICE PRESIDENT. If the matter relates to the original House text, the Senator does not have to give notice. If it relates to a Senate amendment, the Senator must give notice.

Mr. COPELAND. Then I think I should give notice that I reserve the right to offer amendments to paragraphs 69, 205, 211, 212, 218, 231, 301, 319, 376, 389, 394, 411, 503, 743, 770, 909, 1114, 1122, 1306, 1501, 1527, 1529, 1530, 1537, 1545, and I venture to say there may be others, but these are the only ones of which I have a memorandum at this time.

Mr. SWANSON. Mr. President, can the Chair inform us what amendments have not been reserved? I think that is the easiest way to understand the situation.

The VICE PRESIDENT. That would be utterly impossible. The Chair simply announces again that all amendments made as in Committee of the Whole, not reserved, are concurred in.

Mr. SMOOT. Mr. President, I was foolish enough to announce to the papers that I thought I would be able to secure the passage of the bill by to-morrow night. I now withdraw any such announcement.

Mr. NORRIS. Mr. President, I call the Senator's attention to the fact that he has no right to make that withdrawal, since the bill is in the Senate, without having given notice while the bill was in Committee of the Whole.

Mr. HARRISON. Mr. President, has the Senator from Utah offered his amendment?

Mr. SMOOT. No; I have not yet offered it. I am going to offer it now. I move, on page 121, Schedule 5, paragraph 501, line 12, to strike out "1.24" and insert "1.7125," and in line 15 to strike out "0.046" and insert "0.0375," so that the paragraph would read:

PAR. 501. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 sugar degrees, and all mixtures containing sugar and water, testing by the polariscope above 50 sugar degrees and not above 75 sugar degrees, 1.7125 cents per pound, and for each additional sugar degree shown by the polariscopic test 0.0375 of 1 cent per pound additional, and fractions of a degree in proportion.

That is the way the paragraph will read if the amendment which I have just offered shall be agreed to.

Mr. HARRISON. Mr. President, it is now after 5 o'clock. This is probably one of the most important matters to come before the Senate. Will not the Senator from Utah agree to take a recess now if we can agree upon a certain time to-morrow definitely to vote upon the proposition?

Mr. SMOOT. If the Senator had asked me that before the spectacle that has just taken place in the Senate, I would have agreed willingly, but I do not see how we are going to get through the bill if we take up all the amendments and consider them again.

Mr. HARRISON. The Senator knows there are innumerable reservations which have been made where there will not be a roll call and that we will get along pretty rapidly with the matter; but this is one important vote, and it seems to me we would save time by agreeing to vote to-morrow at a definite time and taking a recess very shortly.

Mr. SMOOT. Could we not agree, then, that we lay this amendment aside until to-morrow morning and take up some other amendments to which there is no particular objection?

Mr. HARRISON. That is perfectly satisfactory to me.

Mr. SMOOT. However, I did want to go on with sugar to-night, as we agreed. If there is no objection on the part of other Senators to taking up some of the other items as to which there will be no prolonged debate, I have no particular objection.

Mr. TRAMMELL. Mr. President, will the Senator from Utah yield?

Mr. SMOOT. Certainly.

Mr. TRAMMELL. I think we are about four or five days ahead in the progress we have made on the tariff bill as the result of having held night sessions. I do not understand why, when we have been making such splendid progress, Senators can not work for two or three more nights and try to get through with the bill.

Mr. SMOOT. I did not expect to take a recess at this time.

Mr. TRAMMELL. It is all right to carry over the sugar proposition, but we ought to go ahead at this time with something else.

Mr. SMOOT. I do not want to take a recess before 10 o'clock to-night.

Mr. TRAMMELL. I believe if we had not been holding night sessions, we would have been at least five days behind where we are now.

Mr. SMOOT. Oh, more than that. I would like to ask the Senator from Louisiana [Mr. BROUSSARD] what are his views on the subject.

Mr. BROUSSARD. Mr. President, I would be glad to have the sugar matter taken up to-morrow morning. I think we might save time if it can go over until then, but I would not care to agree to fix any special time for voting.

Mr. SMOOT. That has not been requested.

Mr. BROUSSARD. It was suggested.

Mr. HARRISON. That is immaterial. If it is desired to begin the consideration of the sugar item when we convene to-morrow without fixing a specific time to vote, it is agreeable to me, or if we can agree to vote at 5 o'clock to-morrow let us fix it that way.

Mr. SMOOT. When we recess to-night at 10 o'clock I expect to ask that we shall recess until 11 o'clock to-morrow morning. It would then be understood that whatever unanimous-consent agreement we may enter into at this time to take up other items, that promptly upon the convening of the Senate or as soon as a quorum is obtained we will begin the consideration of the sugar item and continue its consideration until a vote is had upon it.

Mr. SMITH. Why should we not begin consideration of the sugar schedule now? What reason is there for not doing it now?

Mr. SMOOT. I have not any objection to that.

Mr. GLASS. Mr. President, if we are going to have the old speeches repeated, why not let them begin right now so that when we come here to-morrow morning at 11 o'clock we can begin with something else?

Mr. SMOOT. So far as I am concerned, there will be no old speech delivered.

Mr. NORRIS. Mr. President, I should like to ask the Chair a question.

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

Mr. NORRIS. Not just now. I want to ask the Chair a question to see if we can get a proper understanding of what we are trying to do. As I understood it, the Senator from Utah [Mr. SMOOT] has reserved a separate vote on the amendment relating to the sugar schedule. Now, it appears that he has offered an amendment. Is that the same amendment that we voted on in Committee of the Whole?

Mr. SMOOT. No.

Mr. NORRIS. Then we are not taking it up. We have reserved here a separate vote on sugar and instead of that vote coming before the Senate, the Senator from Utah offers an amendment.

The VICE PRESIDENT. The question is upon concurring in the amendment made as in Committee of the Whole, to which the Senator from Utah has proposed an amendment.

Mr. NORRIS. The Senator is proposing an amendment to the amendment?

The VICE PRESIDENT. Yes.

Mr. NORRIS. Oh, very well.

Mr. HARRISON. Mr. President, I ask unanimous consent that to-morrow, upon the reconvening of the Senate, we take up the amendment offered by the Senator from Utah and continue its consideration until a final vote is taken upon it.

The VICE PRESIDENT. Is there objection?

Mr. NORRIS. Mr. President, there are a good many Senators who, I presume, are expecting to debate briefly some of the other amendments. We have had a unanimous-consent agreement that we would take up the sugar schedule first. Some Senators have said to me that they are not prepared to go on with some of the other amendments because of the unanimous-consent agreement which we have about sugar.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah to the amendment made as in Committee of the Whole.

Mr. HARRISON. Mr. President, was there objection to my unanimous-consent request?

The VICE PRESIDENT. Will the Senate state his unanimous-consent request again?

Mr. HARRISON. I ask unanimous consent that on the reconvening of the Senate to-morrow morning at 11 o'clock we proceed to the consideration of the amendment offered by the

Senator from Utah [Mr. SMOOT] and continue its consideration until a final vote is had upon it.

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

Mr. McNARY. Mr. President, there is a great deal of substance in what was stated by the Senator from Nebraska [Mr. NORRIS]. I personally know of several Senators who have left this evening, arranging pairs, upon the theory that the question under discussion would be that which is covered by the unanimous-consent agreement this afternoon, sugar. Personally I am willing to postpone discussion of the sugar problem this evening and take it up to-morrow, provided there is assurance that we will have something to engage the attention of the Senate this evening until 10 o'clock that can be considered in fairness to other Members of the Senate who have not been notified of a change in the program.

Mr. SMOOT. I would not want to take advantage of any Senator who may have left the Chamber. I would not think of doing such a thing.

Mr. McNARY. I appreciate that.

Mr. SMOOT. If there is any question about it I myself would object to the unanimous-consent agreement.

Mr. McNARY. Two Senators, who have left the Chamber and told me of their pairs, would probably be interested in other items. They went away following the unanimous-consent agreement obtained by the Senator from Utah that there would be discussion, after the bill was in the Senate, on the amendment of the Senator from Utah increasing the duty on sugar. I do not believe it is fair, after this agreement was entered into early in the day, now to abandon it and start on something else.

Mr. HARRISON. Mr. President, I do not think the most optimistic believed we would get the bill out of the Committee of the Whole until late this evening. I have submitted my unanimous-consent request in the belief that it will save time. I think we should go along on some other matters to which there will be no objection. There can not be a vote to-night on the sugar question. I have no disposition to fritter away any time on it. I am perfectly willing to fix a time to-morrow to vote, and I am quite sure if we make this arrangement we will save time and get along much more rapidly.

Mr. McNARY. Mr. President, I am not interested in whether there is going to be a vote on the sugar duty this evening or not. I want to see this matter proceed as agreed to earlier to-day in fairness to all the Members of the Senate. The only fair thing to do is to go ahead as agreed on or why was the agreement made? In view of that situation, knowing personally that some Senators have left relying upon the understanding which was reached, I shall object to any change in the program.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah to the amendment made as in Committee of the Whole.

Mr. HARRISON. Mr. President, there is not any use of the Senate getting into such a frame of mind that any Senator will charge any of us with trying to cause delay. For many months Senators on this side of the aisle have tried to cooperate in expediting the pending legislation; we are still disposed to do that; but there can not possibly be a vote upon this amendment to-night. I say that for a very good reason, as one who is very much opposed to the amendment, but I know that, through dickering around here, the amendment at this time would be agreed to by at least four votes. I think there ought to be a frank discussion on the amendment to-morrow; I am willing for a vote to be taken then; but I do not propose that by some sleight-of-hand performance immediately the bill gets into the Senate an amendment that has not even been printed shall be voted on. The amendment is technical in its terms, and must be examined by experts. I dare say there is not a Senator upon this floor who could now read and understand it, unless, perhaps, it be my friend the Senator from Louisiana [Mr. BROUSSARD]. This is a technical proposition; I desire to look into the amendment; I want to analyze it; I want to analyze it with the aid of experts, and also to discuss it briefly to-morrow; I think that will be the disposition of other Senators; and I am willing, then, that a vote be taken on it.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. HARRISON. I yield.

Mr. McNARY. I recall very vividly that this is a proposal which was made on yesterday by the distinguished Senator from Mississippi, and is carried into effect to-day. The Senator agreed to it; in fact, he initiated the idea.

Mr. HARRISON. It was to-day that it was agreed to.

Mr. McNARY. It was agreed to to-day, but yesterday an attempt was made by the Senator from Mississippi to have an understanding that we should take up the consideration of the sugar duty to-day, immediately following the transit of the bill from the Committee of the Whole into the Senate. I am advocating the very thing which the Senator himself initiated.

Mr. HARRISON. But when the subject was brought up no Senator believed that we would get a vote on sugar to-night; indeed, it was stated to the Senate by the Senator from Nebraska [Mr. NORRIS] that he had an important amendment which at that time was pending, which would require a good deal of discussion.

Mr. NORRIS. And there were many other amendments pending.

Mr. HARRISON. So I did not at any time believe that we would vote upon the amendment to-night.

Mr. McNARY. I am willing to do this: Let the discussion proceed, and if it shall exhaust the subject to-night, then let us recess until to-morrow, and then vote. I am not caring about a vote to-night.

Mr. HARRISON. Did not the Senator observe just a moment ago that not even the Senator from Utah [Mr. SMOOT]—who thinks that he has the votes in the hollow of his hand, who can look around and see some Senators who voted against increasing this duty previously who he thinks are going to vote for it now—was not going to make a speech but was going to allow the vote to come immediately?

Mr. SMOOT. No.

Mr. HARRISON. And I am forced to keep the floor and to speak, which I will do, if it be necessary, in order to prevent the vote coming at this time.

Mr. NORRIS and Mr. SMOOT addressed the Chair.

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

Mr. SMOOT. Mr. President, will the Senator from Nebraska yield to me for just a moment?

Mr. NORRIS. Let me say just a word. What the Senator from Mississippi said about my amendment is true. I can well understand how Senators may be disappointed by the action that I took in withdrawing it after consultation with the Senator from Utah. I agreed to accommodate him, but stated that I would offer the amendment in the Senate later. That has put us forward by all the time that would have been devoted to the discussion of the amendment. So I think there is some reason in the suggestion of the Senator from Mississippi. The Senator from Utah realizes the situation as well as I do. Innocently, perhaps, I have been the partial cause of the existing situation, and so has the Senator from Utah, because of our understanding about my amendment. If the Senate wants to change the program, I will take up the amendment now and we will debate it, or, if a unanimous-consent agreement is entered into, something else may be taken up. I do not want to waste any time.

Mr. SMOOT. Mr. President, I wish merely to say a word to the Senator from Mississippi. I want the Senate to understand that I would rather lose the proposed rate upon sugar than to be accused of undertaking to do anything but what a gentleman ought to do. I resent the statement of the Senator from Mississippi——

Mr. HARRISON. Does not the Senator think he has the votes in hand now?

Mr. SMOOT. I do not know whether we have or not.

Mr. HARRISON. The Senator from Utah has been celebrating to-day, I think, his one hundred eighteenth anniversary in the United States Senate, and he knows how things go on here. He would not want a vote to come on his amendment if he did not think it would be carried to-night.

Mr. SMOOT. Certainly I would; there is not any question about that. If there are sufficient votes to defeat the amendment, of course, the amendment will be lost, and the Senator from Utah can not help it; and if there are sufficient votes to carry it, I would be perfectly satisfied, as the Senator from Mississippi would be if there were sufficient votes to defeat it. We can not change that situation.

Mr. WALSH of Montana. Mr. President, the Senator from Louisiana [Mr. BROUSSARD], who, as everyone knows, is very deeply interested in the sugar schedule, has suggested that this matter go over until to-morrow; the Senator from Mississippi [Mr. HARRISON], who, as everybody understands, is very stoutly against the increased duty, asked that the matter go over until to-morrow——

Mr. SMOOT. And I agreed to that.

Mr. WALSH of Montana. And the Senator from Utah [Mr. SMOOT], who tenders the amendment, says that it is entirely agreeable to him that the matter shall go over until to-morrow. Yet there is very much of justice in what is said by the Senator

from Oregon [Mr. McNARY] that, perhaps, some Senators have left—doubtless they have—expecting that the sugar duty would be the subject of sole consideration for the remainder of the day at least. It would, perhaps, be unjust to dispose of any matters in which they are interested in their absence; yet I think the Senator from Oregon will appreciate that if any question should arise in which any of the absent Senators are particularly interested the Senate would cheerfully let that question go over until to-morrow. Moreover, if, perchance, it should so happen that a particular item in which any absent Senator is interested should be acted upon, there is no doubt in the world that to-morrow the Senate would consent to a reconsideration upon a statement of that condition of affairs being made. So I rather appeal to the Senator from Oregon to withdraw his objection to the request for unanimous consent made by the Senator from Mississippi, and let us proceed this evening with matters that probably will not give rise to very much debate, and the probabilities are that we will be able to dispose of a good share of them.

Mr. McNARY. Mr. President, I am not concerned at what hour the vote shall be taken on the amendment offered by the Senator from Utah. My course is clear in that respect. I want to see that all the Members of the Senate are apprised of the business before the Senate. I made the suggestion a moment ago, which I think was eminently fair, that, starting in at this time, those interested in the sugar schedule should argue the question this evening, and when the debate is at an end at 8 o'clock or half past 8 or 9, then let the amendment go over and to-morrow, without further debate, vote on it.

Mr. WALSH of Montana. Let me remark that the Senator ignores the fact that both the proponents and opponents of the particular amendment ask that it go over until to-morrow.

Mr. McNARY. That was earlier in the day.

Mr. WALSH of Montana. I appreciate that.

Mr. McNARY. The distinguished Senator from Utah and the Senator from Mississippi agreed upon this proposition.

Mr. WALSH of Montana. That is quite right.

Mr. McNARY. Why not carry out the agreement which they made which has been broadcasted to every Member of the Senate? That is the reason why I object at this late hour to changing the program. I am not changing my position.

Mr. WALSH of Montana. Let the Senator from Oregon recall also that the Senator from Nebraska at the close of the session last night tendered an amendment which would obviously give rise to considerable debate. He said in that connection that he wanted to make a few remarks, and would take it up again in the morning. That amendment was practically pending; it was, indeed, pending at that time, and would be likely to take up the best portion of the day, as it was understood at that time. In that situation of affairs, of course the understanding that the sugar amendment was to be taken up as soon as the bill was reported to the Senate contemplated the delay attendant upon the consideration of that very important amendment along with others.

Mr. McNARY. I think my proposition is fair to all the Members of this body. I am not pressing for a vote at this time; I do not want anyone to have advantage over another, and if the debate shall end this evening I will be the first to consent to a vote to-morrow. I stand on that fair proposal, and shall object to changing the program.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

Mr. McNARY. I am glad to yield.

Mr. HARRISON. Will the Senator agree to a vote, say, at 1 o'clock to-morrow on this amendment?

Mr. McNARY. If we will go forward with the debate and exhaust it by 1 o'clock, I will gladly cooperate with the Senator in asking for a vote to-morrow at that hour, provided we go on now and stay with the subject matter during the evening.

Mr. HARRISON. I ask unanimous consent that the vote on this amendment be taken at 1 o'clock to-morrow.

Mr. BROUSSARD. I object.

The VICE PRESIDENT. The Senator from Louisiana objects.

Mr. SHORTRIDGE. Mr. President, in order that the unanimous-consent agreement entered into, and insisted upon, I think with great propriety, by the Senator from Oregon, may be carried out and all Senators may be present and not now be forced to engage in a discussion concerning matters which they did not think would come up, and in order to save time and possibly to prevent violence, I propose a unanimous-consent agreement that we take a recess until to-morrow at 11 o'clock.

Mr. SMOOT. I object to that.

The VICE PRESIDENT. Is there objection?

Mr. SWANSON. I object.

Mr. SHORTRIDGE. I have made the suggestion, and the Senate having refused, therefore I sit down.

Mr. SWANSON. Mr. President, I have sent for the RECORD to ascertain what the exact unanimous-consent agreement was. It is as follows:

> Mr. HARRISON. I modify my request accordingly. I ask unanimous consent that when the bill gets out of the Committee of the Whole the first item to be considered in the Senate shall be the sugar schedule.

There is no unanimous-consent agreement that we shall do anything but proceed first with the consideration of the sugar schedule, not that it shall be considered until concluded. If we shall consider it for five minutes we will have complied with the terms of the unanimous-consent agreement.

I do not see why a motion can not be made such as was made when we first began the consideration of this bill and the Senate had the power to control it, namely, that the further consideration of this amendment be deferred until 11 o'clock to-morrow. I ask if that would be in order, and I request the Chair to read the unanimous-consent agreement. It simply provides that the sugar schedule shall be first considered, but not that it shall be considered until disposed of.

The VICE PRESIDENT. The Chair thinks that such a motion would be in order.

Mr. McNARY. Mr. President, a parliamentary inquiry. My attention was distracted. I should like to know what is the proposal made by the Senator from Virginia?

Mr. SWANSON. My contention is that the unanimous-consent agreement asked for by the Senator from Mississippi was simply that we should proceed immediately after the bill was reported to the Senate with the consideration of the sugar schedule. There was no agreement that it should be considered until disposed of. I doubt whether we could have gotten such a unanimous-consent agreement. My contention is that if we consider the sugar schedule for five minutes or one minute, a motion is then in order that its further consideration be postponed until 11 o'clock to-morrow morning, and the Chair, I understand, has ruled that under the unanimous-consent agreement such a motion is in order.

Mr. McNARY. Mr. President, has the Chair ruled on the question? I do not care to discuss a proposal which has passed into history.

The VICE PRESIDENT. The Chair held that a motion to postpone until to-morrow would be in order.

Mr. McNARY. Mr. President, I do not want to delay the Senate in discussing a parliamentary proposition which has been passed upon by the Chair, but the unbroken rule has always been that when unanimous consent is entered into, debate continues until final disposition of the proposal.

Mr. SWANSON. It never has.

Mr. McNARY. But if a majority of the Senate wants to postpone action until 11 o'clock to-morrow that is entirely agreeable to the Senator from Oregon, because he always goes with the majority.

Mr. SWANSON. Mr. President, the agreement says the sugar schedule shall be first considered. That may mean 5 minutes or it may mean 10 minutes, or it may mean until disposed of. We can not add to a unanimous-consent agreement; and the Chair has properly ruled that the motion is in order, because the agreement was to consider the sugar schedule first. That is all that was contained in the agreement.

I move that the further consideration of the sugar schedule be postponed until 11 o'clock to-morrow morning.

Mr. McNARY. Mr. President, while I think the Chair has committed a great parliamentary error in holding as he has, and has thus destroyed the purpose of the unanimous-consent agreement, I appeal to the Senator from Virginia that it would not be fair to those who have left here this evening, believing that we were to consider the sugar schedule, to overturn the agreement that was entered into in good faith and substitute another plan of procedure.

Mr. SWANSON. It does not overturn an agreement entered into in good faith. The agreement said that the sugar schedule should be first considered. It would have been impossible to get a unanimous-consent agreement that it should be held before the Senate until disposed of. We might consider it a month, two months, or three months. Let us carry out the unanimous-consent agreement as made. The unanimous-consent agreement was that the sugar schedule should come up first for consideration—not for disposition; not for a vote. It has come up first for consideration. Now, a motion is in order to postpone it until 11 o'clock to-morrow. The agreement has been complied with.

Mr. ASHURST (and other Senators). Question!

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

Mr. McNARY. Mr. President, just a moment.

The VICE PRESIDENT. The Senator from Oregon.

Mr. McNARY. The Senator is making a very skillful argument, but I think it attacks the good faith of the action of this body earlier in the day. Of course, it has been the practice, when unanimous-consent agreements were entered into, that the particular subject matter remained before the Senate until finally disposed of.

Mr. SWANSON. It never has been.

Mr. McNARY. Mr. President, I decline to yield. That is the orderly procedure that always guides deliberative bodies—that the matter remains before the body until finally disposed of. Any other procedure would be unmethodical and not calculated to bring about the best results.

When this agreement was entered into between the Senator from Mississippi and the Senator from Utah every Member of this body believed that when we took up the discussion of the sugar question we would not abandon the Senator's amendment until a final vote was taken. That has been the uniform practice. It is a sensible procedure and plan for sensible men. Anything to the contrary would be childish and foolish.

So, Mr. President, in view of the very unusual ruling of the Chair, which violates all the principles of parliamentary law—about that I have no doubt—the Senator from Virginia attempts to thwart the practice by a unique and novel motion, which, if agreed to—I shall abide by the majority action, of course—breaks faith with every Member who was present in the Senate when this agreement was entered into. If it is the desire of the Senate to break faith in regard to an agreement, very well. I shall oppose it, however.

Mr. HARRISON. Mr. President, I merely desire to state that if this motion prevails, I shall ask unanimous consent when we reconvene at 11 o'clock to-morrow that we vote at 2 o'clock to-morrow, and that the time be divided equally between the proponents and the opponents of the measure.

Mr. SMOOT. Mr. President, I have no objection to that.

Mr. HARRISON. I shall not oppose this motion. Then we can get together on fixing a time.

Mr. SMOOT. Mr. President, I think the Senator from Oregon [Mr. McNARY] is absolutely right. I do not think there is any question but that every Senator who was here when the unanimous-consent agreement was requested believed that we were going on, just as soon as the bill got into the Senate, with the sugar schedule, and would continue its consideration until it was disposed of.

Mr. BORAH obtained the floor.

Mr. SMOOT. I think the Senator from Oregon is right.

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

Mr. SMOOT. I thought I had the floor.

Mr. BORAH. The Senator has had the floor all the afternoon.

The VICE PRESIDENT. The Senator from Idaho is recognized.

Mr. BORAH. I was going to ask, if we put aside this particular item, are we going to take up these other matters and consider them during the evening? If we do, I am sure in one instance it will be a surprise to a Senator who has gone away. I do not suppose that anybody expected we would vote on sugar this evening; but certainly Senators did not expect that we would take up other matters until sugar was disposed of.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia [Mr. SWANSON].

Mr. SWANSON. Mr. President, I was not in the Senate Chamber when the unanimous-consent agreement was made. I do not know what was the understanding of the Senator from Utah [Mr. SMOOT] and the Senator from Mississippi [Mr. HARRISON]; but I do know that the unanimous-consent agreement is simply to take up the sugar schedule for consideration, and no further. I doubt whether the Senator could have gotten any further agreement.

Mr. SMITH. Mr. President, it seems to me no time will be lost, and faith will be kept, if we take a recess now until either 10 or 11 o'clock to-morrow morning. We would then keep faith with those who have gone away expecting us to discuss the sugar schedule. Now that we can not reach that agreement, we will not lose much time by the course suggested. We will keep faith with those who have gone away with the understanding that we were to discuss the sugar schedule, and I do not think any time will be saved by our trying to adjust this matter.

I move, Mr. President, that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. A motion to take a recess is not debatable. [Putting the question.] The Chair is in doubt.

Mr. ASHURST and Mr. SMITH called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. The motion is not debatable.

Mr. BROOKHART. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. BROOKHART. I want to know what the motion is. Until what time is it proposed that we recess?

The VICE PRESIDENT. The motion is to take a recess until 11 o'clock to-morrow morning. The clerk will continue the calling of the roll.

The Chief Clerk resumed the calling of the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. BINGHAM]. Not knowing how he would vote on this question, I am compelled to withhold my vote. If at liberty to vote, I should vote "yea."

Mr. GLENN (when his name was called). I have a special pair with the Senator from South Carolina [Mr. BLEASE]. Not knowing how he would vote on this matter, I withhold my vote.

Mr. McKELLAR (when his name was called). I have a pair with the junior Senator from Delaware [Mr. TOWNSEND]. Being unable to get a transfer, I can not vote. If at liberty to vote, I should vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. GILLETT]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. GOULD (after having voted in the negative). I transfer my pair with the Senator from Utah [Mr. KING] to the Senator from Vermont [Mr. GREENE] and will let my vote stand.

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

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from New Mexico [Mr. CUTTING];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Iowa [Mr. STECK];

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

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 31, nays 42, as follows:

YEAS—31

Barkley	Fletcher	Jones	Swanson
Blaine	Frazier	La Follette	Thomas, Okla.
Borah	George	McMaster	Tydings
Brock	Harris	Norbeck	Wagner
Brookhart	Harrison	Norris	Walsh, Mass.
Caraway	Hawes	Sheppard	Walsh, Mont.
Connally	Hayden	Shortridge	Wheeler
Copeland	Howell	Smith	

NAYS—42

Allen	Goff	McCulloch	Schall
Ashurst	Goldsborough	McNary	Smoot
Baird	Gould	Metcalf	Steiwer
Black	Grundy	Nye	Sullivan
Bratton	Hale	Oddie	Thomas, Idaho
Broussard	Hastings	Patterson	Trammell
Capper	Hatfield	Phipps	Vandenberg
Couzens	Hebert	Pine	Waterman
Dale	Johnson	Ransdell	Watson
Dill	Kean	Robinson, Ind.	
Fess	Keyes	Robsion, Ky.	

NOT VOTING—23

Bingham	Glenn	Moses	Simmons
Blease	Greene	Overman	Steck
Cutting	Heflin	Pittman	Stephens
Deneen	Kendrick	Reed	Townsend
Gillett	King	Robinson, Ark.	Walcott
Glass	McKellar	Shipstead	

So the Senate refused to take a recess.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. In the Committee of the Whole, was not the amendment that was agreed to in this paragraph offered by the Senator from Mississippi?

The VICE PRESIDENT. That is the understanding of the Chair.

Mr. NORRIS. Why is it that that amendment is not before the Senate, instead of an amendment offered by the Senator from Utah?

The VICE PRESIDENT. The amendment of the Senator from Utah is a substitute for the amendment proposed by the Senator from Mississippi.

Mr. NORRIS. I did not understand that he offered it in that way. I distinctly remember his referring to the numerals that are in the bill.

The VICE PRESIDENT. The amendment strikes out one set of numerals.

Mr. NORRIS. Those numerals were not in the bill as it came from the Committee of the Whole. The figures in the real bill, as amended as in Committee of the Whole, are those given by the Senator from Mississippi in his amendment. If the ruling of the Chair be correct, then the Senator's amendment is an amendment in the third degree, and is not in order.

The VICE PRESIDENT. In Committee of the Whole the Senate struck out "1.54" and inserted "1.24."

Mr. SMOOT. That was all there was to it.

The VICE PRESIDENT. Now, the amendment of the Senator from Utah is to strike out "1.24."

Mr. NORRIS. The Finance Committee brought in an amendment. The Senator from Mississippi moved an amendment to that amendment. His amendment was agreed to. Now the Senator from Utah makes a motion to amend the amendment of the Senator from Mississippi, which in itself is an amendment to a committee amendment, which is an amendment to the House text. It seems to me that if that is true, it is in the third degree, and not in order.

The VICE PRESIDENT. The Chair will hold the amendment in order.

Mr. WATSON. Mr. President, in order to keep faith all around and not disappoint anybody, and in order to give ample time for the consideration of this question, I ask unanimous consent that the Senate now take a recess until 11 o'clock to-morrow morning, coupled with the further agreement to take a vote on this question at not later than 3 o'clock in the afternoon, thus giving four hours of debate, two hours of which I would ask to be under the control of the Senator from Utah and two hours under the control of the Senator from Mississippi.

The VICE PRESIDENT. Is there objection?

Mr. DILL and Mr. COUZENS addressed the Chair.

The VICE PRESIDENT. The Senator from Washington.

Mr. DILL. Reserving the right to object, I want to know why we took a vote a while ago, if there is to be a different understanding now?

Mr. WATSON. I do not think there was an understanding about the time when the vote was to be taken.

Mr. SMITH. An understanding will not be reached.

Mr. WATSON. The Senator from Utah was quite anxious that a time be fixed for the vote. The question is on his amendment.

The VICE PRESIDENT. Is there objection?

Mr. DILL and Mr. SMITH. I object.

The VICE PRESIDENT. Objection is made, and the question is on the motion of the Senator from Virginia.

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

The yeas and nays were ordered.

Mr. PHIPPS. Mr. President, let the motion be stated.

The VICE PRESIDENT. The motion is to defer further consideration of the pending amendment until 11 o'clock to-morrow morning.

Mr. BARKLEY. I offer an amendment to that motion, that a vote upon the question be taken at not later than 3 o'clock to-morrow.

The VICE PRESIDENT. The time for a final vote can not be fixed by a motion.

Mr. TRAMMELL. Mr. President, I think the adoption of this proposal would merely mean that we should not carry on the business of the Senate to-night in considering any further phase of the tariff bill. Every Senator was put on notice this morning, at the request of the Senator from Mississippi, that the sugar schedule would be taken up first and considered. There is no snap judgment being taken on anybody, and I would like to see the Senate proceed with its business and go ahead with the night session instead of shilly-shallying around adopting every change possible, trying to avoid having a night session. That is what it means.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. GLENN (when his name was called). Making the same announcement as on the last roll call, I withhold my vote.

Mr. GOULD (when his name was called). I transfer my pair with the junior Senator from Utah [Mr. KING] to the senior Senator from Vermont [Mr. GREENE] and vote "nay."

Mr. McKELLAR (when his name was called). Making the same announcement of my pair as on the previous vote, I withhold my vote.

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

The roll call was concluded.

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

The Senator from Illinois [Mr. DENEEN] with the Senator from North Carolina [Mr. OVERMAN];

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

The Senator from Connecticut [Mr. WALCOTT] with the Senator from New Mexico [Mr. CUTTING];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Wyoming [Mr. KENDRICK]; and

The Senator from New Hampshire [Mr. MOSES] with the Senator from Iowa [Mr. STECK].

The result was announced—yeas 24, nays 49, as follows:

YEAS—24

Barkley	George	Norbeck	Thomas, Okla.
Black	Harris	Norris	Tydings
Blaine	Harrison	Sheppard	Wagner
Brock	Hawes	Simmons	Walsh, Mass.
Caraway	Hayden	Smith	Walsh, Mont.
Copeland	McMaster	Swanson	Wheeler

NAYS—49

Allen	Frazier	Kean	Robsion, Ky.
Ashurst	Goff	Keyes	Schall
Baird	Goldsborough	La Follette	Smoot
Borah	Gould	McCulloch	Steiwer
Brookhart	Grundy	McNary	Sullivan
Broussard	Hale	Metcalf	Thomas, Idaho
Capper	Hastings	Nye	Trammell
Connally	Hatfield	Oddie	Vandenberg
Couzens	Hebert	Patterson	Waterman
Dale	Heflin	Phipps	Watson
Dill	Howell	Pine	
Fess	Johnson	Ransdell	
Fletcher	Jones	Robinson, Ind.	

NOT VOTING—23

Bingham	Glass	Moses	Shortridge
Blease	Glenn	Overman	Steck
Bratton	Greene	Pittman	Stephens
Cutting	Kendrick	Reed	Townsend
Deneen	King	Robinson, Ark.	Walcott
Gillett	McKellar	Shipstead	

So the Senate refused to postpone the consideration of the sugar schedule until to-morrow.

Mr. BLACK. Mr. President, what is the parliamentary situation with reference to Senate Finance Committee amendments which were adopted as in Committee of the Whole?

The VICE PRESIDENT. The first step is to concur in the amendments made as in Committee of the Whole, and the Senator from Utah proposes an amendment.

Mr. BLACK. I do not mean with reference to this particular change. I refer to other amendments made by the Senate Finance Committee, and which were adopted by the Senate as in Committee of the Whole.

The VICE PRESIDENT. A separate vote may be had in the Senate, provided a reservation was made before the bill went into the Senate.

Mr. BLACK. I had understood yesterday afternoon, from a ruling by the Chair, that it was not necessary to have a separate reservation.

I ask unanimous consent to reserve a separate vote, and for the privilege of offering an amendment to paragraph 1517, line 2, page 212, which was a Senate Finance Committee amendment fixing a 30 per cent ad valorem rate on empty shells.

The VICE PRESIDENT. Is that an amendment to the House text, or to a Senate committee amendment?

Mr. BLACK. The House text provided a 40 per cent ad valorem rate, the Senate Finance Committee reduced it to 30 per cent, and I desire to reduce it still further by another amendment.

The VICE PRESIDENT. The Chair will see that the Senator is put down for a reservation, as he was absent.

Mr. SMOOT. Mr. President, I ask unanimous consent that at the conclusion of to-day's business the Senate shall take a recess until to-morrow morning at 11 o'clock.

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

The question is on agreeing to the amendment offered by the Senator from Utah to the amendment made as in Committee of the Whole. [Putting the question.]

Mr. WALSH of Montana. Mr. President, I do not want to discuss this amendment particularly, but I supposed we would hear something from the mover of the amendment, or from some one else who had something to say about it. If no one

cares to speak in support of the motion, however, I am prepared to go on.

Mr. GLASS. I suggest that the amendment be read from the desk. I do not know what it is.

The VICE PRESIDENT. Does the Senator from Montana yield to have the amendment read?

Mr. WALSH of Montana. I yield.

The VICE PRESIDENT. Let the Senate be in order, and the amendment will be read.

The LEGISLATIVE CLERK. The Senator from Utah proposes the following substitute for paragraph 501:

PAR. 501. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 sugar degrees, and all mixtures containing sugar and water, testing by the polariscope above 50 sugar degrees and not above 75 sugar degrees, 1.7125 cents per pound, and for each additional sugar degree shown by the polariscopic test, 0.0375 of 1 cent per pound additional, and fractions of a degree in proportion.

Mr. WALSH of Montana. Mr. President, I trespass upon the patience of the Senate at this time to say something upon the general subject because by reason of a slight indisposition an opportunity was denied me to express my views with respect to the duty on sugar when the bill was in Committee of the Whole, and when that provision of the bill was under consideration.

The debate has proceeded, so far as I have had an opportunity to listen to it, upon the assumption upon the part of those urging an increase in the duty on sugar that unless it should be granted the beet-sugar industry would be destroyed. If I were able to accept that view, however I may have entertained some previous notions about the matter, I should be disposed to go a long way and overlook any preconceived notions upon the subject in order to help it out, for I realize that it is an industry which in the very highest degree deserves nurture and cultivation. Its value is beyond dispute in my judgment. It is an industry of transcendent importance to my State. The Great Western Sugar Co., the principal producer of beet sugar in the United States, is an owner and operator of a great factory at Billings, Mont., one of the largest owned and operated by that company and one of the largest in the United States. Its annual output aggregates over 30,000 tons of sugar. It has been in successful operation now for nearly a quarter of a century. There are likewise three other sugar factories in Montana, much smaller and of very much more recent origin.

The Great Western Sugar Co. is, as stated, the largest producer of beet sugar in the United States. Statements have been made to the effect that it produces 58 per cent of all of the beet sugar produced in the United States. I have definite and positive information, given by one of the higher officers of the association before the so-called lobby committee, that its production at least is in excess of 50 per cent of all of the beet sugar produced in the United States.

That company has had a most successful experience. It was organized in the year 1906, taking over a considerable number of sugar factories theretofore operating, and exchanging for the properties thus taken over its capital stock. It was organized with an authorized capital of $20,000,000, afterwards fixed at $15,000,000, of preferred stock and $15,000,000 of common stock. Practically all of this but about $1,000,000 in capitalization was issued prior to the year 1923, soon after its organization, and the remainder issued at that time.

I have before me a schedule showing the dividends which it has paid since it was organized. It has regularly paid on its preferred stock 7 per cent from the date of its organization except for a few years when the rate was a little less than that. It has paid regular dividends upon its preferred stock without interruption since its organization in 1906 totaling $23,521,750. For the first four years of its existence it paid no dividends upon its common stock, but since that time, since 1910, it has paid dividends regularly, aggregating during that time $60,850,660, or a total in dividends of $84,372,410.

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

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

Mr. WALSH of Montana. I yield.

Mr. SMOOT. I think there is a mistake in that figure. It was acknowledged before the committee. The man who prepared that document admitted himself that it was an error.

Mr. WALSH of Montana. The table was prepared, it is true, by an organization which opposes the increase in the duty on sugar. The very document I hold in my hand, however, was presented to Mr. Petrikin, president of the Great Western Sugar Co., when he was a witness before the lobby committee and he admitted that the figures were correct, so I am obliged to accept them upon the statement of the president of the company.

Mr. SMOOT. Before the Finance Committee, when the matter was called to the attention of the committee, it was admitted that there was a mistake of some $35,000,000.

Mr. WALSH of Montana. No, I am very sure the Senator is not correct about it.

Mr. SMOOT. I can place the figures in the RECORD later.

Mr. WALSH of Montana. I ask that this table of dividends paid by the Great Western Sugar Co. may be incorporated in the RECORD, and I add, as heretofore stated, that Mr. Petrikin, the president of the company, being interrogated about it, said the figures were correct.

The PRESIDING OFFICER. Without objection the table will be printed in the RECORD as requested.

The table is as follows:

Fiscal year ending Feb. 28—	Total dividends paid during year	Common dividends	Preferred dividends
1906	$954,100		$954,100
1907	954,100		954,100
1908	954,100		954,100
1909	954,100		954,100
1910	1,085,900	$131,800	954,100
1911	1,481,300	527,200	954,100
1912	1,481,300	527,200	954,100
1913	1,481,300	527,200	954,100
1914	1,481,300	527,200	954,100
1915	1,481,300	527,200	954,100
1916	1,639,460	685,360	954,100
1917	1,741,600	787,500	954,100
1918	8,154,100	7,200,000	954,100
1919	8,004,100	7,050,000	954,100
1920	8,004,100	7,050,000	954,100
1921	8,004,100	7,050,000	954,100
1922	1,854,100	900,000	954,100
1923	1,602,050	600,000	1,002,050
1924	3,450,000	2,400,000	1,050,000
1925	5,850,000	4,800,000	1,050,000
1926	5,850,000	4,800,000	1,050,000
1927	5,850,000	4,800,000	1,050,000
1928	5,970,000	4,920,000	1,050,000
1929	6,090,000	5,040,000	1,050,000
Total	84,372,410	60,850,660	23,521,750

Mr. WALSH of Montana. It will be noted that no dividends were paid on the common stock for the first four years of the existence of the company, but taking the aggregate of the dividends paid upon the common stock, $60,850,660, it will be found that, including the four years during which it paid no dividends upon its common stock, there was paid an average of $2,535,444, or about 17 per cent annually upon its common stock; in other words, $60,850,660 divided by 25 years, the entire period covered since the organization of the company, gives a result of $2,535,444 annually, or practically 17 per cent. That is 17 per cent upon a capitalization of $15,000,000, although all of the stock was not issued until 1923—that is to say, about $1,000,000 worth of it were issued at that time.

But that is not the whole story, bear in mind. In addition to paying the sixty-odd million dollars of dividends upon its common stock it laid by a surplus of $35,773,324. That is upon the authority of the Great Western Sugar Co. itself contained in a document which probably was placed in the hands of every Member of the Senate. I have it before me headed "United States Beet Sugar Association, 1180 National Press Building, Washington, D. C. Phone, Franklin 6864. On the Great Western, May 9, 1929." The document is signed by Harry A. Austin, the secretary of the United States Beet Sugar Association. The document is intended to controvert the idea that the Great Western Sugar Co. has been making inordinate profits upon its investment and it maintains that in computing all the profits which were made the computation should be made not on the basis of $30,000,000 of its capital stock, but on its present assets of some $64,000,000.

Thus it is shown in the document to which I have referred that in the fiscal year ended February 28, 1927, it had net assets of $66,517,056; for the year ended February 29, 1928, it had $64,077,624 of assets; and for the year ended February 28, 1929, it had $65,773,324 in assets. That is to say, Mr. President, beginning in 1906 with assets, so far as the assets were represented by the capital stock, of $30,000,000 it now has $65,000,000 of assets. In other words, in addition to paying the regular 7 per cent dividends upon its preferred stock and 17 per cent average upon its common stock, it laid by $35,773,324 more, which, presumably, is invested in other properties, in new factories, either bought or constructed.

That is to say, for the 25-year period, having laid by this surplus of thirty-five million-odd dollars, it laid by on an average a surplus of $1,490,555 annually, so that its total net earnings figured upon that basis—that is to say, its average divi-

dends and its average surplus laid by—its average net earnings have been $4,025,999, or 26.8 per cent on its capitalization. In other words, its annual earnings going into dividends and surplus amounted to 26.8 per cent.

But even that is not the whole story. The fact about the matter is that it never did have an investment of $30,000,000. Its total investment was not to exceed $15,000,000. In other words, the common stock, in plain language, was pure water. It issued its stock in exchange, as I have heretofore said, for properties of companies then operating, giving a certain amount of preferred stock and a certain amount of common stock.

The facts in relation to that matter were all drawn out in the testimony in what is known as the Sugar-Trust case, an action brought by the Government of the United States to dissolve the Sugar Trust, the testimony being taken in the year 1912, and Mr. C. S. Morey, then the president of the Great Western Sugar Co., testifying to the original investment made by that company.

The Eaton Sugar Co. was acquired, its capitalization being $750,000, in exchange for 6,500 shares of preferred and 6,500 shares of the common stock of the Great Western Co.

The Greeley Sugar Co. was acquired, its capitalization being $750,000, for 7,000 shares of preferred and 7,000 shares of common stock of the Great Western Co.

The Longmont Sugar Co. was acquired, its capitalization being $1,000,000, for 10,000 shares of preferred and 10,000 shares of common stock of the Great Western Co.

The Fort Collins-Colorado Sugar Co. was acquired, its capitalization being $1,250,000, for 12,500 shares of preferred and 12,500 shares of common stock of the Great Western Co.

The Great Western Sugar Co. (Loveland, Colo.), having a capitalization of $1,000,000, was acquired for 10,000 shares of preferred and 10,000 shares of common stock of the Great Western Co.

The Billings Sugar Co., of my State, capitalized at $1,250,000, was acquired for 12,500 shares of common stock and 12,500 shares of preferred stock of the Great Western Co.

The Sterling Sugar Co., capitalized at $900,000, was acquired for 9,730 shares of preferred stock and 9,730 shares of common stock of the Great Western Co.

The Morgan County Construction Co.—Fort Morgan and Brush factories—capitalized at $1,400,000, was acquired for 14,000 shares of common stock and 14,000 shares of preferred stock of the Great Western Co.

The Agricultural Investment Co., having a capital of $1,500,000, was acquired for 15,000 shares of common and 15,000 shares of preferred stock of the Great Western Co.

The Windsor Sugar Co., having a capitalization of $750,000, was acquired for 7,500 shares of preferred and 7,500 shares of common stock of the Great Western Co.

That is the ordinary way in which such combinations are effected, the preferred stock representing the actual value of the property taken over and the common stock being given as a bonus. That that was the case in the instance under consideration is clearly apparent from the testimony of Mr. Morey given in the case to which I have referred. I quote from his testimony as follows:

[Testimony of Chester S. Morey, president of the Great Western Sugar Co. of Colorado; examined by Mr. Knapp, assistant to United States district attorney at New York City, May 21, 1912, before Wilson S. Brice, special examiner, page 379]

Q. And for the $1,250,000 of the par value stock of the Fort Collins (Colo.) Sugar Co. the Great Western Co. issued $2,500,000, didn't it?—A. Preferred and common stock?

Q. Yes.—A. The preferred stock is all I considered worth anything.

Q. Just answer my question, please.—A. Yes, sir; preferred and common.

Q. So you did get two for one for stock?—A. Of a kind.

Q. But you did not consider the common worth anything?—A. I did not; speculative.

And on page 393:

Q. What was the Agricultural Investment Co., Mr. Morey; and what did it have to do with the formation of the Great Western Sugar Co. of New Jersey?—A. It was a company there that loaned out money at times. That is about all I know about it. It was an eastern corporation.

I quote now from page 394:

Q. Why did you issue $3,000,000 in stock in payment of a debt of $1,500,000?—A. I did not object to that, because I felt that issuing of a million and a half of preferred stock and a million and a half of common stock was no more than if we issued a million and a half of one stock, and no division of it. It canceled the debt. I considered at that time that the value of the common stock was entirely speculative.

Q. But the preferred stock you thought was worth par?—A. I thought that ought to be safe.

Observe, Mr. President, that he does not assert that even the preferred stock represented the actual value of the property taken over, but he thought it would be safe to regard the property as worth that much.

Q. When you say it was speculative, what do you mean by that?—A. I mean if the company made a success—a great success—then that stock would become valuable, but it all depended upon the success in the future.

Q. Do you consider it worth anything at that time?—A. I didn't have a very high opinion of it myself.

Q. You thought that it was worth practically nothing at that time?—A. I did.

Q. Didn't you know at that time that Mr. Havemeyer, or didn't you believe at that time that Mr. Havemeyer had an interest in the Agricultural Investment Co.?—A. I think I did.

Q. And that was the reason why you gave the company a million and a half of common stock, was it not?—A. No; I would not say it was because Mr. Havemeyer had an interest in it. It seemed to me it was equally fair to give a million and a half of each stock there as it was to give two shares of stock in payment of the factory.

Q. Because you believed the factories and the property turned over by the six companies, including the good will and everything else, were worth the amount of the preferred stock?—A. Yes, sir.

Q. And that the common stock was simply thrown in?—A. Yes, sir.

So, Mr. President, we are in no doubt about the proposition that the $15,000,000 preferred stock represented really the actual investment in this enterprise. Therefore, instead of figuring the earnings on the basis of $30,000,000, as I have heretofore figured them, we must, as a matter of fact, figure the earnings upon the basis of not more than $15,000,000. Figuring up on that basis we have the following results:

Dividends which it has paid, $84,372,410; surplus, $35,773,324; total, $120,145,734.

The total sum, divided by $15,000,000 capital stock, makes practically an annual return of an even $5,000,000 upon an investment of $15,000,000; in other words, it has made 33⅓ per cent on its investment from the time it started.

Mr. President, bear in mind I find no fault with this; indeed, I am proud that this company has done so well, and I take considerable pride in the fact that the Billings factory in the State of Montana has contributed so abundantly to the extraordinary profits made by the company; but when the company comes before the Congress of the United States asking for an increase in the duties which have heretofore been imposed and by reason of which, in part at least, it has made these extraordinary profits, I feel that we ought to scan the request with particular caution.

I want to call attention to another thing. It has been suggested, however, that, while the company has made profits in the past, it has been paying its dividends in recent years out of unusual profits which it made during the war time. That claim does not seem to be sustained by the figures.

In 1911 it paid dividends on its common stock of $5, in 1912 it paid $5, in 1913 it paid $5, in 1914 it paid $5, in 1915 it paid $5, in 1916 it paid $6.50, in 1917 it paid $7.46, in 1918 it paid $68.28, in 1919 it paid $66.86, in 1921 it paid $66.86—bear in mind on the basis of hundred-dollar shares. The last four years that I have given represented the dividends which the company paid during the flush war period. That period being over, the dividends then dropped, and in 1922 the company paid but $8.53, and in 1923 but $5.69; but under the operation apparently of the duty imposed by the act of 1922 and the reviving condition of industry throughout the country, it paid in 1924 $22.76, in 1925 it paid $45.53, in 1926 it paid $45.53, in 1927 it paid $45.53, in 1928 it paid $46.66, and in 1929 it paid $47.80.

Mr. NORRIS. Mr. President, the dividend payments to which the Senator refers represent payments on hundred-dollar shares, do they not?

Mr. WALSH of Montana. Yes; on hundred-dollar shares. So, it will be observed, Mr. President, that if the company had carried over an unusual surplus by reason of profits it made during the war, it would of course have kept up its dividends in 1922 and 1923 to figures higher than those given here; in other words, it would have distributed the surplus over the lean years.

Likewise, it will be observed that during the last year, 1929, it paid a higher rate than it had paid prior thereto. That suggests that there are some statements made in another document put out by the Great Western Co. which do not seem to conform quite to the facts. I have here before me a copy of the testimony of Mr. Lippitt, general manager of the Great Western Sugar Co. before the subcommittee of the Finance Committee, from which I read as follows:

Capitalization: The shareholders of the Great Western number about 9,000, one-third of them owning preferred stock. Upon the formation of the company capital stock to the amount of $20,000,000 was issued to be used in taking over the companies then operating in the territory. The $20,000,000 was represented by 100,000 shares of preferred and 100,000 shares of common, all stock selling at a par value of $100. In 1906, the year after its formation, the Great Western increased its capitalization to $30,000,000 by the issuance of further stock and the capitalization of accumulated earnings. No stock ever was sold for less than par, nor were common shares ever given as bonus with preferred.

I have stated what the actual facts are about the matter.

In recent years the common stock has been split up, so that to-day each share represents only one-twelfth of the original common share.

But I call attention to another paragraph of this testimony given by Mr. Lippitt, as follows:

In two of the last three years the company did not earn its dividends on common stock.

It will be borne in mind that the dividends in the last three years have been at the rate of $45.53 a share, $46.66 a share, and $47.80 a share. It may be that the company did not earn all of the dividends that it paid in those three years.

In two of the last three years the company did not earn its dividends on common stock. In the fiscal years ended February 28, 1927, and February 29, 1928, respectively, the Great Western paid nearly 50 per cent of its common-stock dividends out of surplus. Sugar prices in the last three years, it should be observed, were materially higher than at present.

Observe:

In the fiscal years ended February 28, 1927, and February 29, 1928, respectively, the Great Western paid nearly 50 per cent of its common-stock dividends out of surplus.

I have here, Mr. President, the report of the Great Western Sugar Co. for the past year, which I ask may be incorporated in the RECORD at the close of my remarks.

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

(See Exhibit A.)

Mr. WALSH of Montana. I read from the last page thereof, as follows.

Mr. McMASTER. Mr. President, is this the statement published by the company itself?

Mr. WALSH of Montana. This is the company's own pamphlet, showing its condition for the year ended February 28, 1929; the report for the year ended February 28, 1930, not being available to me, of course.

Profits from operations	$10,548,000.47
Interest earned—bank deposits, loans, etc	199,876.77
Total	10,747,877.24
Less:	
Interest on money borrowed	190,500.80
Depreciation of plants and railroad	1,706,776.54
Federal income taxes	1,064,900.02
Total deductions of	2,962,177.36
Net income (all companies)	7,785,699.88

If we are correct, then, in assuming that the actual investment of the Great Western Sugar Co. has been $15,000,000, its profits for the last year have aggregated practically 50 per cent.

If we shall consider, however, that its actual investment is $30,000,000, the actual earning on its common stock amounts to about 45 per cent. That is to say, take 7 per cent of $15,000,000, $1,050,000, for dividends upon its preferred stock; deduct that from the $7,785,699.88, and the balance goes to the common stock of $15,000,000, making 45 per cent. This, Mr. President, is confirmed as well by the income-tax report of the Great Western Sugar Co., which shows that for the year 1928 its profits amounted, according to its books, to $3,530,000; for 1927, to $3,365,713.27; and for 1926, to $6,424,142. The returns for the year 1929 show exactly the amount given by the annual report—$7,785,699.88.

Mr. President, I can not admit that the correct way to figure the profits of the Great Western Sugar Co. is to take its present total assets and figure how much its returns have been for recent years on its total assets, because its assets over and above the $30,000,000 simply represent what it made and set aside over and above 17 per cent annually figured upon a basis of $30,000,000, or 33⅓ per cent, figured upon a basis of $15,000,000 of investment.

That would be justifiable only if they had turned all their earnings into new properties or had contented themselves with very meager dividends—less than a reasonable return on the investment. But what went into surplus was the excess above a fair return, on which they may not justly claim returns through added duties. In other words, Mr. President, this company, from indisputable testimony from its own officers, has been highly successful under the present and past tariffs; and, again, I repeat that I find no fault with that. These people are engaged in a legitimate business, and, so far as I know, they are carrying it on in a perfectly legitimate manner. I have no fault at all to find about that; but when they come here asking for increased duty we may justly scan with every caution their transactions in the past.

Mr. President, as I have stated heretofore, there are three other factories in the State of Montana. They are new; they are struggling institutions. They can show no such profits as the Great Western. The largest of these, at Sidney, Mont., has an output perhaps not greater than about one-third of the output of the Billings factory. Its output is about 10,000 tons a year. Two other factories in the State of Montana have been removed from the Utah-Idaho country to the State of Montana; but it will be borne in mind that those three factories have been established within the last five years by men of great experience in the business, the factory at Sidney being owned by the Holy Sugar Co., which operates extensively through the Rocky Mountains territory. The factory at Chinook was moved there, as I say, from the Utah-Idaho territory by the Utah-Idaho Co., long in the business. The factory at Missoula was removed from the same territory. It is owned by the Amalgamated Co., equally in the business for a long time.

Those three factories were established in the State of Montana under the duty prescribed by the act of 1922; and it is reasonable to assume that when they were established those people, who know the business—know it from A to Z—calculated and computed what they would be likely to make upon their investment under the existing tariff. Bear in mind, too, that when they were established no one contemplated an increase in the duty on sugar.

Worse than that, Mr. President, when they were established there had been a determination by the Tariff Commission that $1.23 represented the entire difference between the cost of producing sugar in this country and elsewhere. There had been pending before the commission since 1922 an application under the flexible provisions of the tariff law to reduce the duty. In the face of the application to reduce the tariff and in the face of the finding by the Tariff Commission, which under all ordinary circumstances would operate for a reduction of the tariff materially from the present level of $1.76, these three factories were established; and I need some demonstration that these people, who calculated on the basis of that situation and invested their money, were all wrong about it and that they now need some further tariff in order to operate.

Mr. President, I have no doubt that the sugar factories in the Utah-Idaho territory are in a rather depressed condition; but it is due to the fact that they have been troubled down there with the fly hopper, which preys upon the beet plants, and has very seriously affected the returns there; and these factories have been moved from that territory farther north into the Montana territory, where, fortunately, up to the present time at least, we have not been thus afflicted. Whether the colder nights that we have in Montana than they have in the more southern territory account for the failure of the fly to do any damage to us or whether it is due to the fact that it has not yet reached our territory, we fortunately have not been troubled with it as they have there. So the trouble with the Utah-Idaho factories is not the lack of an adequate tariff. It is due to other circumstances and conditions to which I have adverted.

Mr. President, I should like to see the farmers in the State of Montana who contribute such an abundant supply of beets to the Billings factory, and these other farmers in the territory which supplies the other factories in the State of Montana, get more than they do for their beets. I think the Great Western might very easily and very appropriately have been more liberal, considering the showing that they have made, in the prices that they have offered the farmers who supply the beets to that factory. I would like to see them get a better price for their beets; but I can not overlook the fact that I represent 600,000 people who live in the State of Montana, and it is my duty, and I should be recreant to my trust if I did not consider their interests as well as the interests of the farmers who raise beets.

Mr. President, what does this mean to the State of Montana? If the duty of $1.76 a hundred exacted under the present law is effective, what amount would the people of Montana, 600,000 of them, pay in the way of a duty on sugar?

The consumption of sugar by the people of the United States has been increasing enormously during the last 50 years, and

principally during the last 20 years, so that now the total consumption of sugar in the Nation amounts to something over 100 pounds per individual; that is to say, the total amount of sugar used for all purposes in the United States divided by the population will give a quotient of about 100 pounds.

So that we must figure that every man, woman, and child in the State of Montana pays for 100 pounds of sugar annually. In other words, by reason of the duty, if the duty is effective, they pay $1.76 apiece, and six hundred thousand and odd of them pay $1,161,000.

Mr. SMOOT. The Senator does not think the duty is effective, does he?

Mr. WALSH of Montana. I am going to talk now about the increase of 24 cents in the duty which is proposed by the amendment of the Senator from Utah. No doubt the Senator believes that will be effective.

Mr. SMOOT. It will be effective as far as the other is effective, as to the quantity, but it will not change one whit the price of candy or the price of sugar on the table.

Mr. WALSH of Montana. I know; the Senator has heretofore argued that the duty on sugar does not increase the price of it at all.

Mr. SMOOT. I do not say that, and never have said it. I have said it does not increase the price of a certain class of sugar used for certain purposes, and it does not, no matter whether it is 10 cents or 2 cents, if you go and buy it at 5 cents a pound or 10 cents a pound.

Mr. WALSH of Montana. I do not care to argue that proposition. We had it up the other day in the case of oil. We were told that a duty of a dollar a barrel on crude oil would not be reflected at all in the price of gasoline, because the price of gasoline does not follow the price of crude oil at all.

In other words, the refiners of the United States would be called upon, on account of the proposed duty, to pay an additional $900,000,000 for the crude oil which they handle in their refineries, but they would not ask the people of the United States to reimburse them that $900,000,000. Gentlemen may argue that to some minds, but mine, I say, is closed. I can not believe that the Standard Oil and the Gulf Refining Co. and the Dutch Shell, and the other companies engaged in the commercial production and marketing of gasoline, are going to pay $900,000,000 more for their crude oil and not make the consumers of gasoline in the United States pay for it.

The 24-cent increase proposed now by the Senator from Utah, of course, is going to increase the price of sugar by 24 cents a hundred. There is no possible escape from that conclusion, as it seems to me, regardless of whether the $1.76 duty is reflected in the price or not.

What does that mean to the 600,000 people of the State of Montana? I figure on a basis of 110 pounds for each individual, because that is more nearly accurate than 100 pounds. It would mean a tax upon the people of the State of Montana, for the purpose of maintaining these factories, of $158,400 a year. If those factories in the State of Montana should come to the legislature and ask that the people of the State tax themselves to the extent of $158,400 for the purpose of maintaining those factories, I wonder what answer would be made. No one can doubt what the answer would be.

Mr. President, I am not solicitous at all about convincing anybody about the soundness of the argument I make. The facts can not be disputed. About the conclusions arrived at, I am not solicitous that anybody should be influenced in any way by anything I may say, and, of course, I know that nobody will be. I have merely risen to explain the reasons why I am unable to vote for this duty so much desired by the beet growers in the State of Montana.

Mr. SMOOT. Mr. President, when I spoke on the subject of sugar I quoted the low price that Cuban sugars were offered for in New York, $1.98 a hundred. Last week Cuban sugar fell to $1.54. It was never so low in the history of the world.

Mr. WALSH of Montana. Wheat prices have gone down, too; so have cotton prices.

Mr. SMOOT. The Senator now is saying that the $1.76 costs the American people so much money. The whole sugar industry is demoralized. If the controlling interest in Cuban sugar—and I might name the National City Bank—has its way, it is going to destroy the industry in the United States, and when the industry is destroyed, then you will see what the American people will pay.

Mr. WALSH of Montana. I had in mind the opening argument of the Senator from Utah upon this matter, which started out upon the proposition that unless we impose this duty, the beet-sugar industry will be destroyed. So I started out to demonstrate that, at least, the Great Western is well buttressed.

Mr. SMOOT. Since I made that statement, three sugar plants have gone into the hands of receivers.

Mr. WALSH of Montana. I can tell the Senator banks that have gone into the hands of receivers since that time, banks in my State, and all over the country.

In 1920 we had a slump in all manner of products, the price of sugar dropped with all the rest, the price of wheat dropped, the price of beef dropped, everything dropped. There is again another drop, affecting all classes of agricultural commodities. Sugar goes down the same as the rest do. But let me remark, however low the price of unrefined sugar may be in the city of New York to-day, whatever unrefined sugar comes in, whatever may be the price, $1.60, or $1.54, or $1.58, whatever it may be, the importer must add $1.76 before he undertakes to refine it at all. No one can escape from that conclusion. Accordingly, the domestic producer has the $1.58, and he has on top of that $1.76 more.

Mr. SMOOT. Of course, nobody is disputing the fact that the tariff on sugar is effective even when it is as low as it is to-day.

Mr. WALSH of Montana. Undoubtedly, and the domestic producer will get the importing price plus the tariff.

Mr. SMOOT. That is exactly the situation, but this is the question, do we want that industry in the United States? If we do, then we have to protect it so that it can live against conditions existing now in Cuba.

Mr. WALSH of Montana. I agree with the Senator; and at least the Great Western has shown no difficulty about existing.

Mr. SMOOT. Under certain conditions, but I do not think the Great Western will make a single dollar this year.

Mr. WALSH of Montana. That is speculation.

Mr. SMOOT. I do not think it is speculation, and I will tell the Senator why. First, thousands and tens of thousands of tons of beets froze in the ground for the first time, I suppose, in the history of the company.

Mr. NORRIS. Mr. President, I know a farmer whose wheat was all destroyed by hail.

Mr. WALSH of Montana. Yes, Mr. President, but I do not think that in fixing tariffs we can take into consideration these adventitious conditions.

Mr. SMOOT. I am not asking the Senator to do so, but the Senator remarked about the industry being prosperous in the past. It is true they have been, although I went to the Senator and asked about the report he produced, and I say now to the Senator that that $156,000,000 is too large by $42,000,000.

Mr. WALSH of Montana. I am very glad the Senator has corrected that.

Mr. SMOOT. That is what I had in mind.

Mr. WALSH of Montana. Then the Senator misspoke himself. I was not using the calculation of this gentleman at all. I was making my own calculations.

Mr. SMOOT. Oh, well, that makes a difference.

Mr. WALSH of Montana. I gave my own figures, based on the dividends. The Senator challenged the schedule of dividends I put in.

Mr. SMOOT. No; I challenged the statement made by the Senator as to the amount they made as reported by this gentleman, who stated a figure $42,000,000 in excess of what it should have been.

Mr. WALSH of Montana. I have not given any computation of the gentleman representing the Cuban sugar people at all.

Mr. SMOOT. Did not the Senator say that the president of the company was asked whether those figures were correct?

Mr. WALSH of Montana. No; he was asked whether the figures in this schedule were correct, the schedule of dividends which I have put in the RECORD.

Mr. SMOOT. I misunderstood the Senator.

Mr. WALSH of Montana. The Senator obviously misunderstood me.

Mr. SMOOT. I did; because I felt the Senator was referring to the other.

Mr. WALSH of Montana. The gentleman made some computations of his own, but I do not undertake to say whether they are correct or not correct. I gave the actual dividends paid by the Great Western Sugar Co., and from those I made my own computations.

Mr. SMOOT. I have no quarrel with the Senator in regard to that.

Mr. WALSH of Montana. I felt sure the Senator would not have.

Mr. SMOOT. Certainly not.

Mr. WALSH of Montana. Anyway, I repeat, I merely desired to state my own position with respect to this matter. I could not, under these circumstances, think of taking a dollar out

of the pockets of the farmers of the State of Montana who raise wheat or raise cattle, or the miners who work in the mines in Butte, for the purpose of swelling these very satisfactory profits which have been made by the Great Western Sugar Co. Those farmers and miners have no one to represent them except their representatives upon this floor and upon the floor of the other House. The sugar factories have had here a powerful lobby advocating their cause, and nobody blames them for that. They have contributed very liberally to the $200,000 which has been raised by the interests advocating this increase in the duty, and they are here with representatives and with literature to establish their case. Unless we upon this floor speak in the interest of the general consumer of sugar in the State of Montana, his voice is not heard at all.

I felt that my duty would not be done unless I laid these facts before the Senate and indicated the reason why I can not support this amendment.

EXHIBIT A

THE GREAT WESTERN SUGAR CO. ANNUAL REPORT, FEBRUARY 28, 1929

General offices: Sugar Building, Denver, Colo.

Location of factories: Eaton, Greeley, Windsor, Fort Collins, Loveland, Longmont, Brighton, Fort Lupton, Johnstown, Ovid, Sterling, Brush, Fort Morgan, Colo.; Scottsbluff, Gering, Bayard, Minatare, Mitchell, Lyman, Nebr.; Billings, Mont.; Lovell, Wyo.

Board of directors: Charles Boettcher, Denver, Colo.; Claude K. Boettcher, Denver, Colo.; Arthur O. Choate, New York, N. Y.; M. W. Gano, Denver, Colo.; E. R. Griffin, Denver, Colo.; Horace Havemeyer, New York, N. Y.; Gerald Hughes, Denver, Colo.; W. D. Lippitt, Denver, Colo.; R. K. Marsh, Denver, Colo.; John W. Morey, Denver, Colo.; Edwin Morrison, Denver, Colo.; W. L. Petrikin, Denver, Colo.; Fred H. Roberts, Denver, Colo.; M. D. Thatcher, Pueblo, Colo.; B. A. Tompkins, New York, N. Y.

Executive committee: W. L. Petrikin, chairman; W. D. Lippitt, Charles Boettcher; M. D. Thatcher; E. R. Griffin.

Officers: W. L. Petrikin, president; W. D. Lippitt, first vice president and general manager; Charles Boettcher, second vice president; B. A. Tompkins, third vice president; M. D. Thatcher, treasurer; S. P. Saunders, secretary, auditor, and assistant treasurer; Caldwell Martin, general counsel.

Transfer agents: J. G. Kisler, E. F. Shepard, office of the company, Sugar Building, Denver, Colo.; Bankers Trust Co., New York, N. Y.

Registrars: The International Trust Co., Denver, Colo.; the Chase National Bank, New York, N. Y.

DENVER, COLO., *April 8, 1929.*

To the Stockholders of the Great Western Sugar Co.:

Herewith is submitted the combined financial statement of the Great Western Sugar Co. and its subsidiary companies for the fiscal year ending February 28, 1929.

The 1928 beet crop was purchased under a contract which provided for a guaranteed minimum price of $7 a ton in the Colorado and Nebraska districts and $7.50 a ton in the Montana and northern Wyoming districts, a reduction of $1 a ton in the initial payment as compared with the previous season's prices. The contract further provided, as has been customary in recent years, for participation by growers in returns above the guaranteed minimum, dependent upon sugar content of the crop and prices realized in marketing the sugar.

The lower initial payment made necessary by unfavorable sugar-market prospects resulted in the planting of a somewhat smaller acreage than in the preceding year. Under favorable growing conditions, however, the yield was above normal both as to quantity and in sugar content. The production of granulated sugar for the year, including the output of the Johnstown refinery, was 10,080,363 bags of 100 pounds each, a decrease from the previous year of only 4 per cent, as compared with a decrease of 14½ per cent in acreage planted to the crop.

Sugar-market levels are now considerably below those a year ago, and in fact lower than for many years. Prospects for the immediate future are not particularly encouraging, and until production and consumption are brought more nearly into equilibrium there is little reason to expect a material advance in prices. Our present stock of sugar is being marketed at an approximately uniform monthly rate in the territory from Chicago westward to the Rocky Mountains, and it is the plan and expectation that it will be disposed of by the time new sugars from the current crop are available.

The domestic producers of sugar, both cane and beet, are seeking to bring about a reasonable increase of import duties on sugar from foreign countries, as well as to have restored some restriction upon duty-free importation of sugar from the Philippine Islands. The special session of Congress convening on April 15 will consider a revision of the existing tariff bill. We are encouraged to feel that some additional tariff protection will be given to the domestic industry, although it is unlikely to become effective in time to influence selling prices of any substantial part of the crop produced the past season.

In keeping with the company's policy of expanding manufacturing capacity as rapidly as sound development of tonnage warrants, announcement has recently been made of our intention to commence construction of a plant at Wheatland, Wyo., for completion prior to the 1930 manufacturing campaign. The Wheatland territory is located about midway between the Colorado and Nebraska districts of the company, and we have been carrying on there for a number of years a development program, which has resulted in the successful establishment of beet growing. With the completion of this mill, the company will have 22 producing plants, including the molasses refinery at Johnstown, Colo.

The current season's beet crop is being contracted upon the same price and terms as last year's, and prospects are that plantings in our various districts will aggregate about 300,000 acres, an increase of a little less than 20 per cent over last year's acreage. Climatic conditions have so far been very favorable, and the winter precipitation assures a normal supply of water for irrigation.

Respectfully submitted.

W. L. PETRIKIN, *President.*

The Great Western Sugar Co. and subsidiary companies—Consolidated balance sheet February 28, 1929

ASSETS

Plants, railroad, real estate, and equipment		$41,102,140.27
Investments (stocks)		4,000.00
Cash on hand and in banks		5,275,758.12
Notes receivable		97,585.11
Accounts receivable		2,863,807.97
Refined sugar and by-products on hand		23,989,125.69
Beet seed and supplies on hand		3,553,355.46
Prepaid expenses		925,117.17
		77,810,889.79

LIABILITIES

Capital stock (authorized and issued)		30,000,000.00
Preferred (150,000 shares, $100 par)	$15,000,000.00	
Common (1,800,000 shares, no par)	15,000,000.00	
General taxes, pay roll, and accounts payable		1,053,893.35
Accrued Federal income taxes		1,063,907.96
Reserve for deferred manufacturing cost		400,000.00
Reserve for depreciation		9,519,764.81
Surplus:		
Balance Feb. 29, 1928	$34,077,623.79	
Add net income for fiscal year ended Feb. 28, 1929	7,785,699.88	
	41,863,323.67	
Less dividends paid during year	6,090,000.00	
		35,773,323.67
		77,810,889.79

The Great Western Sugar Co. and subsidiary companies—Consolidated income statement, fiscal year ended February 28, 1929

Profits from operations	$10,548,000.47	
Interest earned—bank deposits, loans, etc	199,876.77	
		$10,747,877.24
Less—		
Interest on money borrowed	190,500.80	
Depreciation of plants and railroad	1,706,776.54	
Federal income taxes	1,064,900.02	
		2,962,177.36
Net income (all companies)		7,785,699.88

I have examined the books and accounts of the Great Western Sugar Co. and of the subsidiary companies and verified the cash, the loans, and securities owned.

The foregoing consolidated balance sheet and income statement agree with the books, and I hereby certify that in my opinion they show correctly the results of the year and the true financial condition of the company and its subsidiaries as of February 28, 1929.

WM. E. HUMPHREYS,
Certified Public Accountant.

DENVER, *April 8, 1929.*

Mr. SHEPPARD. 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:

Allen	Couzens	Heflin	Schall
Ashurst	Fess	Jones	Sheppard
Barkley	Fletcher	Keyes	Smith
Bingham	Frazier	La Follette	Smoot
Black	George	McKellar	Steck
Blaine	Goldsborough	McNary	Steiwer
Bratton	Gould	Norris	Swanson
Brock	Grundy	Oddie	Trammell
Brookhart	Hale	Phipps	Vandenberg
Broussard	Harris	Pine	Walsh, Mont.
Capper	Harrison	Pittman	Watson
Connally	Hawes	Ransdell	Wheeler
Copeland	Hebert	Robinson, Ind.	

The VICE PRESIDENT. Fifty-one Senators have answered to their names. A quorum is present.

Mr. WATSON. Mr. President, I ask unanimous consent that the Senate now recess until 11 o'clock to-morrow morning and that at not later than 3 o'clock to-morrow a vote be taken on the sugar amendment; that during the time from 11 o'clock to-morrow morning until 3 o'clock to-morrow afternoon one half of the time shall be controlled by the Senator from Utah [Mr. SMOOT] and the other half by the Senator from Mississippi [Mr. HARRISON].

Mr. HEFLIN. Mr. President, will the Senator withhold that request for a moment to enable me to offer a resolution?

Mr. WATSON. Will not the Senator withhold it until to-morrow?

Mr. NORRIS. Mr. President, I think the Senator ought not provide that the Senator from Utah and the Senator from Mississippi control the time. I have no objection to an agreement that one half the time shall be alloted to those who favor the amendment and the other half to those who oppose it.

Mr. WATSON. Very well; I amend my unanimous-consent request accordingly.

The VICE PRESIDENT. The Senator from Indiana asks unanimous consent that the Senate do now recess, the recess being under the order previously entered, until 11 o'clock to-morrow morning; that at not later than 3 o'clock to-morrow a vote be taken on the sugar amendment; and that the time between 11 o'clock to-morrow morning and 3 o'clock to-morrow afternoon be divided one-half to those who favor the amendment and one-half to those who oppose it.

Mr. HEFLIN. Mr. President, as I understand the request of the Senator from Indiana it is that we should now recess. I will ask him to withhold the request until I may offer a resolution and have it read and considered. If I can not get immediate action, I shall let it go over until later.

Mr. WATSON. Very well; I withhold the request for the moment.

REPORT ON UNSPINNABLE COTTON

Mr. HEFLIN. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The legislative clerk read the resolution (S. Res. 225), as follows:

Whereas it is alleged that there is a considerable quantity of very low-grade cotton and damaged cotton which has been rejected for spinning purposes, and that said cotton is being accumulated and kept from year to year for the purpose of counting it in the cotton supply in the United States; and

Whereas such a practice, if true, is not only unfair and harmful to the cotton producers of the United States, but unfair and misleading to the public because it is counted as a part of the spinnable cotton supply; and

Whereas this unspinnable, low-grade, and damaged cotton should be eliminated from the amount of spinnable cotton carried in the Government reports: Therefore be it

Resolved, That the Bureau of the Census is hereby requested to ascertain through its gin reporters and other agents in the service the number of bales of the kind of cotton designated in the preamble of this resolution as unspinnable, low-grade, and damaged cotton and report same to the Senate.

Mr. WATSON. I have no objection to the resolution.

The resolution was considered by unanimous consent and agreed to.

The preamble was agreed to.

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.

The VICE PRESIDENT. Is there objection to the unanimous-consent request submitted by the Senator from Indiana? The Chair hears none, and it is so ordered.

The order was reduced to writing, as follows:

Ordered (by unanimous consent), That at not later than 3 o'clock p. m. on to-morrow (March 5, 1930) the Senate proceed to vote upon the pending amendment of the Senator from Utah [Mr. SMOOT] to the sugar schedule, the time from 11 o'clock a. m. to 3 o'clock p. m. to be equally divided between the proponents and the opponents of the amendment.

The VICE PRESIDENT. Under the order just agreed to the Senate will now stand in recess until 11 o'clock to-morrow morning.

Thereupon the Senate (at 7 o'clock and 12 minutes p. m.) took a recess until to-morrow, Wednesday, March 5, 1930, at 11 o'clock a. m.

LIST OF AMENDMENTS ON H. R. 2667 RESERVED FOR SEPARATE VOTES

Par.	Page	Line	Subject	Senator
1	2	12	Formic acid	Glenn.
16	7	1	Calcium carbide	King.
19	7	12	Casein	Howell Blaine.
31	17	18, 19	Cellulose acetate	Copeland.
52	23	20	Camphor, synthetic	Harrison.
54	24	14	Olive oil	King.
69	29	16, 17	Ultramarine blues	Copeland.
73	30	5, 6	Litharge	Thomas, Idaho.
73	30	6	Red lead	Do. Goff.
80	31	22	Sodium, potassium	Copeland.
82	32	8	Sodium chlorate	Steiwer.
82	32	22	Anhydrous sodium sulphate	Hayden.
83	32	24	Sodium sulphide	King.
83	33	1	Sodium sulphite	Do.
205(a)	37	5	Gypsum	Copeland.
206	37	25	Pumice stone	Allen.
206	38	1	do	Do.
207	38	16	Silica	Pittman.
208	38, 39	------	Mica	Simmons.
211	40	------	Pottery	Goff.
212	42			Do.
218	44–47	------	Glassware	Copeland.
218(c)	45	12	Illuminating articles	Smoot.
219	47	------	Window glass	Goff.
221	48	6	Rolled glass	Copeland.
222	49	647	Plate glass	Patterson.
222	49	------	Plate glass	Goff. Glenn.
301	56	------	Pig iron, hammer scale, etc	Copeland.
301	56	3	Pig iron	Grundy.
301	56	19	Chronium	Walsh, Montana.
304	61	16–18	Hollow drilled steel	Glenn.
305	62	6, 7	Tungsten	Walsh, Montana.
305	62	23, 24	Chromium	Do.
317	70	------	Galvanized wire and fencing	Copeland.
319	72	7	Iron cylinders	Do.
339	78	16, 17	Aluminum utensils	Glenn.
369	103	19	Automobiles	Copeland.
372	106	25	Brush machines	Goldsborough.
374	107	------	Aluminum	Grundy, Glenn.
376	108	------	Antimony	Copeland.
382	110	------	Aluminum foil	Grundy, Glenn.
385	112	------	Tinsel wire	La Follette.
394	115	------	Zinc ores	Copeland.
401	118	4	Maple and birch lumber	Vandenberg.
403	118	------	Cabinet woods	Copeland.
404	118	------	Wood veneers	Do.
411	120	------	Spring clothespins	Greene.
501	------	------	Sugar	Smoot.
502	------	------	Molasses	Do.
503	122	6, 7	Maple sugar and sirup	Harrison. Copeland.
601	123	3	Wrapper tobacco	
710	127	------	Cheese	Copeland.
713	127	25	Egg yolks	Goldsborough.
713	127	------	Eggs	Copeland.
736	134	12, 14,	Berries	Smoot.
737	134, 135	8, 17	Cherries	Do.
743	146	------	Lemons	Walsh, Massachusetts. Copeland.
751	138	1	Flowers, bulbs	Harrison.
755	139	13, 14 [1] 15	Brazil nuts	Smoot.
759	140	4	Nuts	Do.
766	142	10	Mushrooms	Hastings.
767	142	17	Green peas	Ashurst.
770	143	1–3	Tomatoes	Do. Kean. Copeland.
772	143	6	Peppers	Ashurst.
777	144	21	Broomcorn	Glenn.
779	145	15	Mustard	Goldsborough. Copeland.
781	146	8	Long-staple cotton	
806(b)	147	24	Fruit juice	Smoot.
1001	160	------	Crin vegetal	Copeland.
1114	177	------	Knit goods	Do.
1122	180	21	Wool fabrics	Smoot. Blaine. Copeland.
1301	183	8	Rayon yarn	George.
1306	185	------	Woven fabrics of rayon	Copeland.
1402	188	------	Paper board	La Follette.
	189	------	Pulpboard	
1405	192	14	Plain basic paper, sensitized paper	McKellar. Walsh, Massachusetts.
1413	200	------	Paper board, pulpboard	La Follette.
1501	201	------	Asbestos products	Copeland.
1511	208	9	Cork insulation	Kean.
1513	208 209	------	Toys	Cutting.
1517	212	2	Cartridge shells	Black.
1527	219 220	------	Jewelry	Copeland.
1529	222	------	Laces	Do.
1530c	226	7	Kid leather	Hastings.
1530 1531	225	------	Hides and leather	Oddie. Copeland. Walsh, Massachusetts.
1532	229 230	------	Gloves	Thomas, Oklahoma.

[1] Committee amendment.

LIST OF AMENDMENTS RESERVED, ETC.—continued

Par.	Page	Line	Subject	Senator
1537	231	17	Chip roping	Copeland.
1545	235	11	Sponges	Do.
1547	235	------	Antiques	Do.
1554	241	1	Umbrellas	Goldsborough.
1556	241	9	Beeswax	Blaine. Copeland. Vandenberg.
1643	252	21	Portland cement	Kean. Copeland.
1650	253	8	Coal	Jones.
1804	274	23	Countervailing duty on lumber	Grundy.
1811	279	2	Works of art	Kean.
1812	279	7	do	Copeland.
305	286	10	Immoral articles	Smoot.
484h	379	4	Entry of merchandise	
484j	380	14	Release of merchandise	
526	427	------	American trade-marks and patents	Smoot.
527	429	12	Wild animals and birds	Do.
584	447	12	Opium	Howell.

NOMINATIONS

Executive nominations received by the Senate March 4 (legislative day of January 6), 1930

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

John N. Willys, of Ohio, to be ambassador extraordinary and plenipotentiary of the United States of America to Poland.

UNITED STATES ATTORNEY

Charles B. Kennamer, of Alabama, to be United States attorney, northern district of Alabama. (He is now serving in this office under an appointment which expired February 16, 1930.)

UNITED STATES MARSHAL

Edgar C. Geddie, of North Carolina, to be United States marshal, eastern district of North Carolina, to succeed Rippon W. Ward, whose term expired February 16, 1930.

PROMOTION IN THE NAVY

Capt. Walton R. Sexton to be a rear admiral in the Navy from the 31st day of March, 1930.

HOUSE OF REPRESENTATIVES

TUESDAY, *March 4, 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:

Almighty God, at whose footstool the morning stars sing together and in whom there is perfect love and harmony forevermore, Thy providence hast brought us to another day. How much more intelligently and bravely we can serve our fellow men with Thy truth to guide us and Thy Spirit to inspire us. O bestow upon us the mercy of these blessings. Life's limitations would be bitter, indeed, had we not the assurance that this is God's earth, and it bears testimony of His presence and His goodness. Blessed Father, as we live, make us eager to love and follow Thee. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed the following resolution:

Senate Resolution 223

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES ANTHONY HUGHES, late a Representative from the State of West Virginia.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 11 o'clock a. m. to-morrow.

The message also announced that pursuant to the foregoing resolution the Vice President had appointed Mr. GOFF, Mr. HATFIELD, Mr. WATSON, Mr. HARRISON, Mr. BARKLEY, and Mr. FESS members of the committee on the part of the Senate to attend the funeral of the deceased.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On February 18, 1930:

H. R. 2824. An act to amend section 5 of the act entitled "An act to establish a national military park at the battle field of Fort Donelson, Tenn.," approved March 26, 1928.

On February 19, 1930:

H. J. Res. 207. Joint resolution authorizing an appropriation to defray the expenses of participation by the Government of the United States in the Inter-American Congress of Rectors, Deans, and Educators in General to be held at Habana, Cuba, on February 20, 1930;

H. R. 7497. An act to amend the act entitled "An act granting the consent of Congress to the county of Armstrong, a county of the State of Pennsylvania, to construct, maintain, and operate a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania," approved February 16, 1928, and to extend the times for commencing and completing the construction of the bridge authorized thereby;

H. R. 7635. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Va.; and

H. R. 7637. An act to extend the time for constructing a bridge across the Santa Rosa Sound, Fla.

On February 20, 1930:

H. J. Res. 252. Joint resolution making an additional appropriation for maintenance of the Senate Office Building.

On February 21, 1930:

H. R. 5401. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate free highway bridges across Bayou Bartholomew at or near each of the following-named points in Morehouse Parish, La.: Coras Bluff, Knox Ferry, Bonners Ferry, and Parkers Ferry.

On February 26, 1930:

H. R. 1018. An act to provide for the establishment of a Coast Guard station at or near Grand Island, Mich.

On March 3, 1930:

H. R. 5415. An act to legalize a bridge across the Choctawhatchee River between Hartford and Bellwood, Ala.;

H. R. 5573. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

H. R. 7260. An act authorizing Oscar Baertch, Christ Buhmann, Fred Reiter, and John W. Shaffer, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis.;

H. R. 7631. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande at Presidio, Tex.; and

H. R. 7828. An act granting the consent of Congress to the State of Montana or the county of Richland, or both of them, to construct, maintain, and operate a free highway bridge across the Yellowstone River at or near Sidney, Mont.

PERMISSION TO ADDRESS THE HOUSE

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that on Friday, after the fulfillment of the various orders for that day, I may address the House for 15 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that on Friday, at the conclusion of the address of the gentleman from West Virginia [Mr. BACHMANN], he may address the House for 15 minutes. Is there objection?

There was no objection.

ADDRESS BY DR. JULIUS KLEIN, ASSISTANT SECRETARY OF COMMERCE

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a speech delivered by Dr. Julius Klein, Assistant Secretary of Commerce, on The Industrial South.

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

There was no objection.

Mr. McMILLAN. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following address by Dr. Julius Klein, Assistant Secretary of Commerce, delivered at the International Naval Stores Conference, under the auspices of the Pine Institute of America, Jacksonville, Fla., 10 to 10.30 p. m. February 25, 1930; broadcast through the courtesy of the Columbia Broadcasting System:

THE NEW INDUSTRIAL SOUTH

In the new industrial South we are witnessing a display of extraordinary energy, skill, and determination. An economic advance—as fundamental as it is striking—is in evidence everywhere. The activities of the South have ramified amazingly. Manifold new interests are being vigorously developed. All sorts of splendidly successful productive efforts have sprung up in recent years. And certain of these, as we are gratified to see, are of an absolutely novel character, promising to make a vital contribution to our American economic life throughout the coming years.

The industrialization of the South proceeds apace. The industries become more diverse. The scope of activity is constantly widening. All this is thoroughly admirable from the standpoint of southern economic interests, because in diversification lies the greatest assurance of security and progress.

The value of southern manufactures and the wages paid in southern factories have more than tripled in less than 20 years.

When I speak of the economic progress of the South, I include the States of Maryland, West Virginia, Missouri, and Oklahoma, in addition to the so-called Old South. On this basis one notes—with gratification and a degree of astonishment—that the manufactured products of the South were valued in 1927 (the last census year) at $10,371,000,000. This is a little more than twice the value of the output of southern crops and livestock. I mention this not by any means in criticism of the great farm staple industries of the South, but simply to correct the impression that the South is economically lopsided through overdependence upon cotton and tobacco. Such an assumption is, of course, merely uninformed nonsense.

Southern economists are coming to appreciate more and more clearly the desirable ratios and relationships between agriculture and industry, and are working ever more zealously to bring about a proper balance and equilibrium between those two great interests. It is through such balanced economy that stability is most effectively established.

In considering this vital subject we must never make the mistake of inferring that the industrial growth of the South is entirely a postwar development—even if by "war" we should mean the war of '61 to '65. I have some interesting figures on the production of pig iron, which show that during the period from 1840 to 1860 the South was supplying about one-fourth of the Nation's total of that commodity—most of the southern share coming from Kentucky and Tennessee. In 1856, which was a good sample year, the South produced more than 86,000 tons out of the Nation's total of 348,000. Southern industrial enterprises of all kinds numbered nearly 25,000 in 1860, with an aggregate capital of $175,000,000. Railway development, shipping, and finance in the Southern States prior to 1860 showed up splendidly in comparison with the other sections of the country.

The requisite ability and aptitude were there. The industrial spirit existed. The necessary experience was being gained. What we have witnessed in recent years has been a magnificent flowering and fruition from seeds that were planted long ago.

The variety of that new industrial blossoming is something in which the South may take the keenest pride. Fifty-six per cent of all the cotton goods manufactured in this country, according to the census of 1927, were produced in the Southern States. Yet the $910,000,000 worth of southern cotton goods in that year represented less than 10 per cent of the total value of manufactures in the South. It is needless to speak in detail of the lumber and timber products manufactured, the furniture industry, the iron and steel works and rolling mills, the tobacco manufacturing, and the great number of miscellaneous industrial activities which range from paper boxes to electric machinery and from coffee roasting to the manufacture of mattresses and bedsprings. The two industrial developments that strike the business analyst most forcefully are, of course, the rise in the South of that new giant of the textile group, the rayon industry, and the expansion of iron and steel activities.

All these things show conclusively that new and powerful forces are driving forward throughout the South. Novel ideas, breadth of vision, practical capacity, a realistic grasp of essential facts and needs—these admirable qualities are everywhere apparent.

One vital factor to be borne in mind is the rôle that will be played in the great future of southern industry by electric power, transmitted over long distances. This will mean inevitably a progressive decentralization of hitherto highly concentrated industries. We shall doubtless see industries spreading more and more to the small towns, the "open spaces." One finds in the South remarkable opportunities for developments of this character.

Bearing upon this point some of you doubtless have heard of an experimental interconnection of electric transmission lines running from New Orleans to Kansas City, which was successfully operated for eight hours by a group of public-utility companies serving the States of Louisiana, Texas, Oklahoma, Arkansas, Kansas, and Missouri. In this experiment more than a thousand southern towns and cities were linked together, and the entire system was operated as a single unit. Engineers are studying the technical results of those power exchanges, determining the savings effected and the engineering features that apply to intercommunication. Such efforts are surely big with promise for the economic future of the South.

In the new industries that are springing up in the Southern States we find an evolution comparable to that which we are witnessing in the Pacific Coast States—a region which was once concerned almost wholly with agriculture, stock raising, and mining, but which is now making truly amazing progress in manufacturing industry. The South and the West—those are the two sections of our country which, more than any others, are experiencing this transformation and swift material rise.

The great naval-stores industry, whose sound advancement has been the concern of this present conference, is not one of these newer industries of the South; but we note with lively interest the new developments that have arisen in connection with it. This, of course, is one of the oldest industries in this country, dating back to the earliest colonial days. It is historic, picturesque, deeply rooted, rich in tradition. It illustrates most admirably the capacity of the southern people to maintain productive effort with vigor and tenacity, and to modify or enhance it as changing conditions require.

It is fascinating to turn our thoughts back to those old days when it was customary for vessels coming from Europe with supplies for the Colonies to return home bearing a cargo of naval stores to be used in building and outfitting sailing ships. The pine timber was used in building the hulls of the ships, and it was utilized, too, as masts and spars. The pine pitch was used in calking the seams of the ships, and the turpentine was used in painting the vessels. Originally, there was very little use for rosin, but to-day this item proves more important than the others. And to-day the strictly naval uses for all these products are (I need hardly say) overshadowed by their utilization in other ways.

From 1840 to 1860 the Carolinas supplied about 90 per cent of the total domestic naval-stores production. By 1890 both those States had experienced a large decline in output on account of deforestation, and a southward and westward migration of the industry began. At the present time, as the representation at this meeting testifies, Georgia and Florida are the foremost producing States, furnishing about 77 per cent of the total, with Alabama, Mississippi, Louisiana, and Texas supplying the remainder.

We have good reason to be proud of the fact that the United States is the world's greatest manufacturer of naval stores, accounting for about two-thirds of the whole, as against one-fifth for France, the country next in rank.

It is needless for me to emphasize the importance of this naval-stores industry, which in the crop year 1928 turned out products worth approximately $40,000,000, having 1,150 operating establishments and more than 40,000 persons engaged in the work. This industry produced, in that twelvemonth, more than 35,000,000 gallons of turpentine and more than 2,500,000 barrels of rosin of 500 pounds each. Our United States exports of naval stores in 1929 attained a high value of nearly $30,000,000, surpassing the 1928 figure by 18 per cent. To Great Britain, to Germany, to the Netherlands, to Argentina, to Japan, to Soviet Russia, and to many other countries go these important and characteristic products of the South.

The new thought which is making a really new industry of "naval stores" is typical of the new South. I mentioned the rise of wholly novel endeavors in this region. Such a one is the tung-oil industry of Florida, which possesses a truly romantic aspect. For many centuries the Chinese have gathered the nuts from the tung trees, crushing them and expressing the oil through laborious processes. "China wood oil," it is sometimes called, and the United States is importing more than 100,000,000 pounds of it per year. For it we are paying our Chinese friends more than $1,000,000 a month.

But now groves of tung trees have been established in our own South and are to-day beginning to come into actual production. Tests of the yield indicate that the product is superior in quality to the imported grade. Reasons advanced for the high quality of the oil obtained are the scientific care in the cultivation and fertilization of the trees and the modern methods employed for extraction of the oil—another tribute to southern enterprise.

I am convinced that the future of this development is extremely bright. Thus, through the initiative and foresight of the new South, the Nation may be relieved of dependence upon a foreign source of supply of this raw material which is essential in the manufacture of paints and varnishes, oilcloth and linoleum, which is also used in considerable quantities for lining brake bands of automobiles. This oil possesses the extremely valuable attribute of imparting rapid drying and waterproofing properties to materials.

When this new industry reaches the point where the output of tung oil is able to meet the demands for consumption, we may reasonably expect that industries which are consumers of the commodity will spring up and flourish in the Southern States. Such industries are enjoying exceptional prosperity in the United States to-day, and it seems likely that additional productive capacity will be required. As the essential materials are produced in the South, the factor of ready

accessibility may be expected to bring about the establishment of new plants in these States.

We hear, too, of projects involving the manufacture of insulating wallboard from "bagasse," the refuse from sugar-cane, and that may mean the reclamation, for the growing of the cane, of great areas of southern swamp-land that are now virtually useless.

In the South we find, also, immense deposits of phosphate rock which are being mined in increasing quantities. When we bear in mind that such rock is processed to make finished fertilizer, and that the fertilizer industry promises (in the not distant future) to be one of our greatest, we can discern here a factor of the utmost value to the South.

As most people are aware, chemical developments are the basis for much of our contemporary progress and success. The chemical industry, in fact, is basic to all industry. And the State of West Virginia, the State of Alabama, and other States in the South already have chemical developments of great magnitude and truly national importance. The atmospheric nitrogen industry promises to be a distinctive development of the South.

I am naturally gratified at the expressions of appreciation, on the part of the naval-stores industry, of the services which our Chemical Division in the Department of Commerce has been endeavoring to render—successfully, I feel. The chief of that division, having been actually engaged in the business of merchandising naval stores—among other things—before joining the department, is intimately familiar with the problems of the industry. The extremely close relationship that has existed between the department and the industry has been a source of pleasure to us, and has resulted, I believe, in mutual helpfulness of a substantial character.

Let us look briefly at another outstanding example of the southern advance. What the western States of the new South have accomplished, and are now accomplishing, in petroleum production is well known to the Nation. But that advance becomes particularly striking, I believe, when we compare present-day conditions with what was being done 30 or more years ago. In the decade of the nineties the entire United States averaged a yearly production of only 55,000,000 barrels of petroleum. In 1928 the two States of Texas and Oklahoma produced more than 500,000,000 barrels. In other words, these two States gave us ten times as much oil as all of the 48 States, taken together, were producing 30 years ago.

It is in such progress as this—of which countless other examples might be cited with the utmost ease—that we find the power and purpose of the new South. It is things like these that are bringing about the great increase in southern wealth, of which I may take a single example in the Piedmont Carolinas. In a 20-year period, I learn, the wealth of that region has increased no less than 660 per cent. That, it goes without saying, is by no means a solitary example.

Wonderful forest possibilities in the new South are clearly indicated, I think, in the recent annual report of the director of the Southern Forest Experiment Station. A total of 190,000,000 acres in the South are classed by him as actual or potential forest land, and he expresses the conviction that, under full production and managed for continuous growth, the forest lands of the South could provide at least one-third of the wood requirements of the entire United States.

I find certain experts advocating very strongly the planting of trees on such submarginal lands of the South as are being abandoned for purposes of agricultural production.

Reforestation is a vital problem in the development of the South; and turpentine and rosin, as the most important products of the pine tree, will play a leading rôle.

In foreign trade the future of the Southern States is rich in promise—and the present-day achievement is more remarkable than many persons realize. Considering the tonnage of our commerce in the fiscal year 1929, we find that more than one-third of all our exports and 27 per cent of our imports passed through southern ports. Toward those ports there is an unmistakable tendency for our Latin American trade to gravitate in increasing measure.

There is every evidence, in fact, that the South is on the eve of a great expansion of her foreign trade—not so much along the old lines of passive raw-material distribution but rather through increased sales of those fabricated wares to which so much attention is being directed in the South to-day. In the multitude of necessary raw materials, in the abundance of water power and fuel, in proximity to seaboard facilities, to rapidly expanding markets, and to sea lanes that lead to other export fields of vast potentiality the South enjoys a combination of advantages of genuinely compelling power.

In the near-by Latin American countries, especially, there should be a fertile field for augmented southern trade. The purchasing power and productive capacity of the Caribbean countries are already very great and are certain to grow. Any temporary depression in certain regions to-day can not blind us to that fact.

Exports from the South to-day to all parts of the world are of an amazing diversity. Those persons who have enjoyed the winter sports at St. Moritz and at other Swiss resorts have probably never realized that a large proportion of the skis originated in Memphis. This is, of course, only a minor instance of a major tendency.

Possessed of the vigor and adaptability of youth, the commercial and industrial interests of the new South may look forward with confidence to a continuation of the remarkable development that has taken place in recent years. The South is earnest and resolute. It has the attributes necessary to the attainment of the goals that it is setting for itself.

The resourcefulness of youth, as manifested in this new South, means ambition, initiative, eager aspiration. Those are assuredly admirable qualities—but the youthful-minded southern business men to-day must not fail to guard against the possible "defects of their virtues." When one is plunging ardently ahead, striving to hew new paths through individual action, he may at times lose sight of the inescapable need for teamwork, for collaboration, for a recognition of the fact of interdependence.

Yet enduring business success to-day is reached only through these more solid, less spectacular means. The "gregariousness" of American business men is one of their greatest assets. An impulse to remain aloof, to "go it alone," may be perhaps a sign of intrepid self-confidence—or it may mean merely that a man is either too impetuous or too dull.

Cooperation is the key to commercial achievement. I emphasized not long ago the tremendous value of vigorous regional cooperative effort within the several sections of our Nation. I want to reiterate to-night my profound conviction that very great benefits may be generated in that way.

The Department of Commerce believes in the regional economic idea. Consequently, it has carried out a survey of the States to the southeast and is doing comparable work to-day in the Gulf Southwest and elsewhere in the country. You have been good enough to say that such work has been helpful.

The States, the cities, the rural districts, of a region have a great deal in common. In many vital respects their interests are identical. Therefore, much may be accomplished through concentrated cooperation for the building up of the distinctive interests of an area.

That principle is strictly pertinent to the economic advance of the new South. And it applies not only thus broadly but also, in a more restricted sense, to harmonious action among firms and individuals engaged in related effort. I would not be considered as implying that trade-association activity is lagging in the South—such is surely not the case. I hope most earnestly that the South will not fail to carry this basic idea of cooperation to its full and logical application in every sphere. In the Pine Institute of America, and in similar organizations, it has found a most excellent expression and embodiment.

The business men of the South will do well, perhaps, to shun a too impatient haste in the enhancement of their already great commercial triumphs. They will, I feel certain, not lose sight of the fact that permanent and cumulative business well-being can be grounded only in knowledge. Facts are forces of incalculable power. Adequate market research, sound market analysis, are peculiarly vital in the case of industries that are developing so rapidly as those of the new South. Such study pays rich dividends—everywhere and always.

Those of us who know the record of the South feel sure that the essential analyses will not be lacking. The new South will accomplish the coordination that is indispensable. It is bringing to its problems intelligence of the highest type. It is vigilant and alert. It is showing a penetrating comprehension of the conditions of the modern world.

QUIBBLING ABOUT DISABILITIES OF WORLD WAR VETERANS

Mr. HALSEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of disabilities of World War veterans.

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

There was no objection.

Mr. HALSEY. Mr. Speaker, Congress should take quick action to relieve the many thousand World War veterans now in suffering and distress. Either the present laws providing for their compensation are vitally defective or the Veterans' Bureau is moribund with red tape and technical interpretations of laws enacted by Congress for their relief that are both trivial and unworthy of consideration.

It is the strong desire of the American people, and it is the will of Congress that all World War veterans now broken in health, diseased, and crippled, be given physical and financial relief without bureaucratic denial or delay.

It is unfair, it is unjust, it is contrary to the spirit and purpose of the laws enacted for their benefit that many worthy and disabled veterans should be denied relief with the old familiar objection, "Disability not service connected" or "Per cent of disability does not warrant any compensation." It appears a bureaucratic system of rules and regulations has grown up based on harsh and literal interpretations of the laws en-

acted by Congress for the veterans' benefit that defeat the object such legislation sought to accomplish—relief and compensation for the gassed and shell-shocked, the diseased and wounded veterans of the greatest war of all time.

In my judgment, Mr. Speaker, the Veterans' Bureau should be less of a stickler for rigid adherence to the letter of the law as set forth by its legal department, and give more consideration to the debt this Government owes to the flower of its young manhood who at its call followed the flag across the seas to die if need be, while many safe at home reaped a golden harvest.

There is to-day just and widespread complaint among the veterans that many of their comrades are neglected and in grievous distress because they can not prove with legal evidence to the satisfaction of some board that tuberculosis or other disease, or their disability in some other form, is service connected.

If this attitude of the Veterans' Bureau is due to laws already enacted then those laws should be speedily amended with more liberal provisions.

If, however, these conditions are due to the exercise of mistaken bureaucratic authority, improvement might be obtained by abolishing the Veterans' Bureau and transferring its work to the Bureau of Pensions for a more just and equitable administration.

THE NECESSITY OF PUTTING A DUTY ON TAPIOCA IN ORDER TO PROTECT THE PRICE OF THE CORN OF THE AMERICAN FARMER

Mr. WILLIAM E. HULL. Mr. Speaker, I ask unanimous consent that the order permitting me to address the House be vacated and that I be permitted to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the order permitting him to address the House to-day be vacated and that he may extend his remarks in the RECORD. Is there objection?

Mr. STAFFORD. Mr. Speaker, I assume the gentleman's request refers to the order permitting him to make his remarks on Thursday.

The SPEAKER. The original order was for to-day and that was postponed until Thursday. This vacates both orders. Is there objection?

There was no objection.

Mr. WILLIAM E. HULL. Mr. Speaker, I desire to once more lift my voice in this House in behalf of the American farmer.

My special reason for making this speech at this time is to bring before the Congress of the United States the importance of considering a duty on tapioca. If this commodity is allowed to remain on the free list, as it is at the present time, the corn farmer will in time lose the greatest cash market he now has for the sale of his corn.

The amount of corn used to-day by the Corn Products Co. is estimated to be 40 per cent of the cash corn of the country. If you take this market away from your farmer constituent and give it to a foreign country, how will you be able to go back home, look him square in the eyes, and say you have passed this tariff bill for his relief?

The battle between starch, produced in tropical climates by the manihot or cassava plant, commonly known in commerce as cassava starch, tapioca starch, or tapioca, and starch produced from American corn is of long standing. This conflict has attained proportions of importance in comparatively recent years. The importations of tapioca and sago—another tropical starch—amounted to about 54,000,000 pounds in 1921, and reached the enormous sum of about 180,000,000 pounds in 1929. This is equivalent to the importation of about 6,000,000 bushels of corn in the form of starch.

The present duty on corn—15 cents per bushel—has been increased in the new Smoot-Hawley bill to 25 cents per bushel. Under the present tariff tapioca and sago starches are on the free list. The Smoot-Hawley bill, as reported by the Committees on Ways and Means of the House and Finance of the Senate, not only retains tapioca and sago on the free list but adds thereto arrowroot starch, another tropical starch.

Since starch is the principal and most valuable constituent of corn as well as potatoes, and because all starches from whatever source derived are highly competitive both for food and industrial purposes, it is quite evident to all intelligent people that a duty on corn and potatoes is a vain and futile gesture if the tropical starches referred to are permitted to enter this country free of import duties.

The plant from which tapioca starch is obtained develops a potatolike tuber containing a high percentage of starch. An acre of land in Java, under unfavorable conditions of location and cultivation, will produce 7,280 pounds of tubers. From these, inefficient manufacturing processes yield 30 per cent starch, or 2,184 pounds of starch from 1 acre of land.

A yield of 30 bushels of corn per acre is higher than the average for the United States. The best, most improved factory processes produce 34 pounds of commercial starch from a bushel of corn, or 1,020 pounds per acre—less than one-half of that obtained in Java under conditions known to be considerably below the average.

Nor is this by any means all of the advantage in favor of Java. There are several other important factors which must be added to superior productivity. The best land in Java is devoted to sugar, rice, and coffee. Usually the less valuable land is allotted to tapioca. This land costs about $30 an acre as against $150 to $200 per acre in our Corn Belt. Labor in Java ranges from 12 to 25 cents per day, as against $1.50 to $2 per day in the Corn Belt. Under these enormous differences of productivity, land values, and wages, what chance has the American farmer to compete with the tropical producer of tapioca?

Bear in mind that from the chemical standpoint starch is starch, no matter from what source derived. Tapioca starch can be used as a crude material for making food products, sugar, and sirup with equal facility as cornstarch, and can be used and is used for the same industrial purposes—textiles, paper, plywood, adhesives.

If American agriculture is denied protection in respect to starch, competition will force the removal of the corn-products industries from the Corn Belt to the seaboard and destroy the most valuable market which American corn now enjoys. It should be emphasized that the corn-products industry now consumes about 40 per cent of the cash corn of the country. Destroy this demand for corn and the result will be the greatest disaster which could befall the corn grower. Do not lose sight of the fact that the corn and cornstarch consuming industries can find relief by importing foreign starch whenever it is advantageous to do so, and can locate plants at the most economical points on the seaboard. The farmer has no such redress. He is absolutely helpless. He can not transport his land and is already in difficulty in regard to remunerative markets. Import duties on all starches will be of direct benefit to American agriculture. If agriculture is to enjoy the benefits of protection, all starches must be subject to import duties.

There was a time when all of the distilleries that made the alcohol of the country were situated in the Corn Belt, and the alcohol was made from corn, but they have been removed to the Atlantic coast and are now making the alcohol of blackstrap molasses, imported from Cuba, thus depriving the farmer of the sale of 40,000,000 bushels of corn yearly.

If something is not written into this tariff bill for the protection of the cornstarch industry I am convinced that we will see the corn-products plants following the alcohol plants to the east coast, where they will be in cheap communication with the low-prices foreign products and this substantial market on American corn lost forever to the American farmer.

If this goes on, I predict that the time will come when no one will recollect that starch was made from corn. More than that, the great Corn Products Co., located at Pekin, Ill., will feel this loss of a great portion of their business, and, in time, those who now make their living by working in this great plant may find it necessary to look for positions in some other direction.

I tell you, my colleagues, protection for the manufacturers that use the products of the farm will be of more service to this country than any other legislation that can be passed. Unfortunately there seems to be a disposition by some Members of the House and Senate to destroy the manufacturers that create a market for the farmers' products.

CONSENT CALENDAR

The SPEAKER. The Clerk will report the first bill on the Consent Calendar.

CHEYENNE RIVER AND STANDING ROCK INDIAN RESERVATIONS

The first business in order on the Consent Calendar was the bill (H. R. 4813) extending the period of time for homestead entries on the Cheyenne River and Standing Rock Indian Reservations.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, on a prior occasion, when this bill was taken up, I moved that it be passed over in order that I might have opportunity to study the enabling act authorizing the disposition of these lands. I have made inquiry and I want to ask the gentleman from South Dakota [Mr. WILLIAMSON] whether under the purview of this bill the lands will be offered to homestead entry at the former appraised value fixed by the department?

Mr. WILLIAMSON. That is a question entirely within the discretion of the Secretary of the Interior. My own impression

is that before these lands are entered they will be reappraised. It is possible that they could be entered under the old appraisement, but it is more probable that a new appraisement will be made.

Mr. STAFFORD. The bill provides that the land shall be restored to homestead entry upon the terms and conditions specified in the original act. I would certainly object to the bill if these lands were to be opened to homestead entry at the nominal price of $1.25. Can the gentleman give that assurance under the act and under the bill itself?

Mr. WILLIAMSON. Yes; I think I can give that assurance.

Mr. STAFFORD. I think there should be some change in the date fixed in this bill as to its effective date. I think the date should be some time in September.

Mr. WILLIAMSON. I think it should be the 1st day of August.

Mr. STAFFORD. The gentleman thinks it will be passed by the other body within that time so that sufficient notice could be given?

Mr. WILLIAMSON. Yes; I think so.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of an objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the period provided by law for the filing of homestead entries upon that portion of the Cheyenne River and Standing Rock Indian Reservations in the States of South Dakota and North Dakota described in the act of May 29, 1908 (35 Stat. 460), be, and is hereby, extended for a period of five years from and after the 1st day of March, 1930, upon the terms and conditions specified in said acts and acts amendatory thereof.

With a committee amendment as follows:

Strike out all after line 3 down to and including line 10 and insert the following: "That the lands within the Cheyenne River and that portion of the Standing Rock Indian Reservation in the States of South Dakota and North Dakota described in the act of May 29, 1908 (35 Stat. 460), and opened to homestead entry on May 2, 1910, which are now or may hereafter become vacant, be restored to homestead entry for a period of five years from and after the 1st day of March, 1930, upon the terms and conditions specified in said act and acts amendatory thereof."

Mr. STAFFORD. I offer an amendment to the committee amendment: Line 7, page 2, strike out "March" and substitute "August."

The SPEAKER. The gentleman from Wisconsin offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the committee amendment: Page 2, line 7, strike out the word "March" and insert the word "August."

The amendment to the committee amendment was agreed to.

Mr. WILLIAMSON. I offer another amendment to the committee amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Dakota offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON to the committee amendment: Page 2, at the end of line 9, insert "*Provided*, That the proceeds from such entries shall be subject to disbursement for the benefit of the Indians upon such reservations in the discretion of the Secretary of the Interior: *Provided further*, That all lands not entered or disposed of during the period herein provided for, or that may revert to the Government for any cause, shall return to their former status as tribal lands and be subject to allotment in the manner and as provided by law."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

FORT M'KINLEY, PORTLAND, ME.

The next business on the Consent Calendar was the bill (H. R. 707) to authorize an appropriation for construction at Fort McKinley, Portland, Me.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, may I inquire if the Committee on Appropriations and the Committee on Military Affairs of the House have straightened out their differences in the matter of fixing appropriations in authorization bills of this kind?

Mr. BARBOUR. Will the gentleman yield?

Mr. LAGUARDIA. Yes; certainly.

Mr. BARBOUR. I will state that since this bill was last before the House for consideration, members of the Subcommittee on Appropriations for the War Department have met with certain members of the Committee on Military Affairs, and the matter has been thoroughly discussed, and I believe an understanding has been reached with regard to these appropriations. The substance of the understanding is that on bills authorizing construction projects the Committee on Military Affairs will require detailed plans and specifications, with information as to the cost of all of the things that go into the construction of the buildings before reporting an authorization bill. Where several buildings are to be constructed at a post they will give consideration to making a lump-sum appropriation for all of the buildings at such post, instead of indicating the amount that will be authorized for each particular building.

Mr. LAGUARDIA. If the gentleman from California will permit, the first half of his understanding, I think, is very satisfactory, because if any legislative committee has all of the facts concerning new construction, then it can recommend appropriations intelligently. As to the second half of this understanding, permit me to suggest that we have had that experience before, where we have had an appropriation for erecting buildings at a military post, and the experience in the past has been that too much money has been spent on certain buildings before the program was completed. So I would recommend to the gentleman from California to consider very carefully the feasibility of going back to the old system of lump-sum appropriations for a given post rather than holding them to appropriations for each building but based upon proper specifications and sufficient information.

Mr. BARBOUR. I will state to the gentleman from New York that the first half of my statement would also apply to the second half, that detailed plans and specifications would be required for each of the buildings and then a lump-sum authorized for all of the buildings at the posts. That would allow a certain amount of leeway and avoid the situation which I understand now exists at Mitchel Field in New York, where a specified amount has been authorized for each building and they are unable to get bids for any of the buildings within the amounts that are authorized. Therefore they have no buildings and they can not go ahead with any of them.

Mr. LAGUARDIA. And that has resulted in the very condition I have been complaining about.

Mr. BARBOUR. I think it has.

Mr. LAGUARDIA. I shall not object.

Mr. SPEAKS. If the gentleman will permit, would it not be a better plan to delay these building activities until some definite plan for Army posts could be decided upon?

Mr. LAGUARDIA. I understood that was done. You have a building program, and then you have your priority list, and it was my understanding we are proceeding in accordance with that program.

Mr. SPEAKS. That is not my understanding. When the building proposal was originally introduced and discussed on the floor I objected to it on the ground that before action was taken we should make a survey of the United States and determine where posts should be located and provide for them instead of expending huge sums in the construction of posts for which there is no necessity and which in no sense add to national defense or serve a military purpose. My suggestion was that we should first decide upon the proper distribution of troops and then proceed with the construction of necessary quarters.

Mr. LAGUARDIA. The gentleman and I agree on that, that we should have a few large military centers, but the sentiment of the House is overwhelmingly against us.

Mr. SPEAKS. There is absolutely no justification for continuing the old logrolling method of securing appropriations for needless Army posts, with their unnecessary overhead expense.

Mr. LAGUARDIA. That is a matter which is entirely up to Congress, and Congress has to decide.

Mr. SPEAKS. I am presenting it to Congress now with the hope that we may accomplish something in the way of improvement.

Mr. LAGUARDIA. But the Congress has decided overwhelmingly against us in the matter of a building program for the War Department.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $50,000 for the construction of barracks at Fort McKinley, Portland, Me.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONFIRMING THE TITLE OF THE STATE OF MINNESOTA AND ITS GRANTEES TO CERTAIN LANDS PATENTED TO IT BY THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 5178) ratifying and confirming the title of the State of Minnesota and its grantees to certain lands patented to it by the United States of America.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object—and I do not intend to object, because I have no objection to this bill myself—but the gentleman from Michigan, my colleague [Mr. CRAMTON], is in Florida on business connected with the Appropriations Committee and has asked me to ask unanimous consent that this bill be passed over without prejudice. I have talked to some extent with the gentleman from Minnesota [Mr. SELVIG]. I make that request, that it be passed over without prejudice at this time.

Mr. SELVIG. Mr. Speaker, I have no objection.

The SPEAKER. The gentleman from Michigan asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

MAXWELL FIELD, ALA.

The next business on the Consent Calendar was the bill (H. R. 7244) to authorize appropriations for construction at Maxwell Field, Ala., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

FORT M'ARTHUR, CALIF.

The next business on the Consent Calendar was the bill (H. R. 2366) authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to convey to the city of Los Angeles, Calif., by suitable instrument, an easement for a right of way over a certain portion of the military reservation at Fort McArthur, Calif., to be designated by the Secretary of War, and subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the reservation and subject to a perpetual right of way over said land for the uses of any department of the Government of the United States. Said road is described as follows:

Beginning at a point in the southerly line of said lot 13, block 5, distant thereon east 22.04 feet from the southwesterly corner of said lot 13, block 5, said point being also a point in the northerly line of Thirty-sixth Street; thence west along said southerly line of said lot 13, block 5, and along the westerly prolongation thereof a distance of 78.84 feet to a point; thence northeasterly along a curve concave to the southeast, tangent at its point of beginning to a line bearing north 21° 21′ 30″ east and having a radius of 192.20 feet, a distance of 104.47 feet, measured along the arc of said curve to a point; thence northerly along a curve concave to the west tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 267.87 feet, a distance of 490.90 feet, measured along the arc of said curve to a point; thence northwesterly along a curve concave to the northeast tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 192.20 feet, a distance of 115.10 feet, measured along the arc of said curve to a point in the westerly prolongation of the northerly line of lot 1, block 4, Rena Harbor Heights tract, hereinbefore mentioned, distant thereon west 60.40 feet from the northwesterly corner of said lot 1, block 4; thence east along said last-mentioned westerly prolongation and along said northerly line of lot 1, block 4, said last-mentioned northerly line being also the southerly line of Thirty-fourth Street, a distance of 76.14 feet to a point; thence southeasterly along a curve concave to the northeast, tangent at its point of beginning to a line bearing south 29° 24′ 20″ east and having a radius of 122.20 feet, a distance of 64.88 feet, measured along the arc of said curve to a point; thence southerly along a curve concave to the west tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 300 feet, a distance of 626.51 feet, measured along the arc of said curve to a point; thence southwesterly along a curve concave to the southeast tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 122.20 feet, a distance of 53.07 feet, measured along the arc of said curve to the point of beginning.

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

A motion to reconsider was laid on the table.

CHARLES MARION RUSSELL STATUE

The next business on the Consent Calendar was the concurrent resolution (H. Con. Res. 1) providing for the acceptance of a statue of Charles Marion Russell, presented by the State of Montana.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the statue of Charles Marion Russell, presented by the State of Montana, to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of the Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious and distinguished as an artist in the depicting on canvas of the early life of the West.

Resolved further, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Montana.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the resolution at this point.

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

There was no objection.

Mr. LEAVITT. The interest of Montana people in the memorials at the Nation's Capital has been intensified by the decision to place in Statuary Hall at Washington the figure of Charles M. Russell as representative of our State. When his statue is erected in that historic hall it will grace distinguished company, and we of Montana, his friends and neighbors, will be pleased to know something of those who in bronze and marble will be his neighbors throughout the ages.

It was on July 2, 1864, that an act of Congress was approved authorizing the President to invite—

Each and all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historical renown or from distinguished civic or military services, such as each State shall determine to be worthy of this national commemoration; and when so furnished the same shall be placed in the old Hall of the House of Representatives in the Capitol of the United States, which is hereby set apart, or so much thereof as may be necessary, as a national statuary hall for the purposes herein indicated.

It was under this provision that the Legislature of Montana in session in January, 1929, and under a bill presented by Representative Sid Willis, of Cascade County, designated Charlie Russell for this hall of eternal fame. It was a fitting thing to do, for if any man epitomized the old Montana within his soul it was Charles M. Russell. Out of that soul and through his finger tips and brushes there poured that old Montana to live upon his canvasses. What he saw he preserved and made the heritage of us all. He has come thus by the trails of circumstance to the threshold of a new abiding place. He who knew the welcome of camp fire, cabin, tepee, and the homes of simple and sincere friends will find a welcome among the Nation's great.

The Statuary Hall is an historic and an interesting place, and after telling briefly of it I will introduce to you its occupants. I feel that I know many of them well because every day of my work in Washington when the House is in session I pass back and forth through the Hall and among them from my office, which is in the Capitol, to the present Hall of the House.

The old Hall of the House of Representatives was in the south wing of the old Capitol, completed in 1811. The corner stone of the original building had been laid by Washington in 1793. From 1811 until December 16, 1857, when the present House Chamber was occupied, that Hall was the meeting place of the House of Representatives.

In 1810 the third census had shown that our population had increased to 7,240,000. There were 17 States in the Union.

James Madison was President. In 1811, John C. Calhoun, of South Carolina, took his seat as a Member of the House. Henry Clay was chosen Speaker. Their voices were potent in that Hall of memories. There John Quincy Adams was chosen President of the United States in 1825 by vote of the House in contest with Crawford, of Georgia, Henry Clay, and Andrew Jackson, and it was at a spot there, now marked by a bronze plate, that he died in 1848 as a Member of the House.

It was in that Hall that Lincoln served a term. It was the meeting place of the House during administrations from Monroe to James Buchanan, and its history includes the stirring events of the wars of 1812 and with Mexico. It saw the expansion of a Nation up to the culminating events before the Civil War. It is a room of such beauty and distinction that when Mr. Morrill, of Vermont, advanced his measure in 1864 to make it a hall of fame he said of it:

Congress is the guardian of this fine old Hall, surpassing in beauty all the rooms of this vast pile, and should protect it from desecration. Its noble columns from a quarry exhausted and incapable of reproduction—

Nature formed but one,
And broke the die in molding—

its democratic simplicity and grandeur of style; and its wealth of association with many earnest and eloquent chapters in the history of our country, deserve perpetuity at the hands of an American Congress. It was here that many of our most distinguished men, whose fame "the world will not willingly let die," began or ended their career.

It appears to me eminently proper, therefore, that this House should take the initiative in setting apart with reverent affection the Hall, so charged with precious memories, to some purpose of usefulness and dignity. To what end more useful or grand, and at the same time simple and inexpensive, can we devote it than to ordain that it shall be set apart for the reception of such statuary as each State shall elect to be deserving of this lasting commemoration? Will not all the States with generous emulation proudly respond, and thus furnish a new evidence that the Union will clasp and hold forever all its jewels—the glories of the past—civil, military, and judicial—in one hallowed spot where those who will be here to aid in carrying on the Government may daily receive fresh inspirations and new incentives—

To scorn delights and live laborious days—

and where pilgrims from all parts of the Union, as well as from foreign lands, may come and behold a gallery filled with such American manhood as succeeding generations will delight to honor, and see also the actual form and mold of those who have inerasably fixed their names on the pages of history.

The suffrages of no State will fail to be honestly and fairly bestowed, for no local shams will be intruded where the judgment of the world is sure to be challenged, and where partisanship loses its current value. We may reasonably expect that the State contributions, without charge to the National Government, will speedily furnish here in the Capitol of the Nation a collection of statuary that will reflect honor upon the illustrious dead, upon the Republic found to be neither ungrateful to its distinguished sons nor unmindful of its obligations; and, incidentally, it may be hoped, there will be brought forth worthy monuments to the genius of the artists of the country who will vie with each other for distinction in the execution of the various works which may be required.

Who, then, are the present occupants with whom Charlie Russell will be neighbor throughout the years to come? Although there are now 48 States, but 32 of them have yet chosen sons or daughters of such distinction as to abide there, and of that 32, 6 have as yet placed only 1.

First of all, Rhode Island, in 1870, placed her statue of Nathanael Greene, of Revolutionary renown, and two years later Roger Williams, who preached religious liberty in Colonial days of intolerance.

Connecticut came next with Jonathan Trumbull and Roger Sherman in 1872. New York chose George Clinton and Robert R. Livingston in 1873. Thus the response was under way, until to-day heroes of war and peace, leaders of thought, and seekers after truth and duty are represented there from Alabama, Arkansas, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

Among them stand such figures as Washington, Garfield, Cass, Shields, Webster, Stark, Marquette, Benton, Carroll of Carrollton, Ingalls, Sam Houston, Austin, Lew Wallace, Calhoun, Jackson, and Clay. Robert Fulton sits there studying his steamboat. Sequoyah, of half Indian blood and leader of his race, has his place, and alone of women but forever guiding forward, Frances E. Willard, chosen by Illinois.

The list is long and I aim but to give you an impression of the company Charlie Russell will have when Montana has provided its fund and placed there his figure among the rest. He will find kindred spirits in Sam Houston, and Austin, of Texas, and Sequoyah, of Oklahoma, but he whose art led him to stand before presidents and kings will be at home also with all the rest.

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

A motion to reconsider was laid on the table.

FORT LEWIS, WASH.

The next business on the Consent Calendar was the bill (H. R. 3311) to authorize the acquisition of certain tidelands for sewer purposes at Fort Lewis, Wash.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, under the general statutes, particularly the act of July 2, 1917, this legislation is not necessary, and if the department can justify before the Committee on Appropriations the necessity of this sewer the appropriation can be made.

Mr. STAFFORD. Will the gentleman withhold his objection?

Mr. LAGUARDIA. Certainly.

Mr. STAFFORD. This is a bill reported from the Committee on Military Affairs; in addition to that, in the committee we gave thorough consideration to the measure; in addition to that the last Secretary of War and the present Secretary of War have set forth the legal necessity for the passage of such legislation for the benefit of the Government. I did not grasp the remarks of the gentleman as to some general authorization of law——

Mr. LAGUARDIA. That is my understanding, and I do not believe the gentleman from Minnesota wants to encumber the books with unnecessary legislation.

Mr. STAFFORD. That is true, but I can not appreciate why the former Secretary of War and the present Secretary of War would have stated this legislation is needed if there is general authorization of law. I ask the gentleman to permit the bill to be passed over without prejudice so I may consider his objection.

Mr. LAGUARDIA. That is perfectly satisfactory, and I will ask the gentleman to take note of the act of July 2, 1917.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

ROBERT M. LA FOLLETTE STATUE

The next business on the Consent Calendar was the concurrent resolution (H. Con. Res. 6) accepting the statue of the late Senator Robert M. La Follette, of Wisconsin, to be placed in Statuary Hall.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

Mr. STAFFORD. Mr. Speaker, far be it from me to raise objection to the acceptance of the statue of that eminent statesman, former Senator Robert M. La Follette. I am raising objection, however, to the action of the Committee on the Library. The distinguished chairman of that committee, who is present, or the clerk, must have been immersed in the dusty lore of the past, because a similar measure from the Senate passed the House on May 14. Therefore, Mr. Speaker, I move to have this resolution lie on the table. There is no necessity for it.

Mr. HASTINGS. Has it passed both Houses?

Mr. STAFFORD. Senate Concurrent Resolution No. 4 passed this House on May 14, of last year.

Mr. HASTINGS. Without amendment?

Mr. STAFFORD. The identical provision. The Senate resolution passed this House and because both Houses have agreed to it it requires no further action by anyone.

Mr. DYER. And the statue is now in place.

Mr. LUCE. Mr. Speaker, I have no recollection of the exact facts, but it seems to me that this may be an illustration of a practice that occasionally proves to be unfortunate. It happens from time to time that when a measure more or less perfunctory in nature comes over from the Senate, some interested Member of the House, anxious to have speedy action, assuming that the matter will not raise any controversy, secures unanimous consent for its immediate consideration so that it never reaches the House committee concerned nor the printed calendar. Ordinarily this does no harm, but once in a while it may produce embarrassment.

The SPEAKER. Is there objection to the bill being laid upon the table?

There was no objection.

ANNEX TO THE LIBRARY OF CONGRESS

The next business on the Consent Calendar was the bill (H. R. 8372) to provide for the construction and equipment of an annex to the Library of Congress.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LUCE. Mr. Speaker, after this matter was placed upon the Consent Calendar it was suggested that because it was of such importance in and of itself, and because in connection with it the work of the Library might profitably be discussed somewhat, it would be well to have the matter dignified with a separate discussion, to be secured by having the bill laid before the House under a rule. In accordance therewith a rule has been asked and presumably will in due time be considered by the Committee on Rules. Therefore, I object—without prejudice, of course—to the present consideration of the bill.

Mr. LAGUARDIA. I would like to make a suggestion to the gentleman. The bill does not contain the usual clause providing for the approval of the Fine Arts Commission, and I should like to discuss that when it is considered by the House. We may not always have the artistic gentleman from Massachusetts at the head of the Library Committee, although I hope we will.

Mr. COLLINS. Will the gentleman yield? I was wondering why it provides that the funds are to be disbursed by the disbursing officer of the Department of the Interior.

Mr. LUCE. The gentleman is asking a question that mystifies me as much as it does him. The provision follows long practice in transactions pertaining to the functions coming under the administrative jurisdiction of the Committee on the Library. I am not aware that there is any logic in it. In the dark ages when neither the gentleman nor I were Members of the House this practice seems to have been established.

The SPEAKER. Objection is heard.

ASSISTANT COMMISSIONER OF EDUCATION

The next business on the Consent Calendar was the bill (H. R. 7390) to authorize the appointment of an assistant commissioner of education in the Department of the Interior.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. Reserving the right to object, I wonder if the gentleman from New York [Mr. REED] is present, or any other member of the Education Committee?

Mr. PATTERSON. I do not see the gentleman from New York present.

Mr. HOOPER. Is the gentleman from Alabama a member of the committee?

Mr. PATTERSON. I am.

Mr. HOOPER. I see that there is no increase in the bill in the amount appropriated for salaries. How is the assistant to be taken care of?

Mr. PATTERSON. There are already sufficient funds to take care of him for the present.

Mr. LAGUARDIA. But that would be only for one year.

Mr. PATTERSON. The Commissioner of Education was before the committee.

Mr. HOOPER. I have no objection to that, but the bill is not limited in time as to the continuance in office of this assistant commissioner of education. I am wondering what arrangement, if any, is to be made to take care of his salary, if there is to be one?

Mr. O'CONNELL of New York. Mr. Speaker, there is no information connected with the report that tells us anything at all. I am going to object to this anyway.

Mr. PATTERSON. Would the gentleman withhold his objection so that I may ask unanimous consent that it be passed over without prejudice until the gentleman from New York [Mr. REED] is here?

Mr. O'CONNELL of New York. Certainly.

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, until the gentleman from New York is here.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS SHENANDOAH RIVER, CLARKE COUNTY, VA.

The next business on the Consent Calendar was the bill (H. R. 8287) 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.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Virginia, and its successors, to maintain and operate, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, a bridge and approaches thereto already constructed across the Shenandoah River at Berrys Ferry, Clarke County, Va., which bridge is hereby declared to be a lawful structure to the same extent and in the same manner as if it had been constructed in accordance with the provisions of said act of March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

A motion to reconsider was laid on the table.

BRIDGE ACROSS ROCK RIVER, PROPHETSTOWN, ILL.

The next business on the Consent Calendar was the bill (H. R. 8705) 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.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Rock River, at a point suitable to the interests of navigation, at or near Prophetstown, Ill., in section 28, township 20 north, range 5 east, fourth principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 4, insert "free highway."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS PECATONICA RIVER, FREEPORT, ILL.

The next business on the Consent Calendar was the bill (H. R. 8706) 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.

The Clerk read the title of the bill.

There was no objection to the consideration of the bill.

The SPEAKER. Without objection, the Clerk will report the the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the bridge now being constructed across the Pecatonica River at Freeport, Ill., by the State of Illinois, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War, as providing suitable facilities for navigation, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Secretary of War and the Chief of Engineers before the bridge is commenced.

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill to legalize a bridge across the Pecatonica River at Freeport, Ill."

WORLD'S POULTRY CONGRESS

The next business on the Consent Calendar was House Joint Resolution 210, to authorize an appropriation for the expenses of official delegates to the Fourth World's Poultry Congress, to be held in England in 1930.

The Clerk read the title to the joint resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, will my distinguished colleague from New York [Mr.

FISH], who is the expert on foreign affairs of the House, tell us the purpose of this poultry congress in England, and what benefit the United States is expected to derive from it, if any?

Mr. FISH. Mr. Speaker, the poultry industry, I will say to my colleague from the greater city of New York, which he represents with such distinction, is one of the major agricultural industries of the United States. It has a farm sale value of over $1,000,000,000 annually. It has more value, in other words, than wheat, fruit, or other farm commodities which we have discussed so much at length in the House of Representatives. We produce one-third of the entire poultry and egg supply in the world. The Fourth World's Poultry Conference to be held in London, England, next June will have poultry exhibits from practically every nation, and we hope to enlarge our trade by sending an exhibit and accredited delegates there to show what we can produce in the way of poultry in the United States.

Mr. LAGUARDIA. As a matter of fact, we do not export any poultry, do we, at the present time?

Mr. FISH. Oh, yes; we export a considerable amount of poultry to South and Central America and to other parts of the world. The main purpose of the resolution is to increase our commerce in poultry and to learn the methods used in other countries concerning the problems of production, distribution, and marketing of poultry products.

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

Mr. FISH. Yes.

Mr. JENKINS. And it is a fact also, is it not, that the Agricultural Department is very much in favor of this measure?

Mr. FISH. Very much in favor of it, and the Budget Bureau has recommended it.

Mr. LAGUARDIA. Mr. Speaker, I am not going to object; but the gentleman from Ohio [Mr. JENKINS] suggests that the Department of Agriculture is in favor of this. Does the gentleman from New York know of any appropriation ever suggested in this House that the Department of Agriculture was not in favor of it?

Mr. FISH. I do not want the gentleman to blame me, because I did not raise that point, although I do know that Mr. R. W. Dunlap, the Acting Secretary of Agriculture, believes it important that the United States be suitably represented by accredited delegates.

Mr. GREENWOOD. Mr. Speaker, how many delegates ordinarily attend these conferences?

Mr. FISH. That is in the discretion of the President, limited by the $15,000 authorized to be appropriated in this resolution. I rather imagine that the President will appoint 20 or 30 delegates from throughout the United States. Poultry, as the gentleman knows, goes into every barnyard in the United States, and therefore in every State, and we want to have the entire United States represented. With an appropriation of $15,000, if you gave each delegate $1,000 for his expenses back and forth, that would provide for only 15 delegates; but I rather believe that the policy to be pursued will be to appoint 20 or 30 delegates, and let them pay part of their own expenses.

Mr. GREENWOOD. I am seeking this information to know whether the thing is broad enough to have delegates from all parts of the United States?

Mr. FISH. I believe it is the purpose of the Department of Agriculture to take as many delegates as possible.

Mr. LAGUARDIA. Will the gentleman approve of a proposed amendment suggested by the gentlewoman from California [Mrs. KAHN]?

Mr. FISH. I would be glad to approve of anything the gentlewoman from California suggests, though I hope she will not jeopardize this resolution at this time.

Mr. O'CONNELL of New York. Quite a number of delegates go there without any expense to the Government at all. They pay their own way.

Mr. FISH. Very probably the largest number will pay their own way.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That an appropriation is authorized of $15,000 for the expenses of official delegates of the United States to the World's Fourth Poultry Congress, to be held in England in 1930, in addition to funds heretofore appropriated for the purpose of a United States Government exhibit at such congress (45 Stat. L. 1635).

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

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ADULTERATED OR MISBRANDED FOODS, DRUGS, ETC.

The next business on the Consent Calendar was the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I want to say just a word.

Mr. STAFFORD. Will the gentleman withhold for a moment?

Mr. LAGUARDIA. Yes.

Mr. STAFFORD. I would like to submit the question whether this bill is not of such importance that it should not be considered on the Unanimous Consent Calendar? A companion bill on the Consent Calendar also seeks to amend section 8 of the pure food act, being No. 176 on the Consent Calendar, and it covers the same subject matter, so that I think this bill with the other one should be considered under the general rules of the House. They should not be on the Consent Calendar. Bills of the importance of this bill should receive careful consideration.

Mr. MAPES. The gentleman will realize the difficulty of bringing up legislation that is not on the Consent Calendar. This legislation is not of great relative importance and it is approved by the Department of Agriculture.

Mr. STAFFORD. Well, we are not pressed with legislation, and the Committee on Agriculture will shortly have the case under Calendar Wednesday. The two bills I refer to ought not to be on the Consent Calendar. I ask unanimous consent, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill be passed over without prejudice. Is there objection?

Mr. MAPES. I hope the gentleman will not press that request. There is nothing complicated about this bill.

Mr. STAFFORD. There is another bill from the same committee amending section 8 of the pure food and drugs act. This is not the time to amend the pure food act on the Consent Calendar, in my opinion.

Mr. MAPES. The other bill has nothing to do with this bill. This bill relates to the contents of the container and the other to the container itself.

Mr. KETCHAM. May I also add my request to that of my colleague from Michigan?

Mr. STAFFORD. In view of the congested state of legislation in the Senate does the gentleman think that the postponement of this bill for two weeks will defer its ultimate enactment into law?

Mr. KETCHAM. I think it will.

Mr. STAFFORD. I think not.

Mr. KETCHAM. This bill has been under consideration in the House committee for months. It is important not only to the consumers but to the manufacturers.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin that this bill be passed over without prejudice?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

BATTLE OF THE MONONGAHELA

The next business on the Consent Calendar was the joint resolution (H. J. Res. 171) providing for the observance and commemoration of the one hundred and seventy-fifth anniversary of the Battle of the Monongahela, and establishing a commission to be known as the United States Battle of the Monongahela Commission.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, it seems to me that we are having an epidemic of expeditions and commissions and conferences. If we can not give consideration to bills relating to the health of the public and having to do with commodities and containers, it seems to me that this bill should receive the very careful attention of the House.

Mr. KELLY. This bill does not provide for anything except recognition by the United States of an event of great importance in the history of the Nation.

Mr. LAGUARDIA. I remember distinctly one of the gentleman's colleagues from Pennsylvania not now in the House coming before us to get recognition of the world's fair or sesquicen-

tennial in Philadelphia. Before we got through with it, it cost us several million dollars, which were squandered.

Mr. KELLY. Not a penny from the United States Treasury will be asked in connection with this celebration by the people in western Pennsylvania. The purpose is simply to have the recognition by the Government of the importance of the anniversary.

Mr. LAGUARDIA. And is this a forerunner to have that battle ground turned into a park?

Mr. TEMPLE. No; the building is in the midst of a business center and the land could not possibly be turned into a park.

Mr. LAGUARDIA. Is there any assurance that there will be no request for an appropriation to carry out the celebration?

Mr. KELLY. Yes. Every assurance.

Mr. CAMPBELL of Pennsylvania. A similar bill went through for the purpose of celebrating the settlement of the Wyoming Valley. There was no expense incident to that and there will be none in this case. We simply want the recognition of the Government.

Mr. KELLY. It is expected to have honored guests, including the governors of a number of States, come to the city of Braddock and celebrate the event.

Mr. LAGUARDIA. Then I understand the gentleman from Pennsylvania to assure us that not one penny will be asked?

Mr. KELLY. I give the gentleman that assurance.

Mr. TEMPLE. There is no doubt about it.

Mr. LAGUARDIA. With that assurance, I will withdraw my objection; but if not, there would be resistance.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That there is hereby established a commission to be known as the Battle of the Monongahela Commission (hereinafter referred to as the commission) and to be composed of five commissioners as follows: One person to be appointed by the President of the United States, two Senators by the President of the Senate, and two Members of the House of Representatives by the Speaker of the House of Representatives. Any vacancy in the office of a commissioner shall be filled in the same manner as the original appointment. The commissioners shall serve without compensation therefor from the United States. The commission shall select a chairman from among its members.

SEC. 2. The commission is authorized to arrange, in cooperation with any organization or society without cost to the United States, an appropriate observance and commemoration to take place in the month of July, 1930, of the one hundred and seventy-fifth anniversary of the Battle of the Monongahela, referred to as "Braddock's Defeat," and to participate on behalf of the United States, in such manner as it deems advisable, in any other observance or celebration of such anniversary which may be held in the United States during the year 1930.

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

A motion to reconsider the last vote was laid on the table.

PILGRIMAGE TO WAR CEMETERIES IN EUROPE

The next business on the Consent Calendar was the bill (H. R. 4138) to amend the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Reserving the right to object, and I will say to the gentlewoman from California that I do not intend to object, I would like to ask a question about this bill. I see it is stated in the report on the bill that the in loco parentis amendment, so called, will enable about 400 additional women to make the trip to Europe. I would like to ask the gentlewoman from California if there has been any plan evolved that the lady knows of, which will assist in determining the rights of these mothers to be considered as in loco parentis. In other words, is there some test that will be applied, some proof that will have to be offered to the Government before they are accepted, or what is the arrangement?

Mrs. KAHN. Absolutely. This will be in the hands of Major General Cheatham, and he is taking the utmost care to safeguard this measure, to find out just exactly what the applicants' claims are, and demanding positive proof. The bill originally interpreted in loco parentis in the same terms as the veterans' bill. That would be for a year, but they thought then that there might be a large group of women who were not entitled to go, but who would claim that they had acted in loco parentis; but the War Department is demanding absolute proof of the fact that these women served actually in loco parentis for five years before the boy was 18 years of age.

Mr. HOOPER. Then I understand from the gentlewoman from California that there have already been applications to the extent of about 400 made by people in this position, from which this estimate is made?

Mrs. KAHN. Yes.

Mr. COLLINS. Reserving the right to object, I see you are going to take certain of these mothers out to sea and show them the place in the sea where their sons were buried?

Mrs. KAHN. No; I hardly think we have the exact latitude and longitude for that, but I think the gentleman knows there are a large number of these cemetery chapels that are being erected, in which will be inscribed the names of the boys who died at sea, and it is the object to take the mothers to these memorial chapels.

Mr. COLLINS. Why take them to Europe when they are buried at sea? Why not erect a chapel in New York or elsewhere and take them there?

Mrs. KAHN. But the chapels are being erected at each one of these cemeteries, and the names inscribed therein of each one of these boys who died at sea.

Mr. COLLINS. I know they are being erected, but why erect them in France?

Mrs. KAHN. And in Belgium and England.

Mr. COLLINS. So that we will have an excuse to send somebody to these countries. But I was just wondering what good it would do a mother to go to France to see a cemetery in France, when her son was buried at sea.

Mrs. KAHN. She will see there a monument containing the inscription, which has been erected by the Government to the honor of her son who was buried at sea.

Mr. COLLINS. As I understand it, these chapels are not finished.

Mrs. KAHN. They will be finished, probably not by the time of the first of the pilgrimage, but long before the last. They anticipate most of them will be finished by that time.

Mr. COLLINS. You can show them a building that is being erected, and that is all you can do.

Mrs. KAHN. I imagine they will not go until the latter part of the pilgrimage.

Mr. COLLINS. Another thought about this sort of legislation: If a boy is buried in Arlington, why not send his mother from California or elsewhere to Arlington to see his grave at Arlington?

Mrs. KAHN. That is beside the question.

Mr. COLLINS. It is not beside the question. They are being sent to France to see the graves over there.

Mrs. KAHN. Did the gentleman vote for the original bill?

Mr. COLLINS. No; and if the original bill was on the calendar to-day I would object to it.

I ask unanimous consent at this point to put in the RECORD a letter regarding this character of legislation.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD by inserting the letter to which he has referred.

Mr. COLLINS. At this point in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The letter referred to follows:

I have been reading a good deal about the plan to send the gold-star mothers to France to visit the graves of their sons.

As a gold-star mother, I thought this was a beautiful thing at first, but after a little reflection I think quite differently, and I want to let you know why I feel as I do.

One thing that has changed my feeling is the way I have heard a number of other gold-star mothers talk. Mrs. ——— and Mrs. ——— were at my house last night and they didn't talk about much but the trip. I know they loved their sons as much as I loved my boy. I reckon it's natural for them to want to take the trip and to see the graves of their sons, but it doesn't seem right for the Government to spend millions of dollars in this way when the money can be expended on us in ways that will help us so much more. When I spoke my mind, Mrs. ——— got mad and said the Government owed her this trip, but Mrs. ——— said she reckoned I was right and that anyhow it would just make her sad to see her boy's grave in a foreign land and then to know she never would see it again. That is just how I feel, and I believe thousands of gold-star mothers feel the same way.

I gave my son gladly to my country. He was my only son, and I loved him dearly. It was hard enough to lose him once, and I don't want to lose him a second time. That is what I would have to do if I went over to see his grave and then left him there.

Besides, it would make me fight the war all over again in my heart, and I don't want to do that. I am afraid it might make me bitter against my own Government, too, to realize that my boy's death didn't do any good after all. It didn't make the world safe for democracy and it wasn't a war to end war after all. It just brought misery to millions of people and left the nations still hating each other and preparing for another war. The very countries that fought side by side are now quarreling and getting ready for another war. From

what I read I see that every country is spending more money on armies than they did before the war that took my son from me. They don't seem to be able to agree even to cut down their big war navies or reduce their armies. Anybody who reads and thinks knows this, and I know how it would make me feel to go over there and see the graves of our American boys and to feel that all the misery they went through before dying didn't bring peace after all.

Five years after my son was killed, his wife died and left their two young children to me. I have to work hard to support and educate them. Even if I did want to go to France on the Government's money I could not afford to give up my job, and there are thousands of other gold-star mothers who are in the same situation. Wouldn't it be a much more beautiful and helpful thing for the Government to do something special for those of us who can't go when it is giving this trip to those who can afford the time. Many of us can't even afford to buy the clothes we would need for such a trip. I don't want to ask any special favors of the Government, but it would be a Godsend to thousands of mothers to have the money that would go to them if they made the trip. It would help to clothe and feed and educate the children whose fathers were killed by the war.

Maybe I ought not to write like this, but I can't help it when I think of my dead son and the two little children he has left me to care for. I'll go on caring for my boy's children and praying that before they are grown the nations will learn to settle their quarrels in some better way.

Mr. O'CONNELL of New York. Mr. Speaker, reserving the right to object, may I say that I took a great interest in the passage of the original bill which provided for the sending abroad of widows and mothers whose sons are buried in foreign soil. That pilgrimage was intended to permit those women to visit the known graves where their sons or husbands are interred. It was not intended as a pleasure trip. It is a pilgrimage, and I can not see—although I can not object to this bill, but I am inclined to do so—why we should send these women over there with no specific grave to visit. This present amending bill is intended, as I understand it, for the widows and mothers of boys who were buried at sea. Is that true?

Mrs. KAHN. Yes.

Mr. COLLINS. Mr. Speaker, further reserving the right to object, how many Army officers are going on these trips?

Mrs. KAHN. I have no idea. The arrangements are entirely in the hands of the Quartermaster General.

Mr. COLLINS. Does the lady from California know how much this legislation is going to cost?

Mrs. KAHN. The whole trip?

Mr. COLLINS. Yes.

Mrs. KAHN. I understand about $8,000,000.

Mr. COLLINS. Does not the lady from California understand it is going to cost around $15,000,000?

Mrs. KAHN. No; I understand it is going to cost somewhere in the neighborhood of $8,000,000.

Mr. COLLINS. As I understand, it is going to cost $15,000,000.

Mr. O'CONNELL of New York. Does that mean this particular bill?

Mrs. KAHN. No; the whole pilgrimage.

Mr. O'CONNELL of New York. The original bill provides for 6,300 women and the cost is to be $5,300,000. That was the original bill. Now, what this new legislation is to cost, of course, I am in no position to estimate.

Mrs. KAHN. I have not the exact figures, but from the testimony given before the committee I understood it was to cost somewhere in the neighborhood of $8,000,000.

Mr. COLLINS. Can the lady state why it is provided that only officers of the War Department are selected to go?

Mrs. KAHN. I think that is not so. I have no idea what the arrangements are. They are entirely in the hands of the Quartermaster Department. I understand that women in the nature of nurses and attendants are going, but I have no absolute knowledge as to the details of the plan. That is entirely in the hands of the Secretary of War, under the authority turned over to him by the Congress.

Mr. COLLINS. You had no hearings on this?

Mrs. KAHN. Surely we had hearings.

Mr. COLLINS. But you were unable to find out any of this information?

Mrs. KAHN. Well, it may not have been requested at the hearings, and those questions may not have been asked. General Cheatham appeared before the committee and gave information; the Secretary of War appeared and gave certain information; we had other witnesses who appeared and gave certain information; and a number of Members of Congress appeared in respect to various provisions in the bill and gave information. The hearings are at the disposal of the gentleman, if he desires to read them.

Mr. LANKFORD of Virginia. Mr. Speaker, I do not intend to object, because I am heartily in favor of this action, but I want to say that the war mothers over the country are behind this bill. The fact is that these boys are not buried on domestic soil; they are all outside of the United States, and in making this pilgrimage these mothers and widows may pass over the very track that some of these boys took in going abroad. These mothers will go over the very spot, perhaps, where their sons were lost, and will be possibly as near their remains as many who were blown to pieces on the other side. This will be a great relief to the mothers whose sons were lost at sea. I think there is a great deal of merit in this bill, and I know that the war mothers of the country are behind it. There is a great deal of sentiment in the country for a bill of this kind, which will permit these widows and mothers to visit the places where their boys were lost, either on land or sea. I am heartily in favor of this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," be, and is hereby, amended to authorize the Secretary of War to arrange for pilgrimages to cemeteries in Europe by mothers and widows of those members of the military or naval forces of the United States who died in the military or naval service at any time between April 5, 1917, and July 1, 1921, wherein death and burial of the member occurred at sea or wherein the death of the member occurred overseas but place of interment is unknown, the same as is provided in the cases of mothers and widows of members of said forces whose remains are now interred in known cemeteries, at the expense of the United States and under the conditions set forth in section 2 of said act.

SEC. 2. That paragraph (b) of section 2 be, and is hereby, amended to consist of only the following, to wit: "Upon acceptance of the invitation the mother or widow shall be entitled to make one such pilgrimage."

With the following committee amendments:

Page 2, line 6, after the word "occurred" insert the words "at sea or."

Page 2, line 6, after the word "but," insert the word "whose."

Page 2, line 7, after the word "the" where it occurs the second time, strike out the word "cases" and insert the word "case."

Page 2, line 9, strike out the words "known cemeteries" and insert the words "identified graves in cemeteries in Europe."

Page 2, line 15, after the word "pilgrimage," insert the words "at Government expense."

Page 2, after line 16, insert a new section, as follows:

"SEC. 3. That paragraph (a), section 4, be amended to read as follows: 'The term "mother" means mother, stepmother, mother through adoption, or any woman who stood in loco parentis to the deceased member of the military or naval forces for a period of not less than five years at any time prior to the soldier, sailor, or marine becoming 18 years of age.'"

The committee amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BLACKFEET HIGHWAY, MONT.

The next business on the Consent Calendar was the bill (H. R. 4021) to accept the grant by the State of Montana of concurrent police jurisdiction over the rights of way of the Blackfeet Highway and over the rights of way of its connections with the Glacier National Park road system on the Blackfeet Indian Reservation in the State of Montana.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. This is the first instance in this Congress where the rule is to be applied as to three objections being required after having been once objected to. What has been the practice in former Congresses under this rule, which was adopted seven years ago, with respect to requiring three objections? Is it necessary for three Members to object at once, or can they reserve the right to object?

The SPEAKER pro tempore. They must immediately object. Is there objection?

Mr. COLLINS, Mr. BUSBY, and Mr. DOXEY objected.

BRIDGE ACROSS THE MISSOURI RIVER AT BOONVILLE, MO.

The next business on the Consent Calendar was the bill (S. 2668) granting the consent of Congress to the Missouri-Kansas-Texas Railroad Co. to construct, maintain, and operate a railroad bridge across the Missouri River at Boonville, Mo., in substitution for and in lieu of an existing bridge constructed under the authority of an act entitled "An act to authorize the construction of a bridge across the Missouri River at Boonville, Mo.," approved May 11, 1872.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Missouri-Kansas-Texas Railroad Co., a corporation organized and existing under the laws of the State of Missouri, its successors and assigns, to contruct, maintain, and operate a railroad bridge and approaches thereto across the Missouri River at Boonville, Mo., in lieu of and in substitution for the present bridge constructed under the authority of an act entitled "An act to authorize the construction of a bridge across the Missouri River at Boonville, Mo.," approved May 11, 1872, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, except as otherwise herein provided.

SEC. 2. When the new bridge and approaches thereto are completed and put in operation the old or existing bridge shall be removed by said Missouri-Kansas-Texas Railroad Co. within a reasonable time to be fixed by the Secretary of War and in a manner satisfactory to the district engineer of the engineer department at large in charge of the district within which said bridge is located.

SEC. 3. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Missouri-Kansas-Texas Railroad Co., its successors and assigns; and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

A motion to reconsider was laid on the table.

REVETMENT WALL AT FORT MOULTRIE, S. C.

The next business on the Consent Calendar was the bill (H. R. 9154) to provide for the construction of a revetment wall at Fort Moultrie, S. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I should like to ask the author of the bill a question. I notice there has been a change in the bill from 2,500 feet to 2,400 feet, a reduction of 100 feet in the length of the revetment wall without any commensurate reduction in the proposed appropriation.

Mr. McMILLAN. Mr. Speaker, that is purely a typographical error on the part of the secretary in preparing the bill. It should be 2,400 feet instead of 2,500 feet.

Mr. LAGUARDIA. What I want to inquire is whether you need legislation to repair this bulkhead?

Mr. McMILLAN. That is it exactly. This is from the War Department. The War Department prepared the estimate and it has been approved by the Budget.

Mr. LAGUARDIA. I am not talking about the estimate, but do you need legislation? It is a repair job on an existing bulkhead, is it not?

Mr. McMILLAN. Yes; the old bulkhead there was built between 1900 and 1906, and it is the opinion of the department that new legislation is necessary.

Mr. LAGUARDIA. What does the gentleman from Wisconsin [Mr. STAFFORD] say about that?

Mr. STAFFORD. I wish to direct attention, as the gentleman from South Carolina can also do, to the report of the Secretary of War, which states, "There are no applicable provisions of existing law on this subject," which shows the necessity for this legislation.

Mr. LAGUARDIA. The Secretary of War stated the same thing with respect to a bill which was just objected to.

Mr. STAFFORD. I will be pleased to go over the existing law with the gentleman as to that bill, and I believe I will be able to show to his complete satisfaction that there is need of this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized to provide, by contract or otherwise, for the construction of a revetment wall 2,500 feet long along the north shore of Sullivans Island, at Fort Moultrie, in the State of South Carolina, so as to prevent the shore from washing away at that point. There is hereby authorized to be appropriated the sum of $25,000, or so much thereof as may be necessary, to carry out the provisions of this act.

With the following committee amendment:

In line 5, strike out the word "five" and insert the word "four."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

CUSTER NATIONAL FOREST

The next business on the Consent Calendar was the bill (H. R. 6130) to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER. Reserving the right to object, and I do not intend to object, I am a member of the committee that reported the bill, and I approve of the bill. But I have received an urgent request from my colleague, Mr. CRAMTON, to have the bill passed over without prejudice. In doing so I realize that it is a matter of some embarrassment to my good friend the gentleman from Montana [Mr. LEAVITT], but under the circumstances I have no option. I therefore ask unanimous consent that it be passed over without prejudice and retain its place on the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

STATE OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 47) for the relief of the State of New York.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS. Reserving the right to object, I would like to ask the author of the bill a question. This transaction took place back in 1921. I would like to ask why there has been so much delay in presenting the matter?

Mr. LAGUARDIA. That is not much delay; we usually get them 20 or 25 years later.

Mr. O'CONNELL of New York. I think they have made pretty fair progress. [Laughter.]

Mr. JENKINS. I do not agree with the gentleman. I see that both gentlemen are from New York, and the money is to be spent in New York.

Mr. LAGUARDIA. It is already spent.

Mr. O'CONNELL of New York. We frequently pass bills here 50 or 60 years after the transaction took place. This bill has had the approval of the Secretary of War and the Director of the Budget.

Mr. LAGUARDIA. What happened was simply this: The Government took over the quarantine station and afterwards at the earnest request of the Government the State of New York built a delousing plant for the Government.

Mr. GREENWOOD. Does the United States Health Department still occupy it?

Mr. LAGUARDIA. Yes; this is on Hoffmans Island in the harbor of New York.

Mr. GREENWOOD. Has the State ever been compensated for it?

Mr. LAGUARDIA. Of course not.

Mr. GREENWOOD. They were compensated for the land and this is mainly for the building?

Mr. LAGUARDIA. This is for a delousing plant. There was a scare of typhus fever, and at the request of the Government the State of New York put up this building.

Mr. GREENWOOD. Was it not necessary to protect the health of the State of New York?

Mr. LAGUARDIA. Typhus germs do not recognize any State boundaries.

Mr. GREENWOOD. But the State had built it for its own protection?

Mr. LAGUARDIA. No; not at all. The building was built at the request of the Government.

Mr. GREENWOOD. How did the State of New York come to build it if the Government took it over?

Mr. LAGUARDIA. It was built in the process of the transfer.

Mr. GREENWOOD. And there was no compensation for the land or the building?

Mr. LAGUARDIA. I am not talking about the land.

Mr. JENKINS. Is it not true that the Government paid $1,395,000, of which the delousing plant is merely a part?

Mr. LAGUARDIA. The title to the property—the transfer—was not effected until March 1, 1921, and just about that time there was a typhus scare, and at the request of the Government the State of New York built this delousing plant to take care of a threatened epidemic.

Mr. GREENWOOD. Did not the State of New York build it for their own protection, and did not they receive the benefit of it?

Mr. LAGUARDIA. No; the ships are examined and quarantined, and if it is found clear of any contagious disease all the passengers go ashore. It is necessary to the Public Health Service and it is not a State quarantine.

Mr. GREENWOOD. I do not understand why the State constructed the building, if the United States had taken it over.

Mr. LAGUARDIA. We had a quarantine station there before we had a Public Health Service.

Mr. GREENWOOD. The United States takes this over, and then an additional building was constructed. How does it happen that the State constructed that building, after the United States had taken it over?

Mr. LAGUARDIA. It was in the transitory period.

Mr. JENKINS. Did the United States Government get the benefit of this improvement?

Mr. LAGUARDIA. Oh, absolutely.

Mr. JENKINS. Can there be any question about that?

Mr. LAGUARDIA. Oh, no.

Mr. JENKINS. I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the State of New York the sum of $55,917.68, being the amount expended by the said State of New York for the construction of a delousing station on Hoffmans Island, New York Harbor, which was thereafter transferred to the Public Health Service.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

COLUMBIA ARSENAL PROPERTY, TENNESSEE

The next business on the Consent Calendar was the bill (H. R. 2156) authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, and I say to the gentleman from Tennessee [Mr. ESLICK] that I have no intention to object, but I am in the same situation in respect to this bill that I was in in respect to the last one which I referred to a few moments ago. The gentleman from Michigan [Mr. CRAMTON] has asked that I ask unanimous consent that this go over without prejudice, and retain its place on the calendar. I am sorry to trouble the gentleman at this time about it, as I have no objection to the bill myself. I do make that request, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that this bill be passed over without prejudice, to retain its place on the calendar. Is there objection?

There was no objection.

CONFEDERATE STOCKADE CEMETERY, SANDUSKY BAY, OHIO

The next business on the Consent Calendar was the bill (H. R. 3313) to authorize the Secretary of War to acquire, free of cost to the United States, the tract of land known as Confederate Stockade Cemetery, situated on Johnstons Island, Sandusky Bay, Ohio, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, is there any difference in this proposed legislation from the usual legislation with reference to cemeteries of this kind?

Mr. STAFFORD. Mr. Speaker, this legislation is necessitated by virtue of the fact that the Daughters of the Confederacy have been caring for it until now. It is the policy of the Government to take over the care of these cemeteries where Confederate soldiers are buried. We have a number of instances of cemeteries in the North where Confederates are buried, where the Government of the United States takes care of them. The only obligation on the part of the Government will be a few hundred dollars a year.

Mr. JENKINS. As I understand it, there is no obligation upon the part of the Government in taking over this project, but the only obligation will be in the maintenance of it?

Mr. STAFFORD. That is all; only $350 per year in upkeep.

Mr. LAGUARDIA. Mr. Speaker, the act of March 9, 1906, chapter 631, Thirty-fourth Statutes, page 56, entitled—

An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate Army and Navy who died in northern prisons and were buried near the prisons where they died, and for other purposes—

was omitted from the code as temporary legislation. It contains, however, a provision for the "care" of the "burial grounds" which would have in it a suggestion of permanency except for the fact that the chapter after enumerating the various acts to be done by the Secretary of War thereunder, including the care of the burial grounds, provides as follows:

The said work to be completed within two years, at the end of which a report of the same shall be made to Congress.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to acquire, free of cost to the United States, the tract of land situated on Johnstons Island, Sandusky Bay, Ohio, known as Confederate Stockade Cemetery, containing the remains of Confederate prisoners of war: *Provided*, That this cemetery shall be maintained by the United States in the same manner as other Confederate burial plats acquired under the provisions of the act of March 9, 1906 (34 Stats., p. 56).

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Line 11, after the word "statutes," insert "chapter 631."

Mr. STAFFORD. Mr. Speaker, I rise in opposition to the amendment. I do not see that there is any need to designate the specific chapter when the bill carries the exact page of the statutes, where the provisions of the act are located.

Mr. LAGUARDIA. There are hardly two editions that have the same page numbers. I worked a long time on Sunday. I did not have the right edition and could not find it until I got the original edition, and by having the chapter number you can find it right away.

Mr. STAFFORD. The gentleman is doing this for the benefit of some conscientious objectors of the Senate?

Mr. LAGUARDIA. Or for the benefit of anyone who wants to refer to the bill.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

RESTORATION OF FORT M'HENRY, MD.

The next business on the Consent Calendar was the bill (H. R. 8162) to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I rise to inquire if the gentleman feels that this is the proper way to amend a statute? It is all very well on the floor of the House to send up an amendment that after a certain word in a certain line to insert something, but when the bill is printed, when it leaves the House, the amendment appears there. Here we have a statute. This becomes an act after it is passed, and it will read that the third paragraph of the act entitled so and so is amended by striking out 650 feet and inserting in lieu thereof 680 feet. It seems to me that that is not a careful way to legislate.

Mr. STAFFORD. The gentleman, by reason of his great research of the statutes of the past, knows that from time to

time we have a revision, and that in that revision codifications take place, and I suppose that in due time the original act will be amended, after this bill is passed, substituting 680 feet for 650 feet.

Mr. LAGUARDIA. That may not appear for several years. Does the gentleman feel that this is a good method of legislating?

Mr. STAFFORD. I think the phrasing of this bill is very clear. It describes the act which is sought to be amended; instead of cumbering the statutes with reenacting the original description by metes and bounds, we merely say that the number "650," as it occurs in the present place, shall be stricken out and "680" substituted in lieu thereof.

Mr. LAGUARDIA. It is a very poor and sloppy and careless way of enacting legislation.

Mr. STAFFORD. I take exception to the word "sloppy." I say in all seriousness that this is a good way to amend the bill.

Mr. LAGUARDIA. It is a very poor way, in my opinion. In all seriousness, suppose the gentleman was looking up a law, to find a statute amended in various scattered places. If this bill were properly drawn he would not have to do that in looking it up at a later date.

Mr. STAFFORD. When the gentleman from New York gets into the governor's chair in the State of New York, as I hope he may some day, I hope he will have the statutes of his State annotated in that way when legislation is enacted. In Wisconsin our statutes are codified after each session of the legislature.

Mr. LAGUARDIA. The Committee on Military Affairs brings out a lot of these bills drawn in the War Department. They are not drawn in the committee, and I am not reflecting on the committee, but the War Department draws up many bills amending the statutes in this way.

Mr. STAFFORD. To please the sensibilities of the gentleman from New York, I will say we will take his observations into consideration in the future.

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNELL of New York. Mr. Speaker, will the gentleman yield?

Mr. HOOPER. I yield to the gentleman from New York.

Mr. O'CONNELL of New York. This should be made to read properly.

Mr. HOOPER. Mr. Speaker, I shall not object, but I would like to ask the lady from California [Mrs. KAHN] in good faith if it would not be more dignified and less rhetorical to strike out the word "immortal" in the title and body of the bill? In my judgment, it is mere rhetoric.

Mrs. KAHN. I will say to the gentleman that it is not my bill. It was prepared by the Committee on Military Affairs.

Mr. HOOPER. It may appear to be a trifle, but it seems to me it is in bad taste from a legislative standpoint. I will move an amendment after the reading of the bill.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the third paragraph of the act entitled "An act to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes," approved March 3, 1925, is amended by striking out "650 feet" and inserting in lieu thereof "680 feet."

Mr. LAGUARDIA. Mr. Speaker, I have an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Strike out everything after the enacting clause and insert in lieu thereof the following: "That the third paragraph of the act entitled 'An act to repeal and reenact chapter 100, 1914, Public No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes,' approved March 3, 1925, be, and the same hereby is, amended to read as follows:

"'That any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to the reservation shall be made only according to detailed plans which shall be approved by the Secretary of War, and all such repairs, improvements, or alterations shall be made at the expense of the United States, and all such improvements, together with the reservation itself, shall become and remain permanently the property of the United States: *Provided*, That permission is hereby granted the Secretary of the Treasury to use permanently a strip of land 60 feet wide belonging to said fort grounds, beginning at the north corner of the present ground of the fort and extending south 63° 30″ east, 680 feet to the south corner of the site set aside for the immigration station at Baltimore, said strip of land being located along the northwest boundary of the land ceded to the Baltimore Dry Dock Co. and the land of the said immigration station, the same to be used, if so desired, in lieu of acquiring by purchase or condemnation, any of the land of the dry dock company so that the Secretary of the Treasury may, in connection with land acquired from Baltimore & Ohio Railroad Co., have access to and from said immigration station and grounds over the right of way so acquired to the city streets and railroads beyond; the Secretary of the Treasury to have the same power to construct, contract for, and arrange for railroad and other facilities upon said outlet as fully as provided in the act approved March 4, 1913, setting aside a site for an immigration station and providing for an outlet therefrom: *Provided, however*, That if the Secretary of the Treasury accepts and makes use of said strip of land for the purposes aforesaid the War Department shall have equal use of the railroad track and other roads constructed over which to reach the city streets and railroads beyond from the other parts of the fort grounds: *Provided further*, That the Secretary of War may in case of a national emergency close the said military reservation and use it for any and all military purposes during the period of emergency, and for such period of time thereafter as the public needs may require: *And provided further*, That the Secretary of War is hereby authorized and directed to dispose of the useless temporary buildings and contents constructed during the recent war, and from the proceeds thereof there is hereby authorized to be appropriated such sum as may be necessary, not exceeding $50,000, for use by the Secretary of War in the restoration of said Fort McHenry reservation and for other purposes consistent with this act.'

Mr. HOOPER. Mr. Speaker, I move to strike out the last word of the amendment.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. HOOPER. A few moments ago I rose to question the lady from California [Mrs. KAHN] about the use of the word "immortal." I have been informed since that it is very likely that the original bill contained the word "immortal," and, therefore, to change it to-day would be something I would not care to advocate. All I wanted to do in calling it to the attention of the lady from California was to point out the practice that has become quite common of making stump speeches in the titles and text of bills by the use of high-flown adjectives. I will not offer an amendment.

Mr. STAFFORD. Mr. Speaker, I ask for recognition in opposition of the bill.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for five minutes.

Mr. STAFFORD. Mr. Speaker, I do not challenge the good intentions of the gentleman from New York [Mr. LAGUARDIA] in offering this amendment, but I do question seriously, when we have up for consideration a bill amending a bill in a minor particular—merely amending, as in this case, by changing 650 feet to 680 feet—whether we should encumber the permanent statutes by reenacting the law as provided by the amendment offered by the gentleman from New York. I have listened to the argument he advanced. What does he propose to do? He proposes to embody anew the entire statute in the permanent statutes solely for the purpose of substituting 680 feet for 650 feet, because there is need of increasing the amount of land over there by 30 feet. It is the purpose of the gentleman from New York to reenact the entire former lengthy measure.

I question very seriously whether this is good legislation. It is expensive to encumber the records in this way. If we pass this bill as reported from the committee, just directing attention to the fact that the number of feet, 650, shall be increased to 680 feet, anybody who reads it will be able to locate and get the purpose of it, but to reenact the original bill as proposed means an expense, and, I think, an unnecessary expense, to the Government. I do not think it should be adopted as the policy of this House.

Mr. LAGUARDIA. Mr. Speaker, what the gentleman from Wisconsin says is correct in stating the facts on this particular bill. The bill before us provides that at a certain place in a certain statute a figure should be stricken out and another figure put in. I repeat that is the system and the only way you can amend a bill from the floor of the House. But when you pass a bill it becomes law, and you have a series of laws, referring to other sections and making reference to amendments; and the modern way and the intelligent way to amend is to restate your entire section, so that anyone reading the amendment will have before him the law as it exists without the necessity of referring back and finding the lines. There are no two editions of law books that carry the same lines, and by referring to pages and sections it makes it extremely difficult. It does not make much difference in this bill, but I say the committees ought

to prepare their amendments so that anyone reading an act will have the section before him and be able to read it as it is amended in its entirety.

Mr. STAFFORD. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. STAFFORD. The committee has done that in his report. It shows the numbers by amendment, simply substituting 680 in one instance for 650.

Mr. LAGUARDIA. Yes; but how will that look when it gets in the statute?

Mr. STAFFORD. A person who is reading the statute will refer back to the original enactment.

Mrs. KAHN. Would you apply the same rule if there was an amendment to the interstate commerce act or the transportation act or the revenue act?

Mr. LAGUARDIA. To the section.

Mrs. KAHN. To rewrite the entire bill?

Mr. LAGUARDIA. Oh, no; just the section. You have to rewrite the section. It is done by almost every committee.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

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

A motion to reconsider was laid on the table.

ERECTION OF RESIDENCE AT NATIONAL HOME FOR LEPERS

The next business on the Consent Calendar was the bill (S. 1487) authorizing the Secretary of the Treasury to permit the erection of a building for use as a residence for the Protestant chaplain at the National Leper Home at Carville, La., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. O'CONNELL of New York. Mr. Speaker, this is a highly meritorious bill, and I want to compliment the chairman of the Committee on Buildings and Grounds and the members of that committee for bringing this legislation before the House. The people engaged in that work down there are doing a wonderful Christian work. We all remember Father Damien, and the Protestant and Catholic nuns that surrounded him among the lepers in the island colonies. I feel that we should not let a bill of this kind go by without paying our compliments to the committee for bringing legislation of this kind before the House. I hope it is but the beginning of similar bills that we will receive from that committee, legislation that will tend to make easier and more comfortable the lives of the men and women who have dedicated their lives to the unfortunate wards of the Government in the various leper colonies. They are doing a great, a humane work and the Congress should help in the manner indicated in bills similar to the one we are about to enact.

Mr. O'CONNOR of Louisiana. Does not the gentleman think he should say something about the humanitarian conduct of the Louisianians who permitted that leper colony to be built there, when apparently from the situation that existed, as I remember it, no other locality in the United States would have welcomed or tolerated such a home or asylum as exists at Carville.

Mr. O'CONNELL of New York. I defer to my distinguished friend from Louisiana for that.

Mr. O'CONNOR of Louisiana. I can only add that the expressions of my good friend and colleague from New York [Mr. O'CONNELL] will be as gratifying to Senator RANSDELL, the author of the bill under consideration, as they are to myself, for as my friend Mr. O'CONNELL knows I took a small part in creating the sentiment in behalf of the unfortunates that have his sympathy, which led to the construction of the National Leprosarium. I may say, in concluding these few remarks, that the sentiment so finely expressed by my friend Mr. O'CONNELL is entirely characteristic of his attitude toward all legislation which tends to ameliorate the condition of the poor, the unfortunate, or the afflicted.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered to permit the erection of a building for use as a residence for the Protestant chaplain at the National Leper Home at Carville, La., and at his discretion to permit the erection of other buildings which may in the future be donated to promote the welfare of patients and personnel: *Provided*, That such building shall be located where designated by the Surgeon General of the Public Health Service and without expense to the United States, and that the plans and specifications therefor shall be subject to the approval of the Supervising Architect of the Treasury Department: *Provided further*, That such buildings when completed shall be the property of the United States.

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

A motion to reconsider was laid on the table.

CITY OF WALTHAM, MASS.

The next business on the Consent Calendar was the bill (H. R. 2161) to convey to the city of Waltham, Mass., certain Government land for street purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to offer an amendment at the end of the bill to read:

That the deed or instrument of conveyance shall recite such limitation and reversionary right.

In all these reservations it is now customary to write that reservation into the deed, in order that anyone who may take title subsequent thereto may take with notice. With that reservation I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, empowered and directed to convey, by the usual quitclaim deed, to the city of Waltham, Mass., for street purposes and no other, that portion of the present post-office site in said city, 3 feet in width along the Moody Street frontage and enough land to round the corner between this 3-foot line and the northerly line of Pine Street by a curve with a 20-foot radius.

With the following committee amendment:

Page 1, line 10, after the word "radius," insert a colon and add the following:

"*Provided*, That the land conveyed shall be used for street purposes and no other, to be cared for and maintained as are other public streets in said city, and in the event that the premises shall cease to be so used for street purposes, the right, title, and interest in the land herein authorized to be conveyed shall revert to the United States."

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the committee amendment: On page 2, in line 5, strike out the period and insert the following: "And the deed or instrument of conveyance shall recite such limitation and reversionary right."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

POST-OFFICE BUILDING AT SYRACUSE, N. Y.

The next business on the Consent Calendar was the bill (H. R. 7768) to provide for the sale of the old post office and courthouse building and site at Syracuse, N. Y.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I can not see why there should be any objection to this bill at all, but I notice that at the last session of the Congress it failed of passage, and I am curious to know whether it failed of passage because it was not reached or failed for any other reason.

Mr. HANCOCK. It was not reached.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, to sell the old post office and courthouse building and site at Syracuse, N. Y., at such time and upon such terms as he may deem to be to the best interests of the United States, and to convey such property to the purchaser thereof by the usual quitclaim deed, the proceeds of said sale to be covered into the Treasury as miscellaneous receipts.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

CITY OF TRENTON, N. J.

The next business on the Consent Calendar was the bill (H. R. 8918) authorizing conveyance to the city of Trenton, N. J., of title to a portion of the site of the present Federal building in that city.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have the same amendment to offer, providing that the limitation and reversionary right shall be recited in the deed of conveyance.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, further reserving the right to object, I would like to inquire of the gentleman from New Jersey, the author of the bill, whether this donation will substantially reduce the remaining tract of land. I notice it is a 25-foot rectangular tract.

Mr. EATON of New Jersey. No. The Federal building stands at the corner of State and Montgomery Streets. When they widened Montgomery Street, under license from the Federal Government, they took off 25 feet for the use of the street and they have used it for 11 years. We are going to sell the old building and the old site and erect a new post office on a new site. This will permit the use of Montgomery Street and it is much needed by the city.

Mr. STAFFORD. It will not impair the value of the remaining portion of the property?

Mr. EATON of New Jersey. No; it will improve it

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to convey by quitclaim deed to the city of Trenton, N. J., title to all that land of the Federal building site in that city situate on the northeast corner of East State Street and North Montgomery Street fronting 25 feet 10 inches on the north side of East State Street and extending in a northerly direction the same width along North Montgomery Street for a distance of 143 feet to Postoffice Alley, and now used as a part of North Montgomery Street under license granted by the Treasury on August 8, 1919.

With the following committee amendment:

On page 2, line 4, after the figures "1919," insert a colon and the following:

"*Provided,* That the land conveyed shall be used for street purposes and no other, to be cared for and maintained as are other public streets in said city, and in the event that the premises shall cease to be so used for street purposes, the right, title, and interest in the land herein authorized to be conveyed shall revert to the United States."

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the committee amendment:

On page 2, line 10, strike out the period and insert the following: "And the deed shall recite such limitation and reversionary right."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BLACKFEET TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 9407), to amend the act of Congress approved May 29, 1928, authorizing the Secretary of the Treasury to accept title to certain real estate, subject to a reservation of mineral rights in favor of the Blackfeet Tribe of Indians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I should like to ask a question of some one about this bill. I notice in the report of the Secretary of the Treasury he uses this language:

It is therefore recommended that the existing legislation be amended so as to authorize the Secretary of the Treasury to accept title to the larger tract of land.

I wonder what he refers to when he mentions a larger tract of land?

Mr. LEAVITT. Mr. Speaker, the two tracts of land referred to are involved in the securing of a site for a customs office at the Canadian boundary; also to be used for immigration purposes. One of them has an area of 20 acres and the other has an area of 42.95 acres. They are contiguous, but the larger tract of 42.95 acres has to be acquired under a previous law that reserves the mineral rights below the surface to the Blackfeet Tribe of Indians. The smaller tract of 20 acres can be acquired without coming under that law, so that no reservation is necessary.

Mr. JENKINS. Do I understand that when the 20 acres were acquired the 40 acres were also acquired?

Mr. LEAVITT. It is now in process of being acquired. The 20-acre tract has been acquired without any restrictions, because no restrictions could possibly be placed on it. The tract of 42.95 acres is in process of being acquired, but requires this act to authorize the Government to accept title and leave the ownership of the mineral which may lie under it in the Blackfeet Tribe of Indians.

Mr. JENKINS. Then this is legislation to perfect the title in the Government?

Mr. LEAVITT. That is it exactly.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of Congress approved May 29, 1928, is hereby amended so as to authorize the Secretary of the Treasury to accept title to a tract of land containing approximately 42.95 acres, being a portion of the proposed inspection station at Babb-Piegan, Mont., subject to a reservation of mineral rights in favor of the Blackfeet Tribe of Indians provided for in the act of Congress approved June 30, 1919 (41 Stats. 17).

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

A motion to reconsider was laid on the table.

FOOD AND DRUGS ACT

The next business on the Consent Calendar was the bill (H. R. 8) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice, retaining its place on the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CENTRAL BUREAU OF THE INTERNATIONAL MAP OF THE WORLD ON THE MILLIONTH SCALE

The next business on the Consent Calendar was the joint resolution (H. J. Res. 14) to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, an annual sum of $50 as a contribution on the part of the United States toward the expenses incurred by the Central Bureau of the International Map of the World on the Millionth Scale.

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

A motion to reconsider was laid on the table.

SAMUEL RICHARDSON

The next business on the Consent Calendar was the bill (H. R. 1970) authorizing the payment of an indemnity to the British Government on account of the death of Samuel Richardson, a British subject, alleged to have been killed at Consuelo, Dominican Republic, by United States marines.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, and not intending to object, may I say to the gentleman from Pennsylvania I think this ought to be paid, but I want to ask the gentleman why it is that nine years have now elapsed with no action being taken? Has the bill been up before?

Mr. PORTER. The bill has been up before, and I may say for the information of the Congress there are a number of these claims that have been neglected. Quite recently the Foreign Affairs Committee appointed a subcommittee to assemble all the claims of citizens of foreign countries and to pass upon them. This one is quite old, and we thought the House would pass it on the Consent Calendar without waiting for the other claims.

Mr. HOOPER. I think the gentleman is quite right. May I ask this further question: Was this an accidental death or was this British subject involved in any way in any military activity?

Mr. PORTER. No; there was no fault attaching to the British subject.

Mr. HOOPER. I think the bill should pass.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the British Government, as an act of grace and without reference to the question of liability therefor, the sum of $1,000 as full indemnity for the death of Samuel Richardson, a British subject, alleged to have been killed by United States marines at Consuelo, Dominican Republic, on November 1, 1921, as set forth in the message of the President of December 13, 1927, printed as Senate Document No. 21, Seventieth Congress, first session; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

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

A motion to reconsider was laid on the table.

ADDITIONAL DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 5411) to provide for the appointment of an additional district judge for the district of Minnesota.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I should like to ask the author of the bill or some member of the committee to explain the merits of the bill and whether or not this is really necessary. In the consideration of these measures heretofore I notice that some one has usually taken it upon himself to give us the opinion of the distinguished former Chief Justice, Mr. Taft, and I have wondered if he has given any opinion on this matter.

Mr. DYER. Mr. Speaker, I will state to the gentleman that former Chief Justice Taft was at the head of a committee of the judiciary created for the purpose of recommending additional judges, and it is stated in the report that this committee recommended an additional judge.

In addition to this, Mr. Speaker, the report shows a great increase in the work in the judicial district of Minnesota.

Mr. JENKINS. May I ask the gentleman from Missouri whether he conducted the hearings on this bill or was present at the hearings?

Mr. DYER. I was present and the gentleman from Minnesota [Mr. CLAGUE] and the gentleman from Minnesota [Mr. KNUTSON] both appeared before the committee.

Mr. JENKINS. I will say to the gentleman that if the gentleman from Missouri and the gentleman from Minnesota [Mr. CLAGUE] are in favor of this bill, I shall not interpose any objection.

Mr. GREENWOOD. I want to inquire of the gentleman from Minnesota the population of the State of Minnesota.

Mr. CLAGUE. At the present time about two and a half million.

Mr. GREENWOOD. And you now have three Federal judges.

Mr. CLAGUE. We have three Federal judges in that State, but one of them for nearly two years has been able to do only a very small amount of work. I will state to the gentleman the amount of work done during the past year and this was really done by two of them, because the third one was able to do very little work and probably did not sit more than 30 days during the entire year, and probably will be able to work only a part of the time. There were 3,053 cases terminated during the year ending June 30, 1929, and there were still pending 2,401 cases. You understand we are on the border and we have hundreds of immigration cases. We also have the Great Lakes with a large number of admiralty cases.

Mr. GREENWOOD. I wanted to get this information because it seemed you had more Federal judges, according to population, than most of the other States.

Mr. CLAGUE. The Attorney General has informed us that situated as we are we have more cases than any other State in the Union according to our population.

Now, in the present situation, we have cases that will probably not be reached for two years.

Mr. DYER. If the gentleman will permit, I will say that the conference of judges was headed by Chief Justice Taft, and that conference recommended an additional judge for Minnesota; one of the present judges, Judge Molyneaux, is now ill. When the conference made that recommendation there were three judges on the bench in Minnesota. One of them is now incapacitated for work. The Judiciary Committee felt, in view of the situation in Minnesota, the recommendation of the conference of judges, as well as the representatives of that State, that we should have provided for two additional judges instead of one.

Mr. GREENWOOD. Is not the large amount and congestion of the docket due to the fact that one of the judges is ill?

Mr. DYER. Only partly.

Mr. GREENWOOD. We have over 3,000,000 population, and we have but two judges, and you have only between two and three millions, and you are asking for four judges.

Mr. KNUTSON. The gentleman must remember that the calendar of Minnesota is badly congested.

Mr. GREENWOOD. That is perhaps because your judges do only half of the work.

Mr. CLAGUE. Oh, no; there were 2,401 cases pending on the calendar July 1, 1929.

Mr. GREENWOOD. When this judge who is ill retires he will be replaced by another?

Mr. CLAGUE. No; as to the judge now ill, the law provides that when he retires his position is terminated; he will not be replaced.

Mr. GREENWOOD. And if he dies or retires you will have three judges, if this bill goes through?

Mr. CLAGUE. Yes.

Mr. GREENWOOD. Very well; in view of the explanation, I will not object.

Mr. STAFFORD. Mr. Speaker, may I ask whether in the consideration of the bill authorizing an extra judge for Minnesota the committee considered the matter of apportioning the State into districts? I was rather amazed when I read the report to find that in six years the number of judges in Minnesota have been increased by two. Wisconsin then had two, and we still have two. Minnesota then had one. I realize the exigent condition by reason of the incapacitation of one of the judges, but I want to inquire specially whether any consideration has been given to dividing the State up into districts?

Mr. CLAGUE. Our judges felt that they could accomplish much more work by having one district—it makes less expense.

Mr. STAFFORD. I question whether they dispatch as much business under that arrangement. There is pending at the present time before the Judiciary Committee a bill for an additional judge for the State of Wisconsin, but it is seriously mooted in my State whether it would not be better to divide the State into three districts instead of two so as to give the litigants nearness to the court in the consideration of their cases.

Mr. CLAGUE. The gentleman will understand that there are six different places in the State of Minnesota where the Federal court is held, so that the people are not inconvenienced.

Mr. STAFFORD. I can not conceive of conditions in an agricultural State like Minnesota as compared to an industrial State like Indiana, or a semi-industrial State like Wisconsin—why Minnesota should have four judges and these other States only have two judges.

Mr. DYER. This will only give the State of Minnesota three judges. When Judge Molyneaux retires there will be no successor appointed.

Mr. STAFFORD. I take issue with the distinguished ranking member of the Judiciary Committee, that when Judge Molyneaux retires there will be a vacancy, and no other judge appointed.

Mr. KNUTSON. The act creating Judge Molyneaux's position provided that when Judge Molyneaux retired the vacancy should not be filled.

Mr. STAFFORD. What is the need for this language in the last sentence of the bill?—

A vacancy occurring at any time in the office of district judge created by this act is authorized to be filled.

Is not there general authorization for that when we create this additional judgeship?

Mr. DYER. We passed an act some time ago providing that when certain vacancies occur in district judges no successors were to be appointed without authorization of Congress.

Mr. JENKINS. In other words, the bill providing for the appointment of Judge Molyneaux did not carry the sentence just read by the gentleman from Wisconsin?

Mr. DYER. No.

Mr. STAFFORD. What is the present age of Judge Molyneaux?

Mr. KNUTSON. He is away up in the sixties.

Mr. STAFFORD. And is eligible for retirement at 70?

Mr. KNUTSON. Yes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, an additional district judge of the District Court of the United States for the district of Minnesota, who shall reside in said district, and whose compensation, duties, and powers shall be the same as now provided by law for the judges of said district. A vacancy occurring at any time in the office of district judge created by this act is authorized to be filled.

SEC. 2. This act shall take effect from and after its approval.

With the following committee amendment:

Line 3, page 1, strike out "is" and insert "be, and he is hereby,"

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MAKING STAR-SPANGLED BANNER NATIONAL ANTHEM

The next business on the Consent Calendar was the bill (H. R. 14) to make the Star-Spangled Banner the national anthem of the United States of America.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, I object.

Mr. DYER. Mr. Speaker, will the gentleman withhold his objection?

Mr. COLLINS. I reserve the objection.

Mr. DYER. So that the gentleman from Maryland [Mr. LINTHICUM] may have an opportunity to explain the purpose of the legislation.

Mr. COLLINS. I do not mind the gentleman from Maryland putting a statement into the RECORD.

Mr. LINTHICUM. Mr. Speaker, I hope not only to put a statement in the RECORD, but also that I may give some reasons why the gentleman should not object.

Mr. COLLINS. I shall be very glad to hear the gentleman.

Mr. LINTHICUM. We had considerable hearings on this question, and over those hearings the gentleman from Missouri [Mr. DYER] presided. We produced at that time the signatures of 5,000,000 people in the United States favoring this bill. We also produced resolutions and letters from 150 different organizations, all of which are mentioned in the addenda of the report. We also produced letters and telegrams from 25 governors of the United States asking that the bill be enacted into law.

Mr. DYER. And the gold-star mothers, if the gentleman will permit, are unanimous in recommending the bill.

Mr. LINTHICUM. Yes; and also the Daughters of the Revolution and the Sons of the Revolution, and every patriotic organization in the country. In order to have the resolution the same as the regulations of the Army and Navy it has been amended, and the amendment makes it conform exactly to the phraseology of the promulgations of the Army and Navy in their regulations. This has been recommended by the Army and the Navy and approved by the President of the United States. I spent a very considerable time on the matter, and I would like to have the gentleman let the bill go through.

Mr. DYER. I do not see why the gentleman from Mississippi should have any objection. I take it the gentleman from Mississippi has read the report?

Mr. COLLINS. Yes.

Mr. DYER. The language used in this bill is the language promulgated and approved by President Wilson in 1916, and is used in the official orders by the Army and the Navy. Does the gentleman have objection to the language of the bill?

Mr. COLLINS. I have quite a number of objections to the bill.

Mr. DYER. Could the gentleman correct it by amendment?

Mr. COLLINS. No; he could not correct it by amendment.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Mr. Speaker, I object.

INQUIRIES CONCERNING REGISTERED AND OTHER MAIL

The next business on the Consent Calendar was the bill (H. R. 5659) to authorize the Postmaster General to charge a fee for inquiries made for patrons concerning registered, insured, or collect-on-delivery mail, and for postal money orders.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. KELLY. Mr. Speaker, will the gentleman withhold his objection?

Mr. LAGUARDIA. I reserve the objection, but if we are going to make a charge every time anyone goes to the Post Office to inquire about the late delivery of a parcel or of a money order, it is something which I think is quite out of the question.

Mr. KELLY. Mr. Speaker, the gentleman does not understand the bill. This is a provision for the purpose of endeavoring to get only a proper charge for services which are rendered by the Post Office Department and which are not now compensated. It is the purpose of the Post Office Committee of the House to endeavor to meet the necessity for increasing postal revenues in proper ways. The Post Office Department has joined in recommending this bill as one of those proper methods.

Patrons now have the privilege of getting return cards on this type of mail by the payment of a fee, and where they refuse to do that and go to the Post Office Department and make inquiries which are still more expensive, we think it proper that they should pay for the inquiry.

Mr. LAGUARDIA. The gentleman stated that I did not read the bill and that I did not understand the bill.

Mr. KELLY. I feel certain the gentleman does not fully understand.

Mr. LAGUARDIA. The gentleman stated that when an inquiry is made concerning the delivery of a letter or money order a charge is to be made?

Mr. KELLY. Yes.

Mr. LAGUARDIA. That is what I said.

Mr. KELLY. The gentleman thinks that probably some captious inquiry would be charged for or an injustice would be done patrons. That is not the case.

Mr. LAGUARDIA. You are going to charge for a bona fide inquiry, not a captious inquiry?

Mr. KELLY. Where an inquiry is made which otherwise would be covered by a 3-cent fee. This will have the effect of reducing the expense of the Post Office Department. I think the gentleman from New York ought to join with us in trying to do that, where it may properly be done.

Mr. GREENWOOD. It seems to me that while there might be some justification for the fee, the amount of it should not be left wide open. I think there should be an amendment to limit the fee to 5 cents.

Mr. KELLY. The gentleman from New York told me the other day that he would object to the consideration of this bill unless some fee was prescribed. I took the matter up and I agreed to offer this amendment, to strike out the language, "such fees as he may prescribe for such services" and insert in lieu thereof "a fee not to exceed 5 cents for such inquiry, to be paid by postage stamps prefixed."

Mr. LAGUARDIA. In other words, if a person mails a registered letter or a money order or insured matter, and does not receive a reply, and it is not delivered——

Mr. KELLY. And does not ask for the card——

Mr. LAGUARDIA. And then goes to the post office and says, "Last week I mailed a letter; I would like to know something about it," and he gets no answer even if he pays the fee.

Mr. KELLY. If he pays the fee, the information will come back to him. If he does not pay the fee, he should not expect to receive the information.

Mr. JENKINS. Of course, the post office or the clerk could not tell the gentleman in the case he referred to. He would have to make an inquiry in writing, and he would be charged a fee.

Mr. KELLY. Yes. Under the international provisions we have such an arrangement, and a certain fee is fixed for inquiries regarding international mail.

Mr. LAGUARDIA. That is because you have to pay foreign postage.

Mr. KELLY. If it is found that there is delay in the mail and it is due to any fault on the part of the Post Office Department the fee is returned. In a case where there is no fault on the Postal Service the fee would not be returned to the inquirer.

Mr. DYER. There are a number of bills here requiring a number of things to be done and authorizing the department to make charges. I think it is quite an innovation to take up

matters of that kind on the Consent Calendar without the chance here to consider them. I am sure the Committee on the Post Office and Post Roads can get a day to take up bills of this kind when we would have an opportunity to consider them fully. I do not like to make objection to any bills that the gentleman from Pennsylvania or his committee reports, but I do not think we should place such bills on this calendar—bills which involve added expense to the business interests of the country, to increase the cost of the Postal Service, which is a service which the public gets a great benefit from.

Mr. KELLY. I hope the Post Office Committee will soon have measures on the calendar of greater importance than this. For instance, there is a loss to-day of $10,000,000 in the money-order service, and some $7,000,000 in the registry service. That should be remedied to a great extent.

Mr. DYER. We also have a loss on the operation of the Army and Navy.

Mr. KELLY. This is a small matter, in comparison with other losses. The recommendations of the Postmaster General and of the department are very urgent that this bill be passed.

Mr. LAGUARDIA. The Post Office Department is one department of the Government that comes in close contact with the people, more so than any other department, and I think it would be unwise to make the service odious by charging a fee every time a man puts in a registered letter and desires to be notified that it has been received.

Mr. KELLY. The sender pays a certain fee at the time and gets full value. I hope the gentleman will not object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will report the next bill.

ADDITIONAL RECEIPT OF CERTIFICATE OF MAILING

The next business on the Consent Calendar was the bill (H. R. 8569) to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of any class of mail matter and to fix the fees chargeable therefor.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I make a point of order on the bill on the ground that the report accompanying the bill does not conform to the Ramseyer rule showing in the proper manner the statute to be amended. There should be brackets inserted containing the proper citations.

Mr. KELLY. The committee undertook to comply with the Ramseyer rule in the form of its report, and endeavored to bring the legislation under the rule. At the bottom of the first page of the report we printed the text of the bill that we are amending. This bill is simply the addition of a general extension. I think that conforms to the rule.

Mr. GREENWOOD. Mr. Speaker, I am going to have to object to this bill on the same ground as the other, that the Postmaster General will charge a fee. I do not think such a measure affecting the Postal Service should be enacted by unanimous consent.

Mr. LAGUARDIA. Will the gentleman kindly withhold his objection? I would like to get a ruling, because we are trying to get this Ramseyer rule properly interpreted.

Mr. KELLY. The Speaker will note that this bill is simply an extension to include additional receipts and certificates of mailing for certain classes of mail. The report carries the legislation of February 14, 1929. This is an extension of that law, and, of course, you could not strike out and add in italics when a general extension is involved, as covered in the report.

Mr. WILLIAMSON. You should have added it in italics.

The SPEAKER pro tempore (Mr. MAPES). Does the gentleman from New York press his point of order?

Mr. LAGUARDIA. Yes, Mr. Speaker.

The SPEAKER pro tempore. It seems to the present occupant of the chair upon a hasty examination of the report that it fails to comply with the rule, which requires the report to contain—

(1) The text of the statute or part thereof which is proposed to be repealed; and

(2) A comparative print of that part of the bill making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions proposed to be made.

Mr. KELLY. How would the Speaker suggest you could use italics in such a case as this?

Mr. LAGUARDIA. Just put it in.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry. This is rather a new proposition. If the Speaker sustains the point of order, what is the effect of the ruling? Will the bill be recommitted to the committee reporting it?

Mr. LAGUARDIA. A supplementary and amended report could be supplied by the committee, I think, without it losing its place on the calendar.

Mr. CRISP. I do not think this has ever been ruled upon since the rule was placed in the rule book. I have talked privately to the Speaker about the matter, and I therefore directed the inquiry, to ask what would be the effect of sustaining a point of order under the Ramseyer rule. What would become of the bill, whether the report was subject to be amended on the floor or whether the bill would be recommitted to the committee reporting it?

The SPEAKER pro tempore. The gentleman from Georgia, I think, will recall that the Speaker has interpreted this rule in one or two respects since it was adopted, but the present occupant of the chair does not recall that the Speaker has ever ruled on the point raised by the gentleman from Georgia. In the absence of such a ruling by the Speaker, the present occupant of the chair hesitates to express his opinion on the question while occupying the chair temporarily only.

Mr. LAGUARDIA. My only purpose in making the point of order was to get an interpretation of the rule, which is so important, and, having such a high regard for the present incumbent of the chair as a parliamentary authority I did not hesitate to do it, because I know we would get a learned opinion.

The SPEAKER pro tempore. The Chair would not ordinarily hesitate to give his opinion about it, but the gentleman will realize that it is an important matter and the question which the gentleman from Georgia raises is a question which the present occupant of the chair does not think the Speaker has ever ruled upon, and in the absence of such a ruling he hesitates to pass upon the question.

Mr. LAGUARDIA. If there is the slightest embarrassment to the Chair, I will be pleased to withdraw the point of order and ask that the bill be passed without prejudice, so that I may raise the point of order when the Speaker is in the chair.

The SPEAKER pro tempore. That would be satisfactory to the present occupant of the chair.

Mr. LAGUARDIA. I ask unanimous consent to withdraw the point of order and to have the bill passed over without prejudice.

The SPEAKER pro tempore. With objection, it is so ordered.

There was no objection.

DISPOSAL OF UNDELIVERED MAIL

The next business on the Consent Calendar was the bill (H. R. 8650) to authorize the Postmaster General to charge for services rendered in disposing of undelivered mail in those cases where it is considered proper for the Postal Service to dispose of such mail by sale or to dispose of collect-on-delivery mail without collection of the collect-on-delivery charges or for a greater or less amount than stated when mailed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Pennsylvania if this bill does not impose a duty upon the Postmaster General and if his failure to sell perishable goods would not subject the Government to liability for such failure?

Mr. KELLY. We do not believe so, Mr. Speaker. At the present time there is a system in vogue by which, when shippers of collect-on-delivery mail find they can not for some reason or other deliver it, and it is perishable material, they send word to the postmaster and it is then abandoned. If it is abandoned, it is sold at the best terms possible and the money is turned into postal receipts. However, when it is not abandoned and the material is perishable, the postmaster endeavors to sell it if that can be done before it is entirely destroyed. When he sells it the money received is remitted to the mailer, whatever the amount may be.

This bill would undertake to recognize the present unsatisfactory situation, and where it is necessary to sell perishable goods charge a reasonable fee for such service.

Mr. LAGUARDIA. What does the gentleman think of this, to insert not to exceed 10 per cent?

Mr. KELLY. I think that would be satisfactory to all concerned.

Mr. LAGUARDIA. That would not be excessive.

Mr. KELLY. However, I think there should be a provision that it should not be in excess of 10 per cent and not less than

15 cents. If the bill is considered, I shall suggest an amendment of that kind.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That under such regulations as the Postmaster General may prescribe, undeliverable parcels containing perishable matter may be sold and the amount realized, less a reasonable fee to be fixed by the Postmaster General, shall be remitted to the sender or other rightful owner.

SEC. 2. The Postmaster General may fix reasonable fees for postal services in effecting delivery of collect-on-delivery mail upon terms differing from those originally stipulated at the time of mailing.

Mr. KELLY. Mr. Speaker, I suggest the following amendment: In line 5, after the word "less" strike out the words following up to and including the word "General" and insert in lieu thereof the following:

A commission of 10 per cent, but in no case less than 15 cents.

So it will read:

Perishable matter may be sold and the amount realized, less a commission of 10 per cent, but in no case less than 15 cents, shall be remitted to the sender or other rightful owner.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KELLY: Page 1, line 5, after the word "less" strike out the words "a reasonable fee to be fixed by the Postmaster General" and insert in lieu thereof: "A commission of 10 per cent, but in no case less than 15 cents."

Mr. STAFFORD. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. STAFFORD. Do I understand that these sums are to be remitted where the senders are known? I assume that, but suppose the sender is unknown. What becomes of the amount of the sale?

Mr. KELLY. It is treated then as abandoned mail and the entire proceeds go into postal receipts.

Mr. STAFFORD. Then there is authorization to sell perishable merchandise where the sender or owner is not known?

Mr. KELLY. That is right.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. KELLY. Mr. Speaker, I offer an amendment to section 2. On page 2, line 1, after the word "may," strike out the words "fix reasonable fees" and insert in lieu thereof the following: "charge a fee of 10 cents."

The SPEAKER pro tempore. The Chair will call the gentleman's attention to the fact that the bill has already been passed.

Mr. KELLY. Then, Mr. Speaker, I ask unanimous consent that that action be vacated and that we return to section 2.

The SPEAKER pro tempore. Without objection, the procedure by which the bill was engrossed, read a third time, and passed will be vacated.

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KELLY: Page 2, line 1, after the word "may," strike out the words "fix reasonable fees" and insert in lieu thereof the words "charge a fee of 10 cents."

Mr. LAGUARDIA. Mr. Speaker, I offer a substitute to the amendment offered by the gentleman from Pennsylvania [Mr. KELLY] to strike out section 2, and on that I ask to be recognized.

Mr. STAFFORD. Mr. Speaker, a point of order. Where a perfecting amendment is under consideration in the House and has not been adopted, can a substitute amendment be acted upon until the perfecting amendment is disposed of?

The SPEAKER pro tempore. The Chair sustains the point of order.

The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The SPEAKER pro tempore. The gentleman from New York [Mr. LAGUARDIA] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, strike out all of section 2.

Mr. LAGUARDIA. Mr. Speaker, I want to inquire of the gentleman from Pennsylvania whether a similar charge is being made by the express companies.

Mr. KELLY. I do not know that express companies have cases where the charge is changed after the time of sending the parcel by express. This section applies to where collect-on-delivery mail is sent and then, for some reason, the sender decides to order its delivery under different terms than agreed in the beginning. This means an entire change of the records in the Postal Service and should be paid for. I do not believe the express companies have a similar provision.

Mr. LAGUARDIA. Does the gentleman mean that if a shipper makes a shipment by express he can not change the charge to the addressee?

Mr. KELLY. I do not know about that procedure.

Mr. LAGUARDIA. The gentleman knows the tendency on the part of some to hamper as much as they can our parcel-post system. John Wanamaker once said there were four reasons in this country why we could not establish a parcel-post system, and they were the American Express, the Wells-Fargo Express, the Adams Express, and the United States Express. It took us a generation to enact a law creating our parcel-post system, and from my short service on the Post Office Committee I remember there was a constant drive there to increase rates, to do everything possible to hamper the success of the parcel-post service, and I am wondering if this will conflict with the competition which the Post Office has to meet from the express companies.

Mr. KELLY. No; on the contrary, I think this will be of benefit to the parcel-post system, because this is a reasonable provision by which the mailer of these parcels, where it is C. O. D.—and this only applies to collect-on-delivery mail—where such a sender desires to change the addressee or desires to change the amount to be collected, he may do so, and that is certainly an advantage to the parcel-post system. I do not believe any mailer can object to a fair charge.

Mr. STAFFORD. Will the gentleman yield.

Mr. KELLY. I yield to the gentleman from Wisconsin, if I have the floor.

Mr. STAFFORD. Is the proposed amendment providing a 10-cent charge recommended by the department?

Mr. KELLY. I presented the statement that the gentleman from New York had made to me last week, that provision should be made for a specific charge, and the post-office officials agreed that a 10-cent fee or charge would be reasonable and stated they were for it.

Mr. STAFFORD. I can conceive of a case where a parcel has been dispatched and the sender wishes to dispatch it to some different point where the fee would be much in excess of 10 cents and would not in any wise be commensurate with the additional postage or the additional charge required for that service, where this 10-cent fee would be virtually an honorarium to the sender. Suppose one of the large mail-order houses in Chicago dispatches a piece of merchandise by parcel post to some place in Wisconsin and then decides to send it on to the Pacific coast.

Mr. KELLY. That, of course, would not apply here.

Mr. STAFFORD. Does he only have to pay 10 cents extra for that additional service?

Mr. KELLY. That would not apply.

Mr. STAFFORD. What is the instant case the gentleman has in mind?

Mr. KELLY. A mail-order house sends out a C. O. D. package. They have on it a certain amount which must be collected by the Post Office Department. For some reason or other they change that amount and send word to the postmaster that the amount is only one-half. This means a change in the records and a 10-cent charge will perhaps cover it. On the other hand, if John Smith, to whom the parcel is addressed, has died, the sender may send word to deliver that parcel to some one else at the same office, or at some address not beyond the delivery zone of that office, and a 10-cent fee would pay all the cost in such a case.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to withdraw my amendment.

The SPEAKER. Without objection, the amendment of the gentleman from New York will be withdrawn.

There was no objection.

Mr. EATON of Colorado. Will the gentleman from Pennsylvania yield for one further question? Will not the amendment as the gentleman has written it make a fee of 10 cents in lieu

of all other charges the applicable fee when a new amount is put on the C. O. D. package?

Mr. KELLY. There are no other charges, so this is a new fee where the terms are changed with respect to C. O. D. deliveries.

Mr. EATON of Colorado. No fee for returning the money?

Mr. KELLY. No.

Mr. STAFFORD. Mr. Speaker, before the enacting stage is passed, I wish to have the gentleman consider whether the title should be amended. It is rather cumbersome in phraseology and is very extensive. It is almost as elaborate as the enacting provisions of the bill.

Mr. KELLY. It explains the bill and was drafted, I will say to the gentleman, in the Post Office Department.

Mr. STAFFORD. Whoever drafted it is rather verbose in his phraseology and has very little acquaintance with the way to draft measures.

Mr. KELLY. However, it does explain the bill, and I ask for a vote.

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

A motion to reconsider was laid on the table .

DEMURRAGE CHARGES ON UNDELIVERED C. O. D. PARCELS

The next business on the Consent Calendar was the bill (H. R. 1234) to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I want to ask the gentleman if this is not too wide a discretion given to the Postmaster General? So, that when we have a Postmaster General opposed to the Parcel Post System, he may destroy it. Will the gentleman object to an amendment inserting in place of the "reasonable time," "not to exceed 15 days"?

Mr. KELLY. Mr. Speaker, this bill is to deal with a recognized abuse under the present system. At the present time there are men who receive in the post office large shipments and allow them to remain in the post office until they can dispose of them one unit at a time. The result is that the goods occupy a great deal of valuable space in the post office. Sometimes a man will order 30 cases of eggs, and then, as he sells them one at a time, he comes to the post office, pays the charges and takes out that one case. The other 29 cases remain in the post office and occupy valuable space. We undertake to say that after a reasonable time he shall pay demurrage.

Now, I am inclined to agree with the gentleman from New York, and I so informed the Post Office Department, and therefore suggest that in lieu of the "reasonable time" the words "after 15 days," and so forth. I will offer that as an amendment if the bill is considered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That under such regulations as the Postmaster General may prescribe any collect-on-delivery parcel which the addressee fails to remove from the post office within such reasonable time as may be prescribed by the Postmaster General may be returned to the sender, charged with the return postage, whether or not such parcel bears any specified time limit for delivery, and a reasonable demurrage charge may be collected when delivery has not been made to either the addressee or the sender until after the expiration of the prescribed period.

With the following committee amendment:

Page 1, line 9, after the word "delivery," strike out the comma and insert a semicolon.

The committee amendment was agreed to.

Mr. KELLY. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. KELLY: On page 1 line 5, after the word "within," strike out the words "such reasonable time as may be prescribed by the Postmaster General" and insert "15 days from the first attempt to deliver or the first notice of arrival at the office of the addressee."

Mr. DYER. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. DYER. Suppose the packages or parcels are sent to some place and the addressee can not be ascertained, then what?

Mr. KELLY. They are returned to the sender.

Mr. DYER. Within what time?

Mr. KELLY. According to the time printed on the package, which is usually 30 days. But if the addressee can not be found, they are returned immediately, if return postage is paid.

Mr. DYER. During the time they are held in the post office will the sender have to pay demurrage?

Mr. KELLY. After the 15-day period he will have to pay.

Mr. DYER. Suppose a man shipped goods and they are not delivered and have to be returned, will the sender, through no fault of his, have to be taxed for the demurrage?

Mr. KELLY. No; he will be notified when it is learned that the package can not be delivered. If he elects to let it remain more than 15 days after the notice, he will have to pay.

Mr. McSWAIN. Mr. Speaker, has the amendment of the gentleman from Pennsylvania been agreed to?

The SPEAKER pro tempore. It has not.

Mr. McSWAIN. I would like to ask the gentleman whether or not his 15 days mentioned in his amendment should not be a minimum?

Mr. KELLY. After the 15-day period and the notification card——

Mr. McSWAIN. I know that is the gentleman's intention, but you leave the word "within" there, so it means if the conditions are not complied with within the 15 days? The postmaster may prescribe a regulation of 1 day or 2 days or 3 days.

Mr. KELLY. No. The gentleman confuses the words ahead of that. If the addressee fails to remove the parcel within 15 days, then the demurrage charge starts to run, after the 15 days.

Mr. WILLIAMSON. Mr. Speaker, may we have the amendment again reported?

The SPEAKER pro tempore. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KELLY: Page 1, line 5, after the word "within," strike out the words "such reasonable time as may be prescribed by the Postmaster General," and insert "15 days from the first attempt to deliver or the first notice of arrival at the office of address."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KELLY. Mr. Speaker, I offer another amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. KELLY: Page 1, line 9, after the article "a," strike out the word "reasonable," and after the word "charge," at the end of line 9, insert the words "of not exceeding 10 cents per day."

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

Mr. KELLY. Yes.

Mr. STAFFORD. Where there is an interminable delay in the removal of a parcel, what authority has the Government to dispose of it. The sender of that parcel may allow it to remain interminably if a charge is made. Is there not authority under existing law that grants the Post Office Department the right to dispose of it, or is this 10 cents per day going to run on for eternity?

Mr. KELLY. In the matter of perishable products, as I have just stated, they can be sold, but in the matter of other goods there is no provision unless the sender refuses to act.

Mr. STAFFORD. So that the warehouse of the post office is to be cumbered up with these parcels which have not been removed, after the value of them has been eaten up by the demurrage charge of 10 cents per day?

Mr. KELLY. At the present time they remain there and nobody can collect anything. We propose now if they stay there after 15 days to make a demurrage charge of 10 cents a day.

Mr. STAFFORD. But I am presuming a case where the sender does not want to take the parcel because of the demurrage charge. What authority is there in the Post Office Department to dispose of it for the demurrage fee?

Mr. KELLY. That again goes back to the sender. The sender is responsible, and we presume that it can be collected.

Mr. STAFFORD. Does the gentleman presuppose that an action would be begun by the department to collect this fee from the sender who may live hundreds of miles away? Has the department considered the right that should be given them to dispose of packages after a certain length of time when these demurrage charges have accumulated and remain unpaid?

Mr. KELLY. I should be glad to take that up with the department. This particular bill provides only for the charges beyond the 15-day period.

Mr. STAFFORD. There should be some authority in the Government to dispose of packages from the sender where the demurrage charges, after a reasonable time, are not paid.

Mr. COCHRAN of Missouri. And for the first 15 days there will be no charge whatsoever?

Mr. KELLY. No. But after 15 days have elapsed a charge of not to exceed 10 cents a day will be made. There are provisions

now where certain parcel post, second-class matter, newspapers, magazines, after an attempt has been made to send them back to the sender, and the sender refuses to pay, are destroyed.

Mr. STAFFORD. I am referring to merchandise, valuable merchandise, perhaps.

Mr. KELLY. That applies in the same way.

Mr. STAFFORD. Merchandise that may be sent by farmers—eggs, butter, and the like—which become stale. Are they going to emit their fumes for the benefit of the postal employees under this 10 cents a day demurrage charge without the privilege of disposing of them if not called for?

Mr. KELLY. No; the sender is notified that those goods are there, and he can send the postage for them, or they will be destroyed.

Mr. LAGUARDIA. There is a provision in the law now to dispose of abandoned goods, and that answers the inquiry of the gentleman from Wisconsin.

Mr. KELLY. Absolutely.

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

Mr. KELLY. Yes.

Mr. PATTERSON. Does not the gentleman think that this 10 cents a day charge on an ordinary package is excessive?

Mr. KELLY. It is "not to exceed 10 cents" a day. There may be a charge based on value.

Mr. PATTERSON. Yes; but you leave it entirely in the discretion of somebody to fix the charge, and it might be fixed at 10 cents. Many of these little packages fail to be delivered because of sickness or something of that sort, and it seems to me that it is an undue burden to have this charge as high as 10 cents a day. I hope the gentleman will not insist upon its being 10 cents. Why not make it 5 cents?

Mr. KELLY. It is "not exceeding" 10 cents. We must give some leeway because of the different values of goods involved. I hope the gentleman will agree with me that it might be made 1 cent or 5 cents or 10 cents.

Mr. PATTERSON. I agree with the gentleman, and I would be exceedingly loath to object to anything the gentleman asks; but it seems to me that 10 cents is excessively high for lots of little packages. Lots of times there may not be more than a pound of matter lying there in the post office. It might be valuable to some particular person, and then to make him pay a charge of 10 cents a day it seems to me is excessive.

Mr. KELLY. But some of these values run up into hundreds of dollars. I think we can trust the Postmaster General on this. This must be a matter of leeway to some extent.

Mr. STAFFORD. Undoubtedly the Postmaster General will make regulations fixed on the value and the size of the parcel.

Mr. PATTERSON. I should like to see it limited by legislation here.

Mr. KELLY. We should fix the maximum fee.

Mr. STAFFORD. We have to grant him some leeway in the administration of this. Not exceeding 10 cents a day it seems to me is a proper safeguard.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

DEFACING STAMPS ON POSTAL CARDS

The next business on the Consent Calendar was the bill (H. R. 7395) to extend to Government postal cards the provision for defacing the stamps on Government stamped envelopes by mailers.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, I would like to ask the author of this bill or the gentleman from Pennsylvania [Mr. KELLY] if there is not a mistake in the bill? There seems to be a serious repetition there. The report says that the bill was passed in 1925 by Congress providing for the cancellation of Government stamped envelopes. The bill seems to provide for the extension of that privilege to postage stamps on postal cards. Is so, why?

Mr. KELLY. This is simply an extension of the right now held by these permit holders to deface stamps on the postal cards as well as Government stamped envelopes.

Mr. JENKINS. Was that the decision of the committee—to insert this phraseology and not reenact the whole bill?

Mr. KELLY. Yes.

Mr. STAFFORD. As to the question raised by the gentleman from Ohio [Mr. JENKINS], do I understand that in order to have this permit granted if the merchant wishes it to apply to postal cards he has also to have permission which now applies to stamped paper?

Mr. KELLY. No.

Mr. STAFFORD. The phraseology of the bill would so indicate.

The bill says:

To issue a permit to persons using Government stamped envelopes and Government postal cards to deface the postage stamps thereon.

And so forth. I understand the purpose of this bill is to grant the same privilege to a person who wishes to have the stamps on postal cards effaced as is now granted to persons on embossed envelopes, and yet the wording of this provision would indicate that the permit must extend to both. I do not object to a person having a permit for the use of stamped envelopes and postal cards. I do not know whether the gentleman has any experience in obtaining a permit to efface stamps on stamped envelopes. This is for the benefit of the business interests of the country. A large business establishment may wish it only for postal cards, and not for stamped envelopes, a privilege which is already granted under existing law. Why not amend by striking out the words "in connection with"? Under the phraseology of this bill you grant a permit for the use of the mails for both purposes, postage stamps and postal cards. It is conjunctive and not disjunctive.

Mr. KELLY. The gentleman is somewhat meticulous.

Mr. STAFFORD. I may be critical or hypercritical, but not meticulous as to phraseology.

Mr. KELLY. The purpose of this measure is to give an added service to the business interests of the country. We have allowed permit holders to deface the stamps on Government stamped envelopes. That is a satisfactory service. Now they wish to have the same right as to postal cards. There is no reason why they should not deface the stamps on postal cards in the same manner as those on stamped envelopes.

Mr. STAFFORD. I think we should pass this over. There are others here that have the same view that I have as to the effect of the phraseology.

Mr. McSWAIN. Mr. Speaker, I will offer this amendment: On line 5, after the words "persons using Government postal cards," so that the words "persons using" will qualify both "postal cards" and "envelopes" and thus show that there are two classes dealt with.

Mr. KELLY. I will accept that amendment.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General is authorized, under such regulations as he may prescribe, to issue a permit to persons using Government-stamped envelopes and Government postal cards to deface the postage stamps thereon in connection with the placing on the envelopes and postal cards of the name of the post office and State of mailing, together with such other indicia as may be prescribed.

Mr. McSWAIN. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Amendment offered by Mr. McSWAIN: Page 1, line 5, after the word "and," insert the words "to the person using."

The amendment was agreed to.

Mr. PATTERSON. Mr. Speaker, I want to ask the gentleman from Pennsylvania this question: I understand this is not to extend the permit system. A lot of small post offices are complaining about the permit system that is used by the big business houses and mail-order houses, and I understand the small post offices do not get compensation for that. It discriminates against the small post offices. This does not affect the cancellation at small post offices, does it?

Mr. KELLY. It has nothing to do with extending the permit system in itself.

Mr. PATTERSON. They will get the benefit of the cancellations just the same as if I went to a post office and bought stamps?

Mr. KELLY. In a fourth-class office; yes. Fourth-class postmasters are paid on the cancellations.

Mr. PATTERSON. The third-class post office has a great deal to do with the income of the post office. That does not affect the third or the second class, either.

Mr. KELLY. He gets credit for the sale of stamps. That is a part of the receipts on which his salary is based.

Mr. PATTERSON. And he does not get this cancellation?

Mr. KELLY. The first, second, and third class postmasters have no compensation based on cancellation.

Mr. PATTERSON. When they sell stamped envelopes do they get credit for those?

Mr. KELLY. These are Government stamped envelopes and, of course, add to the receipts where sold.

Mr. PATTERSON. Yes. They have to buy them somewhere.

Mr. BRIGGS. Does this have any relation to the practice which I understand obtains to some extent of a number of organizations of large business using a central station for purchasing and then canceling the stamps in one city of a State, and mailing the letters out to various post offices in the State which are given the burden of handling and distributing such mail without any showing in their returns of compensatory sales of postage for the handling of that business, thereby crediting the postal benefits to one central office in the State?

Mr. KELLY. No. This bill has no reference to that. All that this bill will do will be to save the Postal Service the expense of actually canceling the Government post cards which otherwise will be canceled in the private-permit machines.

Mr. BRIGGS. It is my understanding that a great many post offices in the United States are transacting a great deal of business, but there is no showing in their postal receipts. They are handling a much greater volume of business, but at the same time it looks as though their business is declining, by reason of no increase in postal receipts. I want to know if the Post Office Committee is dealing with that situation so as to correct it as far as can be, or at least, not encourage legislation which will promote it?

Mr. KELLY. The Post Office Committee is going into that matter in an effort to do justice to those offices that are doing a great deal of service which does not appear in the receipts.

Mr. BRIGGS. I saw an example of that the other day. They were handling a vast amount of work and their postal receipts were declining simply because business houses bought postage some place else and used a post office elsewhere for the carriage of that mail.

Mr. O'CONNELL of New York. I was going to say to my friend from Texas that this increasing expense or lack of receipts is not a thing to be charged to the employees, because they are not getting any more than they are entitled to.

Mr. BRIGGS. I understand that. They will never get any more either if the situation referred to is not abated.

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

A motion to reconsider was laid on the table.

TRANSFER OF THE CHEBOYGAN LIGHTHOUSE RESERVATION, MICH.

The next business on the Consent Calendar was the bill (S. 846) to authorize the Secretary of Commerce to convey to the State of Michigan for park purposes the Cheboygan Lighthouse Reservation, Mich.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, I note in a communication from the Commissioner of Lighthouses, he states that the Fourteen Foot Shoal will be completed about May 31, 1930. Does the gentleman anticipate that this bill will not pass the Senate by this time?

Mr. MERRITT. No. I do not anticipate that the Secretary will make the transfer until he is through with it. It is only permissive. It does not compel him to make it.

Mr. LAGUARDIA. You have that in mind?

Mr. MERRITT. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to convey by quitclaim deed to the State of Michigan, subject to the conditions hereinafter provided, all lands embraced within the Cheboygan Lighthouse Reservation, Mich., described as follows:

Beginning at a point in the west boundary of lot 1, section 22, township 38 north, range 1 west, which is due west and 1,320 feet distant from the quarter corner between sections 22 and 23, township 38 north, range 1 west; thence north 1° 25′ west, 664 feet to a stake; thence continuing north 1° 25′ west, 20 feet more or less to the shore of Lake Huron; thence westerly and southwesterly along the shore of Lake Huron to its intersection with a line through the point of beginning and bearing south 88° 35′ west from same; thence north 88° 35′ east, 90 feet more or less to a stake; thence continuing north 88° 35′ east, 2,686 feet to the point of beginning, containing in all 41.13 acres, more or less.

SEC. 2. The lands herein authorized to be conveyed shall be used by the State of Michigan solely for public-park purposes, subject to the right of the United States to have access to such lands at all times for the purpose of maintaining a telephone cable across such lands. The deed executed by the Secretary of Commerce under the provisions of section 1 of this act shall contain the express condition that if the State of Michigan shall cease at any time to use such lands for public-park purposes, or shall at any time use such lands or permit their use for any purpose not contemplated by this act, or shall attempt to alienate them, they shall revert to the United States.

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

A motion to reconsider was laid on the table.

TOLL OR FREE BRIDGES ACROSS MISSOURI RIVER

The next business on the Consent Calendar was the bill (S. 2763) authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, and the counties of Douglas, Nebr., and Pottawattamie, Iowa, to construct, maintain, and operate one or more but not to exceed three toll or free bridges across the Missouri River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. DENISON. This bill ought to be passed over. There is no objection to it, but I ask that it may be passed over to-day in order that I may have an opportunity to confer with Senator HOWELL in regard to it.

The SPEAKER pro tempore. Without objection, it is so ordered.

BRIDGE ACROSS THE LITTLE CALUMET RIVER

The next business on the Consent Calendar was the bill (H. R. 8970) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River on Ashland Avenue near One hundred and thirty-fourth Street, in Cook County, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Little Calumet River, at a point suitable to the interests of navigation, on Ashland Avenue near One hundred and thirty-fourth Street, between sections 31 and 32, township 37 north, range 14 east, third principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

On page 1, in line 4, after the word "a" insert "free highway."

On page 2, line 1, after the word "meridian," insert "in Cook County, Ill."

The committee amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE LITTLE CALUMET RIVER ON HALSTED STREET, IN COOK COUNTY, ILL.

The next business on the Consent Calendar was the bill (H. R. 8971), granting the consent of Congress to the State of Illinois to widen, maintain, and operate the existing bridge across the Little Calumet River on Halsted Street near One hundred and forty-fifth Street, in Cook County, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois to widen, maintain, and operate the existing highway bridge and approaches thereto across the Little Calumet River, at a point on Halsted Street, near One hundred and forty-fifth Street, in section 8, township 36 north, range 14 east, third principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 8, after the word "meridian," insert "in Cook County, Ill."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE LITTLE CALUMET RIVER ON ASHLAND AVENUE

The next business on the Consent Calendar was the bill (H. R. 8972) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River on Ashland Avenue near One hundred and fortieth Street in Cook County, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois to construct, maintain, and operate a free highway bridge and approaches thereto across the Little Calumet River, at a point suitable to the interests of navigation, on Ashland Avenue near One hundred and fortieth Street, in section 6, township 36 north, range 14 east, third principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 1, after the word "meridian," insert the words "in Cook County, Ill."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE WEST BRANCH OF THE DELAWARE RIVER

The next business on the Consent Calendar was the bill (H. R. 9038) granting the consent of Congress to the State of New York to reconstruct, maintain, and operate a free highway bridge across the West Branch of the Delaware River at or near Beerston, N. Y.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of New York to reconstruct, maintain, and operate a free highway bridge and approaches thereto across the west branch of the Delaware River at a point suitable to the interests of navigation at or near Beerston, Delaware County, N. Y., and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 4, strike out the word "reconstruct" and insert in lieu thereof the word "construct."

In line 6, strike out the words "west branch of the."

The committee amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE NANTICOKE RIVER

The next business on the Consent Calendar was the bill (H. R. 9141), to authorize the State Roads Commission of Maryland to construct a highway bridge across the Nanticoke River at Vienna, in Dorchester County, to a point in Wicomico County.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that Senate bill 3193 be considered in lieu of the House bill, they being substantially alike.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that Senate bill 3193 be considered in lieu of House bill 9141. Is there objection?

There was no objection.

The Clerk read the Senate bill as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State roads commission of Maryland, acting for and on behalf of the State of Maryland, and its successors and assigns, to construct, maintain, and operate a highway bridge across the Nanticoke River at a point suitable to the interests of navigation, at Vienna, in Dorchester County, Md., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

House Bill 9141 was laid on the table.

BRIDGE ACROSS THE ROANOKE RIVER

The next business on the Consent Calendar was the bill (H. R. 9180) granting the consent of Congress to the North Carolina State Highway Commission to construct, maintain, and operate a free highway bridge across the Roanoke River, at or near Weldon, N. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the North Carolina State highway commission to construct, maintain, and operate a free highway bridge across the Roanoke River at a point suitable to the interests of navigation, at or near Weldon, N. C., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the bridge now being constructed across the Roanoke River at Weldon, N. C., by the State of North Carolina, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War, as providing suitable facilities for navigation and operated as a free bridge, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, other than those requiring the approval of plans by the Secretary of War and the Chief of Engineers before construction is commenced.

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

WHITE HOUSE POLICE FORCE

The next business on the Consent Calendar was the bill (H. R. 9437) to authorize a necessary increase in the White House police force.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I make the point of order that the bill is not properly reported in that the report accompanying the bill does not comply with the Ramseyer rule in showing the changes in existing law.

Mr. ELLIOTT. I will say to the gentleman there has been filed a supplemental report on the bill.

Mr. LAGUARDIA. On the assurance of the gentleman there is a supplementary report, I will withdraw the point of order; but reserving the right to object, Mr. Speaker, I want to call the attention of the gentleman to the first section, which provides that the members of such force shall possess the privileges and powers and perform duties similar to those of the members of the Metropolitan police of the District of Columbia. This is all right, but then it says:

And such additional privileges, power, and duties as the Chief of the Secret Service Division may prescribe.

Now, he may prescribe privileges and duties, but I do not believe the Chief of the Secret Service has authority to enlarge the powers of the police, and I would suggest the striking out of the word "powers."

Mr. ELLIOTT. I have no objection to striking out the word "powers" at that place in the bill.

Mr. COLLINS. Mr. Speaker, reserving the right to object, do I understand the gentleman to mean he is willing to strike out the word "powers"?

Mr. LAGUARDIA. Where it appears the second time.

Mr. COLLINS. I understand where it is. I have it marked here. One other question. As I understand it, the total number of privates will be 43?

Mr. ELLIOTT. I think so. It is stated in the bill.

Mr. COLLINS. There is no limit stated in the bill. Five hundred privates could be added under the terms of the bill. Forty-three is indicated as the necessary number; so why not limit the number to 43.

Mr. ELLIOTT. That is what they have there now.

Mr. COLLINS. I understand that. Would not the gentleman be willing to accept an amendment inserting "not exceeding 43 in number" after the word "necessary"?

Mr. ELLIOTT. I have no objection to that. That takes care of what they have there and what they say is necessary.

Mr. LAGUARDIA. May I ask the gentleman from Indiana the advisability of putting this police force under the jurisdiction of the Treasury Department? The Secret Service referred to here is in the Treasury Department.

Mr. ELLIOTT. The Secret Service has the job of protecting the President all the time and they want control of the whole business—guarding the residence and guarding the President.

Mr. O'CONNELL of New York. Mr. Speaker, I reserve the right to object until somebody, perhaps, will be able to tell me the number of police that are involved in this legislation.

Mr. ELLIOTT. Forty-three privates.

Mr. O'CONNELL of New York. Forty-three in addition to the number now on duty?

Mr. ELLIOTT. No; all together. They have them on duty there now.

Mr. O'CONNELL of New York. May I ask the distinguished chairman of the Committee on Public Buildings and Grounds, for whom I have a very warm affection, if these new policemen are to take care of some of these new commissions that are being appointed?

Mr. ELLIOTT. No; as I understand, about a year ago Chief Moran, of the Secret Service, was brought in to work over this police force at the White House and to determine what was necessary. He did this and put on these extra policemen under an Executive order of the President. It is necessary now to enact this bill to take care of the matter.

Mr. O'CONNELL of New York. In order to obtain the appropriation?

Mr. ELLIOTT. Yes; that is the idea.

Mr. O'CONNELL of New York. What will be the total number of police under this bill for the White House alone?

Mr. ELLIOTT. Forty-three privates.

Mr. O'CONNELL of New York. And how many officers?

Mr. ELLIOTT. That is stated in the bill. They have them all on duty at this time, and they were all put on at the recommendation of the Secret Service.

Mr. O'CONNELL of New York. We can not throw too many safeguards around the person of the President. Then, too, these additions to the White House guard will in a measure ease up the unemployment in the Capital City.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first section of the act entitled "An act to create the White House police force, and for other purposes," approved September 14, 1922, is amended to read as follows:

"That there is hereby created and established for the protection of the Executive Mansion and grounds in the District of Columbia a permanent police force, to be known as the White House police. Such force shall be under the control and direct supervision of the Chief of the Secret Service Division. The members of such force shall possess privileges and powers and perform duties similar to those of the members of the Metropolitan police of the District of Columbia, and such additional privileges, powers, and duties as the Chief of the Secret Service Division may prescribe."

SEC. 2. Subdivision (a) of section 2 of such act of September 14, 1922, is amended to read as follows:

"SEC. 2. (a) That the White House police force shall consist of one captain with grade corresponding to that of captain (Metropolitan police), one lieutenant with grade corresponding to that of lieutenant (Metropolitan police), three sergeants with grade corresponding to that of sergeant (Metropolitan police); and of such number of privates, with grade corresponding to that of private, class 3 (Metropolitan police), as may be necessary. Members of the White House police shall be appointed from the members of the Metropolitan police force and the United States park police force from lists furnished by the officers in charge of such forces. Vacancies shall be filled in the same manner."

SEC. 3. Subdivision (c) of section 3 of such act of September 14, 1922, is amended to read as follows:

"(c) Any member of the White House police force appointed thereto from the Metropolitan police force or the United States park police force may be transferred to the organization of which he was a member at the time of such appointment."

SEC. 4. Section 7 of such act of September 14, 1922, is amended to read as follows:

"SEC. 7. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act."

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment: Page 2, line 4, strike out the word "powers."

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 2, in line 4, strike out the word "powers."

The amendment was agreed to.

Mr. COLLINS. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: On page 2, line 16, after the word "necessary," insert "but not exceeding 43 in number."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

STUDY, INVESTIGATION, AND SURVEY OF THE SECOND MANASSAS BATTLE FIELD

The next business on the Consent Calendar was the bill (H. R. 1408) to provide for the study, investigation, and survey, for commemorative purposes, of the Bull Run and Second Manassas battle fields in the State of Virginia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to have made studies, investigations, and surveys of the Bull Run and Second Manassas battle fields in the State of Virginia, for the purpose of preparing and submitting to Congress a general plan and such detailed project as may be required for properly commemorating such battle fields and other adjacent points of historical and military interest, in accordance with the classification set forth in Senate Document No. 187, Seventieth Congress, second session.

SEC. 2. To enable the Secretary of War to carry out the provisions of this act, including the payment of mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, investigations, and surveys, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,600, or so much thereof as may be necessary, to be expended for the purpose of this act.

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

A motion to reconsider was laid on the table.

STUDY, INVESTIGATION, AND SURVEY FOR COMMEMORATIVE PURPOSES OF THE BATTLE FIELD OF CHALMETTE, LA.

The next business on the Consent Calendar was the bill (H. R. 6618) to provide for the study, investigation, and survey for commemorative purposes, of the battlefield of Chalmette, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS. Reserving the right to object, I do not quite understand the necessity of this survey in view of the language contained in the report. From the language of the report I conclude that the surveys have been made.

Mr. O'CONNOR of Louisiana. No; the surveys are to be made in pursuance of the mandate in the bill, which required the surveys so that the battle fields might be properly classified and marked. The classifications the gentleman undoubtedly refers to were prepared by the War Department after a preliminary examination, and the report thereon calls for the survey, which is the purpose of this bill.

Mr. JENKINS. The report states something to the effect that these surveys have already been made and put in class A-1.

Mr. O'CONNOR of Louisiana. There was a survey of this battle field made several years ago pursuant to a bill I had passed for the purpose of ascertaining the feasibility of establishing a national park on that historic area where was fought the Battle of New Orleans. But that was merely a survey of the ground

on which the actual engagement was fought on January 8, 1815. Chalmette Field was transferred by the State of Louisiana to the United States Government years ago. This bill is for the purpose of making a study and survey of that battle field in order to ascertain where markers, and so forth, should be placed.

Mr. McSWAIN. The survey referred to in Senate Document 187 was a study of the battle field merely for historical purposes. Nobody ever went on the ground with a tapeline and for the purpose of locating different organizations on the battle field. This classification of the battle field was merely for historical purposes.

Mr. JENKINS. This will involve $300 for the survey?

Mr. McSWAIN. Exactly.

Mr. JENKINS. Then some one will come forward when they want to locate certain monuments?

Mr. McSWAIN. Yes; and it will then be up to Congress to say what it will do.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to have made a study, investigation, and survey of the battle field of Chalmette, in the State of Louisiana, for the purpose of preparing and submitting to Congress a general plan and such detailed project as may be required for properly commemorating such battle field and other adjacent points of historical and military interests, in accordance with the classification set forth in House Report No. 1071, Sixty-ninth Congress, first session.

SEC. 2. To enable the Secretary of War to carry out the provisions of this act, including the payment of mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the study, investigation, and survey, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300, or so much thereof as may be necessary, to be expended for the purposes of this act.

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

A motion to reconsider was laid on the table.

SEPARATION OF INSURANCE FROM THE FRATERNAL ACTIVITIES IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 7701) to authorize fraternal and benevolent corporations heretofore created by special act of Congress to divide and separate the insurance activities from the fraternal activities by an act of its supreme legislative body, subject to the approval of the Superintendent of Insurance of the District of Columbia.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, this bill is very far reaching and I am not ready to pass upon it to-day.

Mr. WINGO. Mr. Speaker, let me say that, while this is not my bill, I am quite familiar with it. The only necessity for coming to Congress is that the Knights of Pythias was chartered by a special act of Congress. This will enable them to separate the insurance from the fraternal activities, if they so desire. The amendment of the committee overcomes every possible objection. Even if they do make the change and the superintendent of the District of Columbia approves it, they still have to comply with the laws of every State in the Union, including the District of Columbia. It does not give them any special privilege. The act would apply to every similar corporation, but I do not know of but one other and that is a colored organization, and they would not care to divide their activities.

Mr. LaGUARDIA. Has the gentleman any knowledge of a company organized in the District of Columbia whose funds have been held up in the courts for the last eight or nine years?

Mr. WINGO. I do not; but that has nothing to do with this.

Mr. LaGUARDIA. It would not have anything particularly to do with this.

Mr. WINGO. No; because all that this does is this: The original charter to the Knights of Pythias having been granted by special act of Congress, before their supreme governing body can separate their insurance from their fraternal activities, they have to get an amendment to their charter. After they make that proposed amendment, then they have still to get the approval of the insurance commissioner of the District of Columbia, and in addition to that, they will have to go into every State and comply with the requirements of the laws the same as every other mutual insurance company.

Mr. LaGUARDIA. Would the gentleman have any objection to having this go over without prejudice?

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

Mr. WINGO. Yes.

Mr. GREENWOOD. Heretofore they have issued insurance policies only to members of the organization?

Mr. WINGO. That is true.

Mr. GREENWOOD. Will this permit them to go into the general insurance business and write policies generally without the policyholder being a member of the organization?

Mr. WINGO. Certainly. A man will not have to belong to the Knights of Pythias in order to take out an insurance policy.

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

Mr. WINGO. Yes.

Mr. FORT. If this bill passes, will not this organization become the only life-insurance company in the United States enjoying a national charter by special act of Congress?

Mr. WINGO. It already has that.

Mr. FORT. Not as a general-insurance company.

Mr. WINGO. Yes; they write insurance under the present charter.

Mr. FORT. I will join in the request of the gentleman from New York [Mr. LaGUARDIA] to have this bill go over without prejudice. I have seen the bill for the first time to-day and would like to study it a little further.

Mr. UNDERHILL. I think it better go over without prejudice.

Mr. WINGO. After the two hearings in which all of the insurance people appeared and went into the matter? I do not know of any opposition left to it after you adopt the amendment of the committee.

Mr. FORT. I would like to see the report of the hearings.

Mr. WINGO. Of course the bill is on the Calendar for Consent. It is not my bill. It is the bill of the gentleman from Indiana, but in view of the requests that have been made, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

PACTS BETWEEN COLORADO AND WYOMING

The next business on the Consent Calendar was the bill (H. R. 202) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. Mr. Speaker, reserving the right to object, the gentleman from Nebraska [Mr. SIMMONS] who is in Florida at this time on Appropriations Committee work asked me to ask unanimous consent that this bill be passed over without prejudice. I make that request in his behalf.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

FLOOD RELIEF IN ALABAMA

Mr. ALMON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2093) for the relief of the State of Alabama for damage to and destruction of roads and bridges by floods in 1929. I do that as an emergency measure. It is evident that the bill can not be reached on the calendar this afternoon.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I have examined this bill, and I think a very serious precedent would be established by the adoption of it.

The SPEAKER. The Clerk will report the bill in full.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,660,000 for the relief of the State of Alabama, as a reimbursement or contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to the State of Alabama through the damage to or destruction of roads and bridges by floods in 1929, imposing a public charge against the property of the State beyond its reasonable capacity to bear. Such portion of the sum hereby authorized to be appropriated as will be available for future construction shall be expended by the State highway department, with the approval of the Secretary of Agriculture, for the restoration, including relocation, of roads and bridges of the Federal-aid highway system so damaged or destroyed, in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by

the Secretary of Agriculture. Any portion of the sum hereby authorized to be appropriated shall become available when the State of Alabama shows to the satisfaction of the Secretary of Agriculture that it has, either before or after the approval of this act, actually expended, or made available for expenditure, for the restoration, including relocation, of roads and bridges so damaged or destroyed, a like sum from State funds. Nothing in this act shall be construed as an acknowledgment of any liability on the part of the United States in connection with the restoration of such roads and bridges: *Provided*, That out of any appropriations made for carrying out the provisions of this act, not to exceed 2½ per cent may be used by the Secretary of Agriculture to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to purchase supplies, material, equipment, and office fixtures, and to incur such travel and other expense as he may deem necessary for carrying out the purpose of this act.

With the following committee amendment:

Page 3, line 2, after the word "act" insert "*Provided further*, That no portion of this appropriation shall be used except on highways and bridges now in the Federal-aid highway system in Alabama, or the necessary relocation of such roads and bridges."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. What is the exigent occasion which demands giving the State of Alabama preferential consideration in the matter of road building to the extent of $1,660,000? I notice in the report that in some prior Congress, perhaps the last, we adopted similar legislation so far as the States of New Hampshire, Vermont, and Kentucky are concerned. There have been many floods in Wisconsin which have destroyed roads, and yet that State has not appealed to the National Government to have a preferential gratuity extended to it, and I suppose that condition exists in other States. We have been rather generous to the South in the way of relief occasioned by floods. Why should we make special appropriation of $1,660,000 to the State of Alabama?

Mr. ALMON. This was a very unprecedented flood. It went 16 feet above the high-water mark and washed away Federal roads and bridges, and they are there now without them. It is an emergency. Mr. McDonald, the director of roads, said that it is a stronger case than the cases of New Hampshire, Vermont, or Kentucky.

Mr. STAFFORD. There have been floods in Indiana. I see the gentleman from Indiana [Mr. GREENWOOD] is rising, and I suppose he is going to call attention to wreckage occasioned by the flood on the Wabash.

Mr. GREENWOOD. I would like to do that, but I want to make inquiry whether this money is to be expended on roads entirely by Federal aid?

Mr. ALMON. Yes; on the 7 per cent system of Federal roads, and to make it plain and positive we have put an amendment in the bill requiring it to be expended on Federal-aid roads.

It is a very great emergency, and I hope the bill will not be objected to.

Mr. STAFFORD. Does this money come from the national road fund?

Mr. HILL of Alabama. Yes. It is exhausted.

Mr. STAFFORD. It is all wrong. Every State in the Union might come here with such a demand if you establish the precedent. I would like to ask the gentleman from Iowa [Mr. DOWELL], the chairman of the Committee on Roads, as to how many other States this legislation might be applied to by reason of recent floods?

Mr. DOWELL. There is nobody who can answer that question at this time. It all depends on the future.

Mr. STAFFORD. How many States could apply for this aid by reason of past floods?

Mr. DOWELL. Perhaps there are one or two connected with this same flood that have not made application, but everybody connected with this particular flood has been taken care of, but not as provided in this bill. They were in the Federal-aid system. In those other cases they were not. The Committee in recommending this bill, concluded that under no circumstances would they go beyond the Federal-aid system, and they provided in this bill an amendment excluding projects outside the Federal-aid system.

Mr. STAFFORD. Under the Federal-aid system any State needing sufficient funds can get that aid?

Mr. DOWELL. Not now. If that were so, it was long before this system was established.

Mr. STEAGALL. It is not contemplated that this kind of relief will be granted in all cases of floods, but only in cases where the floods are unprecedented. This is the strongest case of any that has been presented.

Mr. STAFFORD. I never knew of a man advocating a bill who could not make that kind of a remark.

Mr. HILL of Alabama. A former chairman of the Committee on Roads testified to that.

Mr. STAFFORD. I do not think this State should be picked out to receive such aid.

Mr. HILL of Alabama. This aid has been granted to other States with respect to purely Government-aided roads. This is limited to Government-aid roads.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PALMER. Mr. Speaker, I understand this money goes only to those States that are under the Federal highway system.

Mr. DOWELL. This flood, as the gentleman well knows, was an extraordinary case of destruction, and under other circumstances I think no bills would be brought here. But those others were brought here and they went away beyond the Federal-aid system, and in this case the committee limited it to the Federal-aid system, and it is recommended by the Department of Agriculture.

Mr. STAFFORD. Oh, the Department of Agriculture recommends anything that puts its hands into the Federal Treasury.

Mr. DOWELL. But they investigated this matter especially.

Mr. LAGUARDIA. Does this money pay for the entire cost of rebuilding?

Mr. DOWELL. It is the only one.

Mr. STAFFORD. We can have the assurance of the gentleman that in the future the gentleman will not report any bills except in case of extraordinary floods?

Mr. DOWELL. Yes.

Mr. STAFFORD. I am told that this bill is going to pass anyway under suspension of the rule. What is the use of objecting to these bills when the order of the day is to spend money?

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

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

A motion to reconsider the last vote was laid on the table.

AGRICULTURAL EXTENSION WORK

Mr. CRISP. Mr. Speaker, I ask unanimous consent to take up out of order the bill (S. 3030) No. 208 on the calendar. It is a State bill affecting the State of Georgia, and I think it covers an emergency.

The SPEAKER. The gentleman states that it is his opinion that an emergency is involved?

Mr. CRISP. Yes. Unless we pass this bill the State of Georgia can not receive the benefit of the Capper-Ketcham bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

S. 3030

A bill to amend an act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928.

Be it enacted, etc., That the provisions for payment of the installments of the appropriation authorized by the act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928 (45 Stats. L. 711), be made upon the assent of the governors of the several States, duly certified to the Secretary of the Treasury, is hereby extended until January 1, 1932.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I am impressed on reading this bill with the fact that the funds in this bill go to Federal aid in agricultural extension work. Am I correct?

Mr. CRISP. If the gentleman will yield, I will explain the bill to him to his entire satisfaction.

Mr. STAFFORD. I understand that 80 per cent goes to the State of Georgia.

Mr. CRISP. The Congress in 1928 passed an act permitting the 48 States of the Union to receive $20,000 increase from Federal funds to assist the State agricultural colleges to pay for the county agents. The act required the States to consent to the

increase by act of their legislatures. The Georgia Legislature meets every two years, and the session is limited to 50 days. The Georgia Legislature met last summer and passed the necessary appropriation to match the Federal fund increase of the $20,000. The senate of the legislature also passed a bill assenting to the Federal act, but in the jam in the closing days of the legislature the house failed to pass the senate bill. This frequently happens in legislative bodies.

Therefore the State can not receive this additional $20,000. Forty-seven of the States—all of the States except Georgia—have assented to it and received the $20,000 increase. When this bill was considered in the committee, the gentleman from Michigan [Mr. KETCHAM] asked me if the governor of the State would agree to assent to it and would assure him that the next session of the legislature would approve it. I was not authorized to act, and I wired the governor, and the governor wired that the State would assent and that appropriations had been made to match it. Our legislature will not meet again until next summer, 1931. This bill simply extends the time when Georgia by legislative enactment may consent to it, to put her on a parity with the other States; and with the governor now assenting, they get the $20,000 increase as other States until the legislature meets.

Mr. STAFFORD. Before considering this bill and the report I thought it was meritorious, but I was amazed, I was surprised if not amazed, that in the dispensing of Federal funds the National Government is spending 80 per cent for the salaries of the Federal agents now working in the various States where this fund is dispensed. The National Government is undertaking the work that preferentially belongs to the State itself.

Mr. KETCHAM. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. KETCHAM. I think the gentleman is under a misapprehension. For every dollar that is expended of Federal funds $2.43 is expended on the average by the various States, but of the fund that does go to the State 80 per cent must actually be spent in work by county agricultural agents and not in useless overhead expense. So that the provision for 80 per cent is a desirable feature of this bill. It does not mean that 80 per cent of the total amount of money that goes to the maintenance of these county agricultural agents comes from the Federal Government; $2.43 comes from the States concerned as against $1 that comes from the Federal Government.

Mr. STAFFORD. I may have been in error. I have no objection to the bill, because Georgia is singled out and should be granted an extension of time.

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

A motion to reconsider was laid on the table.

EXTENSION OF TIME FOR FILING APPLICATIONS UNDER WORLD WAR ADJUSTED COMPENSATION ACT

Mr. HAWLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9804) to amend the World War adjusted compensation act, as amended, by extending the time within which applications for benefits thereunder may be filed, and for other purposes.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That subdivisions (b) and (c) of section 302, section 311, and subdivision (b) of section 604 of the World War adjusted compensation act, as amended (U. S. C., Supp. III, title 38, secs. 612, 621, and 664), are amended, to take effect as of December 31, 1929, by striking out "January 2, 1930," wherever it appears in such subdivisions and section, and inserting in lieu thereof "January 2, 1935."

SEC. 2. Section 602 of the World War adjusted compensation act, as amended (U. S. C., Supp. III, title 38, sec. 662), is amended, to take effect as of December 31, 1929, by striking out "before January 3, 1930," wherever it appears in such section, and inserting in lieu thereof "on or before January 2, 1935."

SEC. 3. Subdivision (b) of section 312 of the World War adjusted compensation act, as amended (U. S. C., Supp. III, title 38, sec. 622), is amended, to take effect as of May 29, 1928, to read as follows:

"(b) If in the case of any such individual who is a veteran it appears that his application was not made and filed prior to the beginning of such 7-year period, or that although entitled to receive adjusted service pay he did not receive it prior to the beginning of such 7-year period, then (if such 7-year period began on or before January 2, 1935) his dependents who have made and filed application before the expiration of one year after the date of the expiration of such 7-year period or on or before January 2, 1935, whichever is the later date, shall be entitled to receive the amount of his adjusted service credit in accordance with the provisions of Title VI."

SEC. 4. This act shall not invalidate any payments made or applications received, before the enactment of this act, under the World War adjusted compensation act, as amended. Payments under awards heretofore or hereafter made shall be made to the dependent entitled thereto regardless of change in status, unless another dependent establishes to the satisfaction of the director a priority of preference under such act, as amended. Upon the establishment of such preference the remaining installments shall be paid to such dependent, but in no case shall the total payments under Title VI of such act, as amended (except sec. 608), exceed the adjusted service credit of the veteran.

SEC. 5. If, prior to the date of the enactment of this act, the Secretary of War or the Secretary of the Navy, as the case may be, have made certification under section 303 of the World War adjusted compensation act, as amended (U. S. C., Supp. III, title 38, sec. 613), on an application bearing the identified fingerprints, but lacking the proved signature of a veteran now deceased, such application and certification shall be held and considered to have been legally made, and any adjusted service certificate issued to the veteran upon such certification shall be held to have been validly issued and shall be valid.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. STAFFORD. I am not.

The SPEAKER. Does any gentleman opposed to the bill desire to demand a second? If not, the Chair will recognize the gentleman from Wisconsin.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Oregon is entitled to 20 minutes and the gentleman from Wisconsin is entitled to 20 minutes.

Mr. HAWLEY. Mr. Speaker and gentlemen, this bill proposes to do three things. The first is to extend the time within which veterans of the World War may apply for adjusted compensation. When the legislation was originally enacted a 4-year period was provided for the purpose of securing as many applications as possible within a reasonable time in order to determine what the extent of the Government's obligation might be under the law. Later the time in which applications could be made was extended for a period of two years. Such extension expired on January 2 of this year.

There are approximately 450,000 veterans who have not yet applied. Following the expiration of the first extension there were received 25,512 applications from veterans, which were necessarily rejected because they were received too late. This bill, in the first paragraph, proposes to extend the period five additional years; that is, to January 2, 1935. This extension of time begins with December 31, 1929, in order to validate the applications that were received too late under the first extension.

The second part of the bill provides an amendment to the existing law in disappearance cases. Under the existing law, if a soldier is absent and not heard from for a period of seven years he is deemed to be dead, for the purposes of this legislation. Under the law the application must be made by the dependents before the expiration of the 7-year period. A great many wives and mothers do not like to presume that the husband or son is dead, and they have delayed making application until the 7-year period has fully run, and now are debarred. This bill proposes that dependents who have made and filed applications before the expiration of one year after the date of such 7-year period or on or before January 2, 1935, whichever is the later date, shall be entitled to receive the adjusted service credit.

The third proposal deals with a small number of certificates that were issued by the Veterans' Bureau upon certification from the departments, when fingerprints only were impressed on the application and the veteran's signature nowhere appears. These applications having been certified by the departments the bureau issued certificates. I understand that in some cases loans have been made on them.

This provision of the bill removes any possible doubt as to the validity of the certificates already issued but does not apply to any future applications which may have only fingerprints on them, for the reason that fingerprints can be put on after a person is dead.

Unless there are some questions, I think I have stated briefly the purposes of the bill.

Mr. COLLIER. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. COLLIER. I just wish to state that this bill has the unanimous report of the committee, and the minority joins with the majority members.

Mr. WINGO. Will the gentleman yield?

Mr. HAWLEY. I yield with pleasure.

Mr. WINGO. With reference to the widow of a man who has disappeared and has not been heard of for seven years, as I understand, this bill gives her one year within which to file?

Mr. HAWLEY. One year after the expiration of the 7-year period, or on or before January 2, 1935; whichever is the later date.

Mr. WINGO. Why do you make that one year and then make it five years as to these others?

Mr. HAWLEY. The five years are for the veterans who have not yet applied, who are widely disseminated throughout the country, and probably many of them never heard of the proposal. The director of the bureau stated that on the morning after the expiration of the period, on January 2 of this year, he received a telephone message from some one asking about it, saying he had never heard of it. Some of the veterans are abroad. This will give time for them to apply.

Now, in the case of the widow or other dependent of a man who has been absent for seven years, they have one year after the 7-year period has run, or until January 2, 1935, in which to apply for the adjusted-service credit.

Mr. WINGO. I have in mind a case where I presented the findings of the probate court to the effect that the man was legally dead, having been absent for seven years, but, as I recall, the department said the widow's application was made too late, although she had made the application in fact before the time expired, but we were quibbling along for nearly two years in satisfying the department the man was legally dead under the laws of the State of Arkansas, he having been absent for more than seven years. They admitted that seven years was the correct standard, but a determination of when the seven years started was the trouble in this case, as I recall, though I am not sure. That matter was finally adjudicated by the probate court, which is the proper court in my State.

Now, notwithstanding the fact she had made the application and had been corresponding with the department trying to meet its demands for over a year, when finally the department was satisfied about that, they came back and said that the time had expired and she would have to file a new application; and stated that if she did that it would do her no good because the time limit had expired. Will this bill take care of that kind of case?

Mr. HAWLEY. This will give them a year after the expiration of the 7-year period of presumptive death, or until January 2, 1935, whichever is the later date.

Mr. WINGO. Then I will have to start all over again. It took me over a year to satisfy the department before, and I am afraid if my experience with the department in the future will be what it has been in the past, that will not be sufficient time. In this case my recollection is we were over a year satisfying the department the man had been absent seven years.

Mr. CRISP. Will the gentleman yield?

Mr. WINGO. And it is already eight years since he disappeared.

Mr. HAWLEY. If the gentleman will read paragraph (b)—is that what the gentleman from Georgia was going to call attention to?

Mr. CRISP. The bill provides that they can file it within one year or prior to January 2, 1935.

Mr. WINGO. Here is what I have in mind. Let us assume—although on reflection I think possibly the eight years would not be out for a couple of months—but let us assume the finding of the probate court is that the man disappeared eight years before this act becomes effective, will that beneficiary be barred?

Mr. CRISP. No.

Mr. HAWLEY. This is the situation. The bill provides that—

> His dependents who have made and filed application before the expiration of one year after the date of the expiration of such 7-year period or on or before January 2, 1935, whichever is the later date.

Mr. WINGO. I think that will take care of the case.

Mr. STAFFORD. Mr. Speaker, as I have stated, I am not opposed to the bill and I do not intend to use very much of the time; but the gentleman from Alabama [Mr. PATTERSON], has asked me to yield him a few minutes of time and I, therefore, yield the gentleman two minutes.

Mr. PATTERSON. Mr. Speaker, ladies and gentlemen of the House, I am glad to have an opportunity to vote for this bill. I believe it is a meritorious bill and I do not see how anyone can raise any objection, because, obviously, it is a good measure. However, I should be glad to go along with the gentleman from Mississippi and remove all restrictions as to time limit.

As stated by the gentleman from Oregon, there are about 500,000 of our soldiers who failed to apply for this adjusted compensation within the time specified. Recognizing this and having some inquiries relative to the matter right after the 2d day of January, I introduced early in January a similar bill to the first section of the gentleman's bill extending the time until January 2, 1935.

I am happy to support this legislation. I was also notified by some members of the Veterans' Bureau that they would be pleased to have some such legislation passed. I want to congratulate the gentleman from Oregon and his committee on bringing in such valuable legislation, because there is no reason why these veterans and their widows and dependents should be deprived of this right. As has been stated, many of them never heard of this provision before.

Mr. PATTERSON. I wish to say further under leave granted me to extend my remarks that I feel that we should remedy several features of the existing law which I deem unfair and discriminatory. As has been stated, I think that we should not deal with the veteran as though we were making him a donation, but that this is really his and belongs to him and we should see that he has it. I also think that his dependents should be extended to cover disabled brothers and sisters. I, for one, do not believe we can be too liberal with the disabled soldier and his widow or orphans. And I recognize that the time is here when we must extend and broaden all these benefits.

Mr. STAFFORD. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, of course we are not opposing this legislation, and we are denied a chance to amend it. But I want to call the attention of the House now, as I have done in the past, to the fact that we are attempting to treat these ex-service men as if they were wards of Congress.

If you contend that this is a bonus, something we are giving these men, then we are pursuing the proper policy; but those of us who believe it is adjusted compensation hold to the theory that we have no right to limit the time within which these men should make application. I would not only extend it five years, but I would take off the limitation entirely in order that these men may have the same right to apply for this compensation as they would for any other money the Government owed them.

Not only that, Mr. Speaker, but as I pointed out when this legislation was first passed, you are hedging these men about with limitations that ought to be removed. In the first place, if a man dies and leaves a father, mother, wife, or child they can draw his adjusted compensation, but if an ex-service man dies and leaves helpless brothers or sisters dependent on him for the bread of life, they can not draw a single dollar of this compensation under the present law.

You call it adjusted compensation and legislate it a bonus whenever you say that a man can not draw this for any of his family except those specified by those who framed the legislation.

Under the present law an ex-service man may become impoverished by disease to where it is necessary for him to have money in his last illness to pay his doctor's bills, to pay a nurse, or to pay for the necessities of life, or even to take care of his burial expenses when he passes away. If you had this proviso eliminated from the law so this would go to him or his estate, under the laws of descent and distribution of the State in which he lived, he would at least have this amount of credit that would help him in those dire straits, to which, unfortunately, many of our dying ex-service men are forced to-day.

Now, I call attention to this because these limitations ought to be removed. I went before the Ways and Means Committee and insisted on it there, and when this bill gets over to the Senate I shall insist that the Senate remove these limitations, which in effect say to the ex-service men that this is a gratuity we are giving them and that we have the right to regulate it. It is not a gratuity; it is not a bonus; it is an adjusted compensation—pay for his services during the war. He has a right to do as he pleases with it; he has a right when he passes away to have that compensation go to his estate or to those entitled to receive what property he owns, under the law of descent and distribution of the State in which he lives.

Now I yield to the gentleman from Alabama.

Mr. PATTERSON. I think the gentleman is entirely right, and I would be glad to vote for it. I would be glad to vote to have the restrictions entirely taken off, but this is some help.

Mr. RANKIN. Of course this helps. But with the same amount of effort we could have wiped out the limitation and have stopped saying to the boys, "You are the wards of Congress." We could have stopped saying, "This is a bonus; this is a gratuity, and we shall regulate it," and could have said to them, as the American people intended to say to them, "This

is adjusted compensation which the Government owes you and you have a right to use it as you please." [Applause.]

Mr. STAFFORD. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker and gentlemen, I agree with the remarks made by my colleague the gentleman from Mississippi [Mr. RANKIN]. We went before the Ways and Means Committee and asked that there be no limit on the time for service men to apply for adjusted compensation, or the so-called bonus. Of course, we are going to vote for this. I am going to vote for it. There are 400,000 of these veterans. One member of the committee asked why they had not applied before. I answered him by saying that you can go into any Congressman's district and ask the first 10 people you meet who their Congressman is and they will not know. I have asked it of people on the train who their Congressman was and they did not know. Now, if they do not know that, how in the world do you expect them to know what acts are passed by Congress?

Mrs. ROGERS. Will the gentleman yield?

Mr. CONNERY. I will be glad to yield?

Mrs. ROGERS. Early in December I introduced a somewhat similar bill because I knew that many veterans had not applied for adjusted compensation. Is it not a fact that some of these veterans have not applied because at the time they were not in any financial need and have not wished to ask assistance of the Government unless it were a necessity?

Mr. CONNERY. Yes. The lady from Massachusetts is absolutely right and has brought out a very important fact. Now I want to call attention to the fact that a few days ago I made some remarks on the floor asking Congress to pay the soldiers' bonus in cash now. I have received letters from all over the country from people stating that they favor that proposition and saying that there are thousands in the United States now who could use $200, $300, or $600 or even $40. I refer now to ex-service men and their families. They are in dire need, and I believe that Congress should wake up to the fact and pay the soldiers the bonus in cash now and not wait 15 years until thousands of these men will be dead. Their families are in need, and now is the time to pay them the money.

Mr. RANKIN. Will the gentleman yield?

Mr. CONNERY. I yield.

Mr. RANKIN. As a matter of fact it would not cost the Government any more money to take up these certificates and pay them now than it will to go on the way we are doing and ultimately pay them off. In the long run it would be as cheap to pay them off now as it would be to pay them later.

Mr. CONNERY. It would be cheaper because the expense is going on all the time. It would save much of the administrative expense of the Veterans' Bureau and War Department on the adjusted compensation. I think Congress can do something now to help the unemployed—there are thousands of these men out of work that need the money. I believe that this adjusted compensation should be paid in cash now. [Applause].

Mr. STAFFORD. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Speaker, I ask this two minutes in order to make an inquiry of the chairman of the committee to determine whether or not I am correct in my understanding of this bill. Does not the Government of the United States have the complete military record of each of these ex-service men?

Mr. HAWLEY. I think so.

Mr. HASTINGS. The Government has a record of when these men enlisted, and when they were discharged. From that can not the Government compute the amount due to each soldier under existing law?

Mr. HAWLEY. Yes; under the original act.

Mr. HASTINGS. Then why does not the Government of the United States do that, and then institute its own search for these ex-service men and give them their certificates?

Mr. HAWLEY. It has never been the province of the Government to do that. In the matter of pensions the Government requires the application from the pensioner.

Mr. HASTINGS. This is different. It seems to me this is an amount as additional compensation that under the law goes to these ex-service men or their dependents as a matter of course upon their application, and upon proof of the time they served.

Mr. HAWLEY. But the veterans have dispersed to the four winds of heaven. The Government does not have the post-office address of more than a small fraction, and never had their post-office address after the bill was passed.

Mr. HASTINGS. This bill extends the time from January 2, 1930, to January 2, 1935, within which ex-service men or their dependents may file application for adjusted compensation benefits.

The amount is due each ex-service man or his dependents.

The Government has the military record of each soldier, and if I were permitted to offer an amendment I would offer one directing that some Government official file at once such an application for each ex-service man, ascertain from the records the amount due, which, of course, can be done, because the military record will show the date of enlistment and date of discharge, and hence the amount due each ex-service man could be ascertained; and then I would have the Government institute a vigorous search for each ex-service man, if alive, or for his dependents if dead, and when found deliver the certificate.

Why should such an amendment not be adopted? The amount is due each ex-service man under existing law, but I can not offer such an amendment, because this bill is brought up under a suspension of the rules, which I criticized at length on February 18, 1930.

Of course, I am going to vote for this bill because it is a step in the right direction. It extends the time five years within which to file application, but the time should be indefinitely extended, or, rather, the Government, before the expiration of the extended time, should itself file the application, determine the amount due, and then vigorously institute search either for the ex-service man or his dependents, and then deliver the adjusted-service certificate to the party found entitled to it. There should be comprehensive legislation on the entire subject; but, of course, the committee reporting this bill has jurisdiction only over certain phases of it.

The SPEAKER. The time of the gentleman from Oklahoma has expired. The question is on the motion of the gentleman from Oregon to suspend the rules and pass the bill.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that all Members of the House have five legislative days within which to extend their remarks in the RECORD on this bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOPKINS. Mr. Speaker, the World War adjusted compensation act granted to each veteran of the World War an adjusted-service certificate of a value proportionate to the length of service of each veteran. The total value of the certificate was arrived at as follows:

(a) For each day of service in the United States, $1.

(b) For each day of service out of the United States, $1.25.

Under the present law the last date for filing application for this certificate was January 3, 1930. Over four and one-fourth million veterans were eligible to receive these certificates. Up to January 1, 1930, the last date on which applications may be filed under the present law, over 400,000 veterans had not filed claims. During the 30 days following the expiration of the time allowed for filing, hundreds of valid and worthy applications have been received in Washington.

Every veteran who is entitled to receive this certificate should be given one, and I sincerely hope the Members of the House will see fit to adopt this amendment to-day.

On January 7, 1930, I introduced an amendment to the act extending the date to January 3, 1932. I am most happy to see that the committee has been so liberal as to recommend that this date be extended to January 3, 1935. The committee is fully justified in placing this date so far in the future. A man is either entitled to this certificate or he is not, and the date of filing the application should have very little bearing in the matter.

Mr. HARE. Mr. Speaker, I am sure that the chairman of the committee [Mr. HAWLEY] has explained in detail the provisions of this bill (H. R. 9804), and I am sure also that there is little or no opposition to its passage. As I understand, its primary object is to amend the World War adjusted compensation act so as to extend the time within which World War veterans or their relatives entitled to any benefit thereunder may file application for adjusted-service compensation or other benefits provided for by the original act. The time limit is extended to January 1, 1935, but in my opinion there should be no limitation to the time within which interested persons should be required to file their claims, because it has been my understanding that the benefits provided for under the adjusted compenstion act do not amount to a mere gift or bonus to the World War veterans, but a recognition of the fact that the Government had not paid such veterans sufficient salary while in the service, and the act was therefore passed with the idea of making proper adjustment as to salaries.

If this is a proper interpretation of the law, there is still due these veterans from the Government a part of the salary earned while in the service, and the soldier or his interested relatives should have the right at any time to file a claim for this adjusted compensation, because it is, in effect, a recognized debt that the Government owes the soldier, and there should be no statute of limitation fixing a time limit in which to file claims.

I regret, therefore, that the bill is brought into the House under a parliamentary situation which will not permit an amendment to this effect, because I am sure there are others who would like to see the law amended so as to eliminate the limitation of time within which these claims may be filed. However, I shall be very glad to support the bill, because it extends the time for five years and will give thousands of soldiers who may have never heard of this legislation, an opportunity to file their claims under the original act.

As a matter of fact, I think that since the Government has recognized its obligations to the veterans in that they are entitled to additional pay, they should be paid in full and not be paid with a promissory note, as is being done with the adjusted-service certificate. In this connection I want to say that I am in favor of H. R. 3490, introduced some time ago by Representative HUDDLESTON, of Alabama, the first section of the bill being as follows:

Be it enacted, etc., That notwithstanding any provision of the World War adjusted compensation act, as amended, the Secretary of the Treasury is authorized and directed to pay, under such rules and regulations as he may prescribe, to any veteran making application therefor, and upon receipt of his adjusted-service certificate properly indorsed, an amount equal to the face value of the certificate.

I trust that the Ways and Means Committee will give due consideration to this bill and report favorably before the close of this session, because the Government can afford to pay it now as well as later, and it seems to me an opportune time, for there are thousands of soldiers now without employment, and the distribution of these funds would have a tendency to stabilize business and obviate suffering on the part of many veterans and their families.

And, Mr. Speaker, while I am discussing pending legislation pertaining to World War veterans or their dependents, I want to say that I am also in favor of H. R. 7825, which provides specifically that the presumptive date of certain service-connected disabilities should be extended from January 1, 1925, to January 1, 1930, for under the existing regulations of the Veterans' Bureau there are thousands of veterans who are not only suffering but actually dying with tuberculosis and are unable to show for lack of records that they were afflicted with this dreaded disease prior to January 1, 1925. They know from their own feelings, and in many cases their physicians know, they had tuberculosis prior to that time, but simply because the attending physician did not make a clinical record at the time the diagnosis was made the bureau, under its regulations, will not consider the evidence submitted and therefore deny service connection. Several cases from my district have been brought to my attention where examinations made by representatives of the bureau show active tuberculosis in 1925, and they have every reason to believe and know that the disability existed prior to January 1, 1925, but simply because the veteran has no written records or because the physician did not make a microscopic examination and record all of the physical findings upon which he based his diagnosis the bureau holds that there is no proof of service connection, and the veteran therefore is not entitled to compensation.

In many small towns and rural districts physicians do not have equipment for making microscopic examinations and it has never been their custom to make a written record of the symptoms found, still they all know when they find a decidedly active case of tuberculosis, yet an affidavit from such physician saying that he is positive that such a veteran had tuberculosis at such a date will not be considered as evidence unless there is incorporated in the affidavit a copy of the records made at the time the diagnosis was made. I have already appeared before the committee in behalf of this bill and I certainly trust that favorable consideration will be given to same so that the thousands of known sufferers among the veterans will be given the compensation to which they are entitled.

I am also in favor of amendment requiring the Veterans' Bureau to pay the statutory award to any veteran who has been previously examined by representatives of the Veterans' Bureau and declared as a result of such examination that such veteran was suffering with chronic or active tuberculosis, but which now may be temporarily arrested.

Mr. JOHNSON of Texas. Mr. Speaker, of course, I am going to vote for this bill (H. R. 9804), as will doubtless the entire membership of the House.

Under existing law the time for filing applications for World War adjusted compensation expired on January 2, 1930, and this bill will extend the time for filing such applications five years, or until January 2, 1935.

The original act, granting such compensation and known as the World War adjusted comenpsation act, was passed by the Sixty-eighth Congress. President Coolidge having vetoed same, the bill was passed over his veto by the House on May 17, 1924, and by the Senate on May 19, 1924.

In the hearings had on the bill now under consideration before the Ways and Means Committee, on February 6, 1930, Maj. F. G. Munson, of the War Department, stated that since January 2, 1930, the War Department had received 20,496 applications which could not be considered because they were filed too late. Mr. E. Henkel, chief clerk in the Bureau of Navigation, stated that the Navy Department had received, since midnight of January 2, 1930, 3,283 applications; and Troy A. Nubson, chief of personnel administration division, Marine Corps, stated that his department received 301 applications, which arrived too late for filing under existing law.

A great many were misled as to the time when these could be filed. Certain broadcasting and other news agencies stated that if the applications were in the mail by midnight of January 2, 1930, they would be within time, whereas the law provided that such applications would have to be filed and in possession of the governmental departments before midnight of that date.

My chief objection to this bill is that it does not extend the time indefinitely for filing these applications. I introduced, on January 6, 1930, H. R. 7999, which would amend existing law by extending the time for filing applications for benefits under this act indefinitely.

The gentleman from Oregon [Mr. HAWLEY], who is chairman of the Ways and Means Committee, introduced H. R. 9102, which extended the time for filing to March 31, 1931, and the hearing was had on his bill. Other Members filed bills extending the time for varying periods, and I am glad that the committee saw proper to extend the time four years beyond that which was contemplated by the bill upon which the hearings were had. I regret, however, that the committee did not see proper to report a bill extending the time indefinitely, as I think it would have been the best solution of this problem and would have guaranteed fair treatment to all who are entitled to benefits under this act.

In the hearings on this bill Hon. John Thomas Taylor, vice chairman of the national legislative committee of the American Legion, and a number of other witnesses strongly supported an amendment to existing law, whereby the time would be extended indefinitely, as provided in my bill.

Unfortunately, this bill is brought up under suspension of the rules, so that no amendment can be offered. If such were not the case, I think the House would undoubtedly adopt an amendment extending the time for filing indefinitely.

I introduced another bill which would amend existing law by a provision that if the veteran died while in the service and before being discharged, dependency of the father or mother should be presumed and no proof of dependency required.

However, the bill being considered under suspension of the rules, no amendment can be offered to the bill, it is incumbent upon those of us who believe in liberal legislation for World War veterans to support the measure as presented to the House.

Mr. PRITCHARD. Mr. Speaker, I am glad to support this bill extending the time in which the ex-service men and their dependents may make application for adjusted compensation. I would like to see the time limit altogether removed. I am voting for this measure solely because it is a step in the right direction.

Justice is eternal. It is not hedged about by time limits. If it was right to compensate the veterans heretofore, it is right to do so now and hereafter regardless of the time the soldier or sailor applies for relief. Some of the courts of the land consider it wrong to plead the statute of limitations. Certainly the United States Government, with potential wealth that staggers the imagination, should not do so.

The granting of compensation was not a gift, but rather a feeble effort on the part of the Government to place those who bore the brunt of battle a little nearer on a basis of equality with those who, during the same period, were engaged in profitable occupations. It was an attempt by the Government to do justice to the veterans of the World War by supplementing their dollar a day pittance with additional compensation.

We should do away altogether with the statute of limitations and pay off and discharge in full the ex-service men's adjusted-compensation certificates. And furthermore we should do it now. Holy Writ admonishes us not to withhold that which is due another.

Mr. IGOE. Mr. Speaker, the bill (H. R. 9804) to amend the World War adjusted compensation act, to extend the time within which World War veterans or their dependents entitled to benefits thereunder may file application for adjusted service compensation, the provisions of which have just been fully explained by the chairman of the committee, has my full sympathy and support. In fact, I am very sorry the committee did not see its way clear to go a step farther and eliminate entirely the time limit in which the beneficiaries must file application for these benefits. However, I shall vote for the bill in its present form, fully cognizant of the fact it will give thousands of ex-service men who have either been unaware of this legislation, or who have failed to accept the opportunity afforded them thereunder, additional time in which to file their claims under the original act.

Believing as I do that the granting of compensation was not a gift but an effort on the part of the Government to place those who sacrificed their all to answer their country's call in time of need on an equality with those, who, during the same period, were engaged in more profitable enterprises, I look forward, and I hope the day is not very distant when the Congress will discharge its full obligation to the veterans of the World War and enact legislation that will permit the Secretary of the Treasury to pay to the veterans the face value of their adjusted compensation certificates without their having to wait a period of 20 years, as provided in the original act, before they become redeemable. Bills of this character are now awaiting action by the various committees of the House and I shall be very glad to join with the other Members who favor such legislation in a movement to urge prompt consideration of such pending measures in order that the Government's debt to these veterans may be satisfied in full without further unnecessary delay.

And, Mr. Speaker, while on the subject of pending legislation for World War veterans and their dependents permit me to state I have received innumerable telegrams and letters from disabled noncompensated ex-service men urging me to support the Rankin bill (H. R. 7825) to extend the presumptive period of tubercular veterans and those suffering from other chronic constitutional diseases to January 1, 1930. This is one of the most important bills to come before this House, and I hope the Republican members of the steering committee in charge of all legislation permitted to be considered by this body will not allow the sidetracking of this bill, as has been threatened, thereby giving those of us who are unequivocally in favor of it an opportunity to voice our views.

Mr. COCHRAN of Missouri. Mr. Speaker and Members of the House, the bill just passed, which I supported, extends the time for the filing of applications under the adjusted compensation act. The act is commonly referred to as the bonus act.

Had the bill been open to amendment I would have asked the House to provide for payment of the face value of the certificate where the veteran was shown to be totally and permanently disabled and produced evidence showing indigent circumstances.

Further, I do not think it just that when a veteran who has failed to file an application dies his widow and children or dependent father or mother should be deprived of the amount they would have received had the veteran himself filed his application. As the law stands now, where the veteran has not filed an application and dies, the dependents can only receive $1 a day for every day served in this country and $1.25 for every day's service abroad less the $60 bonus paid at time of discharge. You place a penalty upon the dependents because the veteran did not file an application, although his death occurred during the time limit.

Had the situation permitted I would also have offered an amendment providing for payment of 25 per cent of the face value of the certificate now. I have introduced a bill containing such a provision.

There is in the Treasury Department $635,106,616.71, or was on January 31, 1930, available in the adjusted compensation fund. Hundreds of thousands of veterans are out of employment in indigent circumstances, and the payment of this money now would mean much to them as well as to the country. It would help stabilize conditions generally and would not be a drain upon the Treasury. I include in my remarks a letter I have received from General Hines in reference to this fund. The letter follows:

UNITED STATES VETERANS' BUREAU,
Washington.

Hon. JOHN J. COCHRAN,
House of Representatives, Washington, D. C.

MY DEAR MR. COCHRAN: In reply to your letter requesting certain data relative to adjusted compensation, you are advised as follows:

1. As of January 31, 1930, there was a total of $635,106,616.71 available in the adjusted service certificate fund.

2. Congress has appropriated $112,000,000 annually for the past several years to be added to the adjusted service certificate fund. However, it is estimated that an additional appropriation will be necessary in future years in order to provide sufficient funds to meet the certificates at their maturity.

3. The total value of all certificates issued as of January 31, 1930, is $3,484,934,886. The value of certificates that may be issued as the result of legislation extending the time limit for filing can not be determined until the applications are finally acted upon.

4. The amount paid out during the fiscal year 1929 because of the death of certificate holders is $19,744,738.

5. The amount that must be paid on certificates already issued is covered in item 3 above.

Very truly yours,

FRANK T. HINES, *Director.*

I have asked the chairman of the Ways and Means Committee to secure an expression from the Treasury Department on my bill, and I hope it will be favorable.

PINE RIDGE INDIANS, SOUTH DAKOTA

The SPEAKER. The Clerk will call the next bill on the Consent Calendar.

The next business on the Consent Calendar was the bill (H. R. 9306) to authorize per capita payments to the Indians of the Pine Ridge Indian Reservation, S. Dak.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. Mr. Speaker, reserving the right to object, the gentleman from Michigan [Mr. CRAMTON] asked me to ask unanimous consent that this bill be passed over without prejudice, and I make that request.

The SPEAKER. Is there objection?

There was no objection.

CIVIL-SERVICE RETIREMENT

Mr. LEHLBACH. Mr. Speaker, I move to suspend the rules and pass the bill (S. 15) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from New Jersey moves to suspend the rules and pass the bill (S. 15) as amended, which the Clerk will report.

Without objection, the Clerk will omit the stricken-through lines and read the amendment.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, be, and the same is hereby, amended as follows:

ELIGIBILITY FOR SUPERANNUATION RETIREMENT

SEC. 1. All employees to whom this act applies who, before its effective date, shall have attained or shall thereafter attain the age of 70 years and rendered at least 15 years of service computed as prescribed in section 5 of this act shall be eligible for retirement on an annuity as provided in section 4 hereof: *Provided*, That city, rural, and village letter carriers, post-office clerks, sea-post clerks, laborers, and mechanics generally shall, under like conditions, be eligible for retirement at 65 years of age and that railway postal clerks, mechanics and laborers in navy yards, and those employees engaged in pursuits whose occupation is hazardous or requires great physical effort, or which necessitates exposure to extreme heat or cold, and those employees whose terms of service shall include 15 years or more of such service rendered in the Tropics, shall be eligible at 62 years of age; the classification of employees for the purpose of assignment to the various age groups shall be determined jointly by the Civil Service Commission and the head of the department, branch, or independent office of the Government concerned: *Provided further*, That any such employee who was employed as a mechanic for the major portion of his service, and not less than 15 years, and was subsequent to August 20, 1920, involuntarily transferred to employment as a laborer and thereafter involuntarily discharged from the service of the United States, shall receive such annuity as he would have been entitled to, if on the day of his discharge from the service he had been retired under the provisions of this act: *Provided further*, That any mechanic, having served 30 years, who was, through no fault of his own, transferred or reduced to a minor position, and who shall have attained, or who shall thereafter attain the age of 62 years, shall have his annuity computed upon his average annual basic salary, pay, or compensation for the last 10 years of his service as a mechanic: *Provided further*, That the term "mechanics," as used in this act, shall include all employees in the Government Printing Office

whose duties are to supervise, perform, or assist in apprentice, helper, or journeyman work of a recognized trade or craft, as determined by the Public Printer.

All employees to whom this act applies, who would be eligible for retirement from the service upon attaining the age of 70 years, 65 years, or 62 years, as the case may be, shall, after attaining the age of 68 years, 63 years, and 60 years, respectively, and having rendered at least 30 years' service, computed as provided in section 5 of this act, be eligible for retirement on an annuity as provided in section 4 of this act. Retirement under the provisions of this paragraph shall be at the option of the employee; but if such option is not exercised prior to the date upon which the employee would otherwise be eligible for retirement from the service, the provisions of this act with respect to automatic separation from the service shall apply.

AUTOMATIC SEPARATION

SEC. 2. All employees to whom this act applies shall, on arriving at retirement age as defined in the preceding section, and having rendered 15 years of service, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date; and it shall be the duty of the head of each department, branch, or independent office of the Government concerned to notify such employees under his direction of the date of such separation from the service at least 60 days in advance thereof: *Provided*, That if the head of the department, branch, or independent office of the Government in which he is employed certifies to the Civil Service Commission that by reason of his efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon the approval and certification by the Civil Service Commission, and at the end of the two years he may, by similar approval and certification, be continued for an additional term not exceeding two years, and so on: *Provided, however*, That after August 20, 1930, no employee shall be continued in the civil service of the United States beyond the age of retirement for more than four years.

Whenever an employee shall make application for such continuation in the civil service, and shall submit acceptable proof of his present physical fitness to perform his work, it shall be the duty of the head of the department, branch, or independent office of the Government concerned to obtain from the immediate superior in the service of such applicant all efficiency ratings and other information on file respecting the character of the work of such applicant, and shall also obtain from such immediate superior his opinion in writing with respect to the efficiency of the work performed by such applicant. From such information shall be eliminated increases in ratings, credits, and other preferences for any cause whatsoever other than the character of work actually performed. Should such information show that the applicant has been efficient and competent during the two years next preceding his application for continuance in the civil service, the head of the department, branch, or independent office of the Government concerned shall, as of course, certify to the United States Civil Service Commission that, by reason of the efficiency and willingness of such applicant to remain in the civil service of the United States, the continuance of such employee would be advantageous to the public service.

No person separated from the service who is receiving an annuity under the provisions of section 1 of this act, shall be employed again in any position within the purview of this act.

EMPLOYEES TO WHOM THE ACT SHALL APPLY

SEC. 3. This act shall apply to the following employees and groups of employees:

(a) All employees in the classified civil service of the United States, including all persons who have been heretofore or may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under civil service rules promulgated by the President, or by Executive orders covering into the competitive classified service groups of employees with their positions or authorizing the appointment of individuals to positions within such service.

(b) Superintendents of United States national cemeteries, and such employees of the offices of solicitors of the several executive departments, of the Architect of the Capitol, of the Library of Congress, of the United States Botanic Garden, of the recorder of deeds and register of wills of the District of Columbia, of the United States Soldiers' Home, of the National Home for Disabled Volunteer Soldiers, of the State Department without the continental limits of the United States who are United States citizens and not within the Foreign Service as defined in the act of May 24, 1924, and of the Indian Service at large whose tenure of employment is not intermittent nor of uncertain duration.

(c) All employees of the Panama Canal on the Isthmus of Panama who are citizens of the United States and whose tenure of employment is not intermittent nor of uncertain duration.

(d) Unclassified employees of the United States in all cities and in all establishments or offices in which appointments are made under labor regulations approved by the President, or from subclerical or other registers for the classified service; and unclassified employees transferred from classified positions: *Provided*, That these groups shall include only those employees whose tenure of employment is not intermittent nor of uncertain duration.

(e) All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners or by other competent authority, including those employees receiving per diem compensation paid out of general appropriations and including public-school employees, excepting school officers and teachers.

(f) All employees and groups of employees to whom the benefits of the act of May 22, 1920, and amendments thereof, shall have been extended by Executive orders.

(g) Postmasters of the first, second, and third class who have been promoted, appointed, or transferred from the classified civil service.

This act shall not apply to such employees of the Lighthouse Service as come within the provisions of section 6 of the act of June 20, 1918, entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," nor to members of the police and fire departments of the municipal government of the District of Columbia, nor to postmasters, excepting those specifically described in paragraph (g) of this section, nor to such employees or groups of employees as may have been before the effective date of this act excluded by Executive orders from the benefits of the act of May 22, 1920, and amendments thereof.

The provisions of this act may be extended by Executive order, upon recommendation of the Civil Service Commission, to apply to any employee or group of employees in the civil service of the United States not included at the time of its passage. The President shall have power, in his discretion, to exclude from the operation of this act any employee or group of employees in the civil service whose tenure of office or employment is intermittent or of uncertain duration: *Provided*, That the provisions of this act shall apply to anyone who entered the United States mail service as a rural carrier before January 1, 1897, and who continued in the service as such carrier continuously for 20 years or more, and who was honorably separated from the service. Such carrier shall be paid such compensation under this act as his length of service entitles him to receive.

METHOD OF COMPUTING ANNUITIES

SEC. 4. The annuity of an employee retired under the provisions of the preceding sections of this act shall be a life annuity, terminable upon the death of the annuitant and shall be composed of: (1) A sum equal to $30 for each year of service not exceeding 30: *Provided*, That such portion of the annuity shall not exceed the average annual basic salary, pay, or compensation received by the employee during any five consecutive years of allowable service at the option of the employee; and (2) the amount of annuity purchasable with the sum to the credit of the employee's individual account as provided in section 12 (a) hereof, according to the experience of the civil-service retirement and disability fund as may from time to time be set forth in tables of annuity values by the Board of Actuaries: *Provided*, That the total annuity paid shall in no case be less than an amount equal to the average annual basic salary, pay, or compensation, not to exceed $1,600 per annum, received by the employee during any five consecutive years of allowable service at the option of the employee, multiplied by the number of years of service, not exceeding 30 years, and divided by 40: *And provided further*, That any employee at the time of his retirement may elect to receive, in lieu of the life annuity herein described, an increased annuity of equivalent value which shall carry with it a proviso that no unexpended part of the principal upon the annuitant's death shall be returned. For the purposes of this act all periods of service shall be computed in accordance with section 5 hereof, and the annuity shall be fixed at the nearest multiple of 12.

The term "basic salary, pay, or compensation," wherever used in this act, shall be so construed as to exclude from the operation of the act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation.

COMPUTATION OF ACCREDITED SERVICE

SEC. 5. Subject to the provisions of section 9 hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, or in the service of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and elects to receive a pension under any law, or retired pay on account of military or naval service, or compensation under the war risk insurance act, the period of his military or naval service upon which such pension, retired pay, or compensation is based shall not be included, but nothing in this act shall be so construed as to affect in any manner his or her right to a pension, or to retired pay, or to compensation under the war risk insurance act in addition to the annuity herein provided.

In computing length of service for the purposes of this act all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute.

In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated.

DISABILITY RETIREMENT—MEDICAL EXAMINATIONS REQUIRED

SEC. 6. Any employee to whom this act applies who shall have served for a total period of not less than five years, and who, before becoming eligible for retirement under the conditions defined in the preceding sections hereof, becomes totally disabled for useful and efficient service in the grade or class of position occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his own application or upon the request or order of the head of tae department, branch, or independent office concerned, be retired on an annuity computed in accordance with the provisions of section 4 hereof: *Provided*, That proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service, shall not be required in any case. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter. No employee shall be retired under the provisions of this section unless examined by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons, designated by the Commissioner of Pensions for that purpose, and found to be disabled in the degree and in the manner specified herein.

Every annuitant retired under the provisions of this section, unless the disability for which he retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 1 hereof, be examined under the direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching retirement age and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding ninety days from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examination as required under this section, payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. The Commissioner of Pensions may order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the amount credited to his individual account as provided in section 12 (a) hereof, the difference, unless he shall become reemployed in a position within the purview of this act, shall be paid to the retired employee, as provided in section 12 (b) hereof, upon application therefor in such form and manner as the Commissioner of Pensions may direct. In case of reemployment in a position within the purview of this act the amount so refunded shall be redeposited as provided in section 12 (b) hereof.

No person shall be entitled to receive an annuity under the provisions of this act, and compensation under the provisions of the act of September 7, 1916, entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either act for any part of the same period of time.

Fees for examinations made under the provisions of this section by physicians or surgeons who are not medical officers of the United States shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this act.

INVOLUNTARY SEPARATION FROM THE SERVICE

SEC. 7. Should any employee 55 years of age or over to whom this act applies, after having served for a total period of not less than 15 years and before becoming eligible for retirement under the conditions defined in section 1 hereof, become involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, such employee shall be paid, as he or she may elect, either—

(a) The total amount of his deductions with interest thereon; or

(b) An immediate life annuity beginning at the date of separation from the service, having a value equal to the present worth of a deferred annuity beginning at the age at which the employee would otherwise have become eligible for superannuation retirement computed as provided in section 4 of this act; or

(c) A deferred annuity beginning at the age at which the employee would otherwise have become eligible for superannuation retirement, computed as provided in section 4 of this act. The right to such deferred annuity shall be evidenced by a proper certificate issued under the seal of the Department of the Interior.

Any employee who has served for a period of not less than 15 years and who is 45 years of age or over and less than 55 years and who becomes separated from the service under the conditions set forth in this section shall be entitled to a deferred annuity, but such employee may upon reaching the age of 55 years elect to receive an immediate annuity as provided in paragraph (b) of this section.

Should an annuitant under the provisions of this section be reemployed in a position included in the provisions of this act, or in any other position in the Government service, the annuity shall cease and all rights and benefits under the provisions of this section shall terminate from and after the date of such employment.

This section shall include former employees within the provisions of the act of May 22, 1920, or said act as amended or as extended by Executive orders, who may have been separated from the service subsequent to August 20, 1920, under the conditions defined in this section: *Provided*, That in the case of an employee who has received a refund from the "civil-service retirement and disability fund," such employee shall be required to return the amount so received with interest compounded on June 30 of each year at the rate of 4 per cent per annum before he shall be entitled to the benefits of this section.

BENEFITS EXTENDED TO THOSE ALREADY RETIRED

SEC. 8. In the case of those who before the effective date of this act shall have been retired on annuity under the provisions of the act of May 22, 1920, or said act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this act, but this act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date.

CREDIT FOR PAST SERVICE

SEC. 9. Beginning with the effective date of this act, all employees who may be brought then or thereafter within the purview of the act by legislative enactment, or by appointment, or through classification, or by transfer, or reinstatement, or Executive order, or otherwise, shall be required to deposit with the Treasurer of the United States to the credit of the "civil-service retirement and disability fund" a sum equal to 2½ per cent of the employee's basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to July 1, 1926, and also 3½ per cent of the basic salary, pay, or compensation for services rendered from and after July 1, 1926, together with interest computed at the rate of 4 per cent per annum compounded on June 30 of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service. The amount so deposited, less $1 for each month, or major fraction thereof, of service after the effective date of this act, shall be credited to the employee's individual account, as provided in section 12 (a) hereof. Upon making such deposit the employee shall be entitled to credit for the period or periods of service involved: *Provided*, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to August 1, 1920, to which he or she would otherwise be entitled.

DEDUCTIONS AND DONATIONS

SEC. 10. Beginning as of July 1, 1926, there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this act applies a sum equal to 3½ per cent of such employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the "civil-service retirement and disability fund" created by the act of May 22, 1920, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this act.

The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, or bequests, or otherwise, and to receive, deposit, and invest for the purposes of this act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally.

Every employee coming within the provisions of this act shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided herein, and payment less such deductions shall be

a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions of this act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this act applies.

INVESTMENT AND ACCOUNTS

SEC. 11. The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States or Federal farm-loan bonds, such portions of the "civil-service retirement and disability fund" as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 12 of this act.

RETURNS OF AMOUNTS DEDUCTED FROM SALARIES

SEC. 12. (a) Under such regulations as may be prescribed by the Secretary of the Interior, after consultation with the heads of the executive departments and with the approval of the President, the amounts deducted and withheld from the basic salary, pay, or compensation of each employee for credit to the "civil-service retirement and disability fund" created by the act of May 22, 1920, covering service during the period from August 1, 1920, to the effective date of this act, shall be credited, together with interest at 4 per cent per annum compounded on June 30 of each year, to an individual account of such employee; and the amounts deducted and withheld from the basic salary, pay, or compensation of each employee for credit to the "civil-service retirement and disability fund" covering service from and after the effective date of this act, less the sum of $1 per month or major fraction thereof, shall similarly be credited, together with interest at 4 per cent per annum, compounded on June 30 of each year, to such individual account.

(b) In the case of any employee to whom this act applies who shall be transferred to a position not within the purview of the act, or who shall become absolutely separated from the service before becoming eligible for retirement on annuity, the amount credited to his individual account shall be returned to such employee: *Provided,* That when any employee becomes involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, the total amount of his deductions with interest thereon shall be paid to such employee: *And provided further,* That all money so returned to an employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this act, be redeposited with interest before such employee may derive any benefits under this act, except as provided in this section, but interest shall not be required covering any period of separation from the service.

(c) The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder.

(d) In case an annuitant shall die without having received in annuities purchased by the employee's contributions as provided in (2) of section 4 hereof an amount equal to the total amount to his credit at time of retirement, the amount remaining to his credit shall be paid in one sum to his legal representatives upon the establishment of a valid claim therefor, unless the annuitant shall have elected to receive an increased annuity as provided in section 4 hereof.

(e) In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for annuity, the total amount of his deductions with interest thereon shall be paid to the legal representatives of such employee.

(f) In case a former employee entitled to the return of the amount credited to his individual account shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such employee.

(g) If the amount of accrued annuity or of refund due a former employee who is legally incompetent does not exceed $1,000, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor, administrator, guardian, or committee, payment may be made, after the expiration of 30 days from date of death or of separation from the service, as the case may be, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

PAYMENT OF ANNUITIES AND FORM OF APPLICATION

SEC. 13. Annuities granted under the terms of this act shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Secretary of the Interior in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments.

Applications for annuity shall be in such form as the Commissioner of Pensions may prescribe, and shall be supported by such certificates from the heads of departments, branches, or independent offices of the Government in which the applicant has been employed as may be necessary to the determination of the rights of the applicant. Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior.

Annuities granted under this act for retirement under the provisions of section 1 of this act shall commence from the date of separation from the service and shall continue during the life of the annuitant. Annuities granted under the provisions of sections 6 and 7 hereof shall be subject to the limitations specified in said sections.

SEC. 14. Employees who have gone from employment within the purview of this act to other employment under the Government and have returned to a position under the purview of this act shall have the time of such other service included in the computation for his retirement: *Provided,* That such employee shall contribute to the retirement fund upon reentering such employment within the purview of this act an amount, including interest, equivalent to that which would have been paid if such employee had continued in such employment.

DUTIES OF THE CIVIL SERVICE COMMISSION

SEC. 15. The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this act; and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as necessary to the proper adjustment of any claim for annuity hereunder; and shall prepare and keep all needful tables and records required for carrying out the provisions of this act, including data showing the mortality experience of the employees in the service and the percentage of withdrawals from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this act.

BOARD OF ACTUARIES

SEC. 16. The Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the board of actuaries, whose duty it shall be to annually report upon the actual operations of this act, with authority to recommend to the Commissioner of Pensions such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, and they shall make a valuation of the "civil-service retirement and disability fund" at intervals of five years, or oftener if deemed necessary by the Commissioner of Pensions; they shall also prepare such tables as may be required by the Commissioner of Pensions for the purpose of computing annuities under this act. The compensation of the members of the board of actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior.

ADMINISTRATION

SEC. 17. For the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Secretary of the Interior, be, and is hereby, authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect. An appeal to the Secretary of the Interior shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under this act, the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Secretary of the Interior.

The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and he shall transmit to Congress, through the Secretary of the Interior, the reports and recommendations of the Board of Actuaries.

The Secretary of the Interior shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to finance the retirement and disability fund and to continue this act in full force and effect.

EXEMPTION FROM EXECUTION, ETC.

SEC. 18. None of the moneys mentioned in this act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

EFFECTIVE DATE

SEC. 19. This act shall take effect on the first day of the second month next after its approval.

The SPEAKER. Is a second demanded?

Mr. JEFFERS. Mr. Speaker, I demand a second.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from New Jersey for 20 minutes and the gentleman from Alabama for 20 minutes.

Mr. LEHLBACH. Mr. Speaker, the retirement system for the classified civil service of the Federal Government was inaugurated in 1920, and has been in operation for 10 years. From time to time amendments have been offered to the retirement act, liberalizing it, but without interfering with the fundamental structure of the system. S. 15 as it passed the Senate contained two provisions. The first was the allowing of an optional retirement after 30 years of service, two years earlier than the ages fixed in the act itself, namely, 70, 65, and 62 for various groups of employees; that after 30 years of service such groups might retire at the option at 60, 63, and 68 years, respectively. The other provision of S. 15 was to increase the annuities by amending the method of computing them. The method carried in the Dale bill was to multiply the number of years of service, not exceeding 30, by the average annual salary, not exceeding $1,600, and dividing the product by 40, which would give a maximum annuity of $1,200, and for 30 years of service it would give annuities in amount three-quarters of the active pay, and decreasing annuities proportionate to the lessening of the length of service. Both these features are retained in the committee amendment. The optional retirement feature is carried exactly as in the Dale bill, and the provision for computing annuities, the maximum provision, is carried in this bill as the minimum annuity payable. That is, wherever under the proposed computation of annuities under the amendment the annuity would not be equal to the annuity as figured by the Dale bill, the Dale bill annuity automatically becomes the annuity which is paid.

There have been through the 10 years serious criticisms of the act on various grounds. Principally, that it works injustice in that the benefits are not at all commensurate with the contributions of the employees, and in certain instances worked upon the employee a penalty in that the sum of his contributions, plus their earnings at the time of retirement, is worth more money than the annuity actually paid him at that time. For that reason a new method of computing annuities is proposed. The contributions at the present time of every employee within the provisions of the system are 3½ per cent of the salary. Under the new bill this contribution remains exactly the same. Under the existing system that money just went into a general pot, without any segregation or without being earmarked in any way. Under the proposed system there is taken from that 3½ per cent contribution of each employee $1 monthly, which is deposited in the retirement and disability fund without earmarks as belonging to the fund, and the remainder of an employee's contribution is credited to an account set up in the fund in his name exactly as a credit is set up in a bank when he deposits money. Should an employee die before reaching retirement, there is returned to his estate not only the amount to his credit in the fund, but also the $1 that has gone into the general fund, plus the interest thereon, so that every penny an employee has contributed, in the event of his death before enjoying retirement benefits, is returned to his estate. If an employee is involuntarily separated from the service through no fault of his own, by reduction in force or by abandonment of some activity of the Government, in that event likewise every penny that he has contributed to the fund is returned to him.

In the event that he of his own choice leaves the retirement system by separating himself from Government employ, or if for cause he is separated, the $1 a month remains in the fund and the rest of the 3½ per cent contributions which are credited to him in the fund, together with interest thereon, compounded at 4 per cent annually, are returned to him. The annuity to be paid is $30 for every year of service not exceeding 30, and that is what we call the basic annuity. This comes from the money generally in the fund and appropriations. Inasmuch as he must have a minimum of 15 years of service before retirement, the basic annuity is necessarily not less than $450 annually, and there are very many persons now on the retired rolls who are getting considerably less than that.

Mr. ABERNETHY. Mr. Speaker, will the genteman yield?

Mr. LEHLBACH. Yes.

Mr. ABERNETHY. That is the class that I am largely interested in. What has the gentleman done about that—these old fellows that started out with rural mail who used to drive a horse instead of an automobile. Will the gentleman explain that?

Mr. LEHLBACH. Every single person on the retirement roll at the present time who has been retired in the past gets a substantial increase in his annuity under the provisions of this bill.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield there?

Mr. LEHLBACH. Yes.

Mr. WOODRUFF. Does the gentleman mean to apply that remark to every employee in the Post Office Department who comes under the provisions of this bill?

Mr. LEHLBACH. If he was retired in the past and is now on the retired roll.

Mr. WOODRUFF. I have in mind a man in my home city who was doing janitor work in the post office there. He is getting retirement pay.

Mr. LEHLBACH. He will get a substantial increase. Then there is paid a further annuity in addition to the basic annuity. It is whatever annuity the contributions to the credit of an employee, plus their accumulations, will buy. This is added to the basic annuity. Manifestly this additional annuity does not cost the Government a penny, and makes certain that everybody gets every bit of benefit for which he has paid, and it does not in any way interfere with the contributions or annuities of any other employee. It is simply a man getting what he had paid for.

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

Mr. LEHLBACH. Yes.

Mr. RAMSEYER. The gentleman is probably accurate in the statement he has made, but there is nothing concrete about his statement or in the report. To illustrate, take the case of employees having 30 years' service, one getting $1,600 per annum and another $3,000 and another $4,000. Can the gentleman tell the House what these differently paid employees would get under the bill?

Mr. LEHLBACH. The man who gets $1,600 a year, after he retires after 30-years' service will get a basic annuity of $900, which the Government takes out of the general retirement fund. In addition thereto he gets the value of his 3½ per cent contributions, plus the earnings of those contributions at the time of his retirement. I have not the tables before me.

Mr. RAMSEYER. Why has not the gentleman the tables here so that he can answer?

Mr. LEHLBACH. It is simple enough for anybody to figure it out for himself. I can not take 20 minutes in doing examples in arithmetic for the benefit of the gentleman from Iowa.

Mr. RAMSEYER. If the gentleman has not the time, why did he ask the Speaker to suspend the rules and pass the bill so that he could not take the time?

Mr. LEHLBACH. Because the way to secure legislation is to pass bills.

Mr. RAMSEYER. The gentleman can not answer the questions in arithmetic.

Mr. LEHLBACH. The man getting $3,000 a year will get his basic annuity of $900 and will get the value of his accumulations. The man who gets $1,600 a year will get the basic annuity of $900 and whatever his contributions will buy for him.

There are some other benefits in the new bill not contained in other proposals. The age of retirement for mechanics and laborers in the navy yards has been reduced to 60 years. There have been covered into the system the employees of United States Soldiers' Home, the National Home for Disabled Volunteer Soldiers, the clerical employees of the State Department abroad, and the Indian Service.

And here is an important change that is not found in any other bill than the one under consideration, and that is this: That the act provides that if a person is under total disability and has had 15 years of service he may retire on an annuity during the period of his disability just as when he reaches retirement age. This act lessens the 15 years' minimum service under which he can take advantage of this disability provision to service for 5 years. Anyone who has been in the Government service for 5 years may be retired for disability instead of only after he has had 15 years' service.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield there?

Mr. LEHLBACH. Yes.

Mr. MOORE of Virginia. Has anything been done with a view to taking care of continuous per diem employees who heretofore have not been given the benefit of retirement?

Mr. LEHLBACH. The committee gave careful and grave consideration of that matter and took considerable time to discuss and debate the question, and the question has been discussed with the authorities of the District of Columbia, and the committee is firmly of the opinion that all permanent per diem employees are within the provisions of the retirement act at the present time. The exclusion of any such results from a tortured construction of the act and maladministration, over which the committee has no control—a construction that should not have been made.

Mr. MOORE of Virginia. I agree with the gentleman fully and am glad to hear that expression from him.

Mr. LEHLBACH. Reverting to the question by the gentleman from Iowa, I did not intend to show any impatience, but the basic annuities are constant regardless of salary. Three and one-half per cent of $1,600, less $12, is $44 annually; $44 annually at compound interest for a period of 30 years would amount to something like $3,000.

Mr. RAMSEYER. That is the retirement pay—$3,000?

Mr. LEHLBACH. No. I say the accumulations to the credit of the employee over a period of 30 years would be in the neighborhood of $3,000. While I have not the table here and had not anticipated figuring out the annuities at various rates of pay, you can take your American experience tables or any annuity value tables and ascertain what, at the age of 70, $3,000 will buy in annuity, and whatever that is, that is what the man gets in addition to his basic annuity. It is a question of buying in addition to what the Government provides, whatever annuity a man's own money that has been saved in the retirement fund and is credited to his name will buy.

I must reserve the balance of my time. I have used eight minutes and have only two minutes remaining.

Mr. RAMSEYER. Will the gentleman yield?

Mr. LEHLBACH. No. I must reserve the balance of my time.

Mr. RAMSEYER. The gentleman had no time to begin with.

Mr. JEFFERS. Mr. Speaker, I yield myself four minutes.

The Dale bill, S. 15, which we all understand as such, as the House knows, passed during the last Congress in both branches of the Congress. Now, in this Congress the Dale bill passed in the Senate and came over to the House committee. If we pass the Dale bill in the House we will have good amendments to existing law in line with existing policy, which all can understand.

We held a meeting of the Civil Service Committee on the 15th of January on the Dale bill, S. 15, and then it was over a month before we heard anything at all about retirement legislation. Then, in the middle of February or thereafter, comes this new Lehlbach proposal—an entirely new scheme, a departure from existing policy, something which is complicated and intricate, a scheme involving a division of the contribution, something on the line of the so-called old-time tontine system of insurance, which, by the way, is now barred in a great many of the States of the Union. We held some hearings on this new Lehlbach bill. The delegations representing the employees all over the country, through their central group here, known as the joint conference, appeared here, and all of the witnesses connected with this joint conference unanimously opposed the principles involved in this new bill, and did so in no uncertain terms. They stated that they did not like it; they said they were afraid of it, as they did not know what it was—and I may say that they do not know yet all that it may mean—they feared that some of its provisions would prove dangerous and unfair to all that great class of employees receiving comparatively low or moderate salaries. They implored us, as their friends, to stand firm against this new Lehlbach plan and to report out the Dale bill, S. 15, which they did understand and which they considered far more acceptable to them. I only wish those hearings were printed and available now for you all to read, but they have not as yet been printed and we can not have the benefit of them at this time.

Since those hearings were held some amendments have been made to the new Lehlbach plan, but the departures from present policy remain in the bill, and these representatives of the employees, this joint conference here, changed front and agreed to indorse this new proposition, being informed, so they say, that if they did not come across and say they would take this new plan they might not get anything. They still knock this new plan, and admit they don't like it, and state that it is not what they want, yet they have yielded under pressure, or, we may say, under that sort of duress. The only excuse they have given us, when asking us to change around now and support this new bill in the face of their entreaties to us when they appeared before the committee during the hearings, is, "If you don't vote now for this, we are afraid we will not get a bill." It appears to me that they have shown the white feather in that respect to an amazing degree. I have fought with them, and fought for them all through the hearings, and I still stand on the same principles for which we fought together then, and, so far as I am concerned, I am not going to take it lying down even if they do seem willing to take it that way now.

Mr. RAMSEYER. Will the gentleman yield?

Mr. JEFFERS. Yes; gladly.

Mr. RAMSEYER. The question now before the House is not whether we are for or against the bill. The question is on the suspension of the rules, and whether we want to pass the bill without opportunity for amendment or debate. If the suspension of rules motion is voted down, the Rules Committee will give us a rule under which we can have ample time to explain and debate this bill, and if the majority so wills to amend the bill.

Mr. JEFFERS. Absolutely.

Mr. RAMSEYER. And that is the orderly procedure.

Mr. JEFFERS. That is exactly my position on the matter at the present time.

Let us not agree to jam this bill through here now without debate or opportunity to amend it; let us vote down this motion whereby all rules may be suspended and this bill passed by such steam-roller methods, and have it brought in here properly and in orderly fashion so that we can have full discussion and adequate debate, and so that remedial amendments may be offered, and so that we may have a better understanding of the provisions of this new insurance plan involved in this bill.

Since the meeting of the committee on last Wednesday, at which time this bill was reported out, I have had telegrams from the boys back home and they are still urging that we support the Dale bill, S. 15, and I am standing pat with them. Here is one wire dated February 28, which was Friday, and another one dated March 1, which was Saturday last:

ANNISTON, ALA., *February 28, 1930.*

Hon. LAMAR JEFFERS, M. C.,
Washington, D. C.

Respectfully urge you to support Dale bill, S. 15.

J. T. COLEMAN, *Secretary.*

SELMA, ALA., *March 1, 1930.*

Hon. LAMAR JEFFERS,
Representative Fourth District Alabama:

Selma Branch National Federation of Post Office Clerks No. 447 unanimously request your loyalty and support to Dale-Lehlbach bill, S. 15. Will you kindly file report favoring measure accepting our appreciation and assurance of our best wishes.

W. E. DAVIS, *Secretary and Treasurer.*

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. JEFFERS. Mr. Speaker, I yield myself two additional minutes.

I appeal to the House to vote down this motion now to suspend the rules, and then we can have this matter brought up in orderly fashion. We can report out of the committee the Dale bill and pass that amendment to the existing law, which we can all understand, and then let this new insurance scheme be thoroughly studied by the House Civil Service Committee and the Senate Civil Service Committee.

Then in the future, if necessary, there will be plenty of time to bring out some new idea along this line if it is found to be desirable after thorough study. But for the present let us pass something we can understand, the Dale bill, S. 15, and we can only hope to do that by voting down this motion to suspend the rules now. This new proposal should not, in my judgment, be jammed through here now in this manner.

The SPEAKER. The time of the gentleman from Alabama has again expired.

Mr. JEFFERS. Mr. Speaker, I yield such time to the gentleman from Virginia [Mr. MOORE] as he may desire.

Mr. MOORE of Virginia. Mr. Speaker, as there is another body which will deal with the subject, I shall support this bill as the best measure obtainable in the House, even though it is brought forward under a rule which prevents amendments being offered, as, for example, to sections 4 and 12, some of the features of which many regard as undesirable.

The bill, in my opinion, should also be amended so as to give per diem employees of the District of Columbia, of whom there are more than 300, the same right to retirement allowances enjoyed by Federal per diem employees. It may be argued that such right is accorded the former class by what seems to me and others a pretty plain provision of the existing law, but, nevertheless, the District Commissioners have construed that provision otherwise, and accordingly the District employees are denied an advantage which there is no sound reason for withholding from them.

It might also be wise to include an amendment extending the permissive age limit to those who are engaged in scientific or highly technical work, and who can not easily be replaced, as, for example, some of the staff of the Smithsonian Institution.

Speaking more generally of conditions in the Government service, I would like to draw the attention of the Committee on the Civil Service to the present discriminations in the matter of annual leaves of absence and sick leave. They are very flagrant, and, although they have been the subject of frequent discussion, they have never been corrected and will not be unless and until the committee exerts itself in that direction. I introduced a bill in a previous Congress providing that employees of the Agricultural Department serving at Maryland and Virginia stations just outside of the District of Columbia should receive the same leave of 30 days granted employees of the Agricultural Department serving within the District of Columbia and doing precisely the same kind of work. The bill was referred to the Committee on Agriculture, which gave it sympathetic consideration but apparently reached the conclusion that such discriminations pervade the entire field and should be dealt with not piecemeal, but comprehensively, and this is certainly a task for the committee of which the distinguished gentleman from New Jersey [Mr. LEHLBACH] is chairman.

I wish to refer to one other matter: A few years ago the Personnel Classification Board was created and entrusted with duties which I then believed and now believe should be entrusted to the Civil Service Commission, and my recollection is that the gentleman from New Jersey originally entertained that view. The Civil Service Commission has the duty of determining who are eligible for employment by the Government and certifies to the various departments the names of those who should be employed. Having that responsibility, in my opinion it should have the responsibility which is devolved by the present law on the Classification Board. It should be enabled to follow up its selection of the persons employed by supervising their allocation to the various grades and determining whether their promotion or retention is justified by the record which they make in the actual performance of their work. The present system, with two agencies functioning, is not a duplication of activities, but it involves a wholly unnecessary maintenance of two activities when one would suffice. The change would make for coherence. It would be to the interest not only of employees but of the Government itself and avoid much of the criticism and complaint which is now so prevalent, and a great deal of which is well grounded.

There is constantly talk about diminishing the number of governmental bureaus and agencies, and the opportunity to take a step of that character is thus presented and should receive the serious consideration of those who, like myself, have confidence in the long-established Civil Service Commission.

Because of the terms of the rule requiring the bill to be voted up or down without modification, it would now be useless to suggest any modification except that modification will be possible in the Senate, which, by a curious historical reversal, has become the body in which any measure can be fully debated and liberally dealt with, whereas in the beginning of the Government freedom of debate and amendment characterized proceedings of the House, and the Senate functioned behind closed doors and in a rather autocratic fashion. Since the House and perhaps because of its size, has been forced to a position in which the business of legislation to a large extent rests with those who lead the majority, I am one of those who hope that the Senate will never abandon its present methods of procedure, however objectionable they may now and then seem in specific cases. [Applause.]

Mr. JEFFERS. Mr. Speaker, I yield to the gentleman from Georgia [Mr. RAMSPECK]. [Applause.]

Mr. RAMSPECK. Mr. Speaker, the people of the United States believe in fair play. They will not tolerate anything less.

The proposal to suspend the rules and pass this measure with only 40 minutes of debate, with no opportunity for offering and discussing amendments, is not fair play.

This measure vitally affects the lives and happiness of 400,000 civil-service employees. It will cost the Government many millions of dollars, just how many no one can now say, but the proponents of the bill admit that it increases the cost at least $16,000,000.

There are many objectionable features in the bill, some of which I will point out in the extension of my remarks. I have not sufficient time to do so now.

This body has plenty of time for a reasonable debate on this measure. It would not delay final action on the bill to bring in a special rule allowing reasonable debate. We are well up with our program for this session. There is no necessity for limiting debate in this matter to 40 minutes.

The only logical conclusion to be reached is that the proponents of the measure are afraid to have the light of discussion focused upon the bill. They are unwilling to permit a fair discussion of its contents.

I am appealing to the fair-minded members of the majority party to vote against this motion to suspend the rules and cut off debate. Let us bring it out in the open and consider the matter on its merits.

No more flagrant case of "steam-roller" tactics ever occurred during the "iron-handed" rule of the late Speaker Cannon, than this. It should be remembered that in 1910 the people of the United States rebuked that policy of "gag rule" by removing the Republican Party from power in this House.

I urge you to vote in the interest of a fair opportunity to discuss this measure. Let us give the rights of these employees proper consideration. Let us uphold the doctrine of fair play.

Are you going to swallow this bill whole, without a chance to discuss it, merely because the presidential whip has been cracked over your heads?

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. SCHAFER of Wisconsin. Did not the Civil Service Committee of the House carefully consider the provisions of this bill and by a large majority report out the bill in the shape in which it is now before us?

Mr. RAMSPECK. They considered it in a 3-day hearing, and those hearings have not yet been printed.

Mr. SCHAFER of Wisconsin. What was the vote in the committee in reporting out this bill?

Mr. RAMSPECK. I can not discuss that with the gentleman, but the bill was reported by the committee, of course.

Are you going to ignore the protests of the thousands of employees who are opposed to this bill? Their representatives have agreed to it only under duress. They were "held up" and forced to agree under threat of no legislation if they refused.

Will not you exercise your right to think for yourself instead of blindly following the orders of a few powerful leaders?

Your people sent you here to represent them. They expect you to stand for fair play, for free speech, and they will never approve the "gag-rule" tactics which this motion invokes.

Mr. Speaker, when the House Committee on the Civil Service was organized in December, the first order of business was H. R. 1815, an amendment to the present law on retirement, which was identical with the Senate bill, No. 15. The Senate bill was passed in that body on January 6, and the House committee, therefore, undertook its consideration in preference to the House bill, and hearings were held on January 15.

In the course of such hearings the chairman of the House committee made the following statement:

> This occurs to the Chair, and I would not be surprised if the committee would follow a procedure something like this. At this time we are glad to have the opportunity to hear suggestions concerning various amendments, such as have been pointed out here, to the retirement act. It is possible that the committee may conclude to report S. 15 substantially as it is and then go to work on a bill and incorporate in a sort of omnibus bill these various administrative changes, as largely they are, and report such a bill at a later date, so that the bill that carries with it a substantial increase of expense and the bill that makes for these changes and corrections and these administrative reforms, which do not tend to run into money, can be considered separately. (P. 68 of hearings.)

The statement of the Chair met with my approval, and I feel sure that every member of the committee was in accord with that view. I so expressed myself at the time, as will appear on page 70 of the hearings.

During the hearings representatives of all of the employee organizations appeared and asked that S. 15 be immediately reported and passed without substantial amendment. When the committee adjourned it was the consensus of opinion that such would occur.

However, the chairman of the committee called no further meeting for several weeks and, having in the interim talked with the President, introduced H. R. 9679, a bill which entirely changed the system and principle of the law on retirement. This bill immediately met with strenuous opposition from more than 85 per cent of the employees under the purview of the legislation.

About 10 days ago hearings were held upon H. R. 9679, lasting for three days. Although it was stated that the President preferred this bill, a vast majority of the employees were bitterly opposed to it, and it became so apparent that the committee was unfavorable that the author of the bill, the chair-

man of our committee, announced that he would withdraw it. Within a few hours after such announcement the President made the following statement favorable to H. R. 9679:

There has been a good deal of discussion about the Dale bill for liberalization of the civil service employees' retirement act.

I have been anxious to secure a proper readjustment of the civil-service retirement funds, and my attention has been called to certain injustices in the Dale bill by the various departments of the Government. The plan in the Dale bill presents the same difficulties to me that it presented to my predecessor. That is, the great injustice to those employees who, as the result of faithful and capable service, gradually rise over their years of service by promotion into higher average salaries.

They are badly penalized under that arrangement, and the penalties are so large that it would be better for those employees if they took the 3½ per cent they now contribute to the retirement fund and deposited it in a savings bank. In other words, the Government contributes nothing and actually penalizes them for their industry and faithfulness by taking part of their savings. The Lehlbach plan puts no penalties upon the lower grades; in fact, some of them are actually improved. The Lehlbach plan would require something more from the Public Treasury.

I am not concerned with any one plan so long as it takes into consideration the proper proportion to the contributions of the employees.

But I think the Government should be willing to meet this increase. The annuities should be in proportion to the contributions made by the Government employees. I think it is desirable to make that clear to the employees.

It is quite significant that in the same paper in which this statement was quoted, appeared a statement from the President refusing to express any opinion as to the tariff on the ground that it was a matter of legislation and he would therefore not express himself until the Congress had acted. It is further significant that no opposition to the Dale bill was suggested until about the time former President Coolidge started his swing around the country. It will be remembered that Mr. Coolidge gave a pocket veto to the Dale bill in the Seventieth Congress. Can it be that some one suggested to the Republican leaders that it might be bad politics to put Mr. Hoover in the predicament of having to approve a bill which was not approved by Mr. Coolidge? It is common gossip in Capitol circles that the activities of Mr. Coolidge recently have made the President rather nervous.

After the President's statement was made the leaders of the House immediately came forward and said that should the committee report the Dale bill it would not be permitted to reach the floor of the House.

Thus was the stage set for "holding up" the representatives of the employees and forcing them to agree to the pending bill. They were bluntly told to take the Lehlbach bill or nothing.

It is my contention that the statement of the President left open the possibility of meeting his entire objection to the Dale bill (S. 15) by a simple amendment. I therefore offered a motion in the committee providing for a subcommittee to draft a bill to provide minimum annuities of $450 per annum, maximum annuities of $1,500, with no deductions from that part of salaries in excess of $3,000. This plan would have retained the principle of the present law and would have met the wishes of the President. This plan was rejected, the majority party members, with one exception, voting against the plan, and the minority members all supporting it.

Although the bill now before the House has had removed from it many of the objectional features contained in its original draft (H. R. 9679), it is still almost entirely in the interest of the higher paid employees. It makes the employees pay a part of the Federal Government's contribution by deducting from each employee's contribution $1 per month. The bill originally contained a forfeiture provision in case of the death of an employee during service or of an annuitant after retirement. The language of the bill now says that the annuity is "terminable upon death," and I very much fear that the Comptroller General may, by construction of the conflicting language, rule that the forfeiture provision shall prevail.

This bill is wrong in principle. The employee should not be forced to contribute anything toward that part of the cost to be paid by the Government. It provides for annuities as high as $3,600 per year, which will, I fear, have a tendency to create in the public mind opposition not only to the retirement legislation but also to the higher salaries now being paid Government employees. Such an annuity is almost twice the average annual wage received by working people in this country.

While it is true that the representatives of the employees affected by this legislation have agreed to this bill, they have done so under duress. They were told by the leaders of the majority party that they must do so or no legislation would be enacted for their benefit. They do not like it; they prefer the Dale bill (S. 15) or the substitute plan to which I have referred, providing for retention of the principle of the present law, with a minimum annuity of $450, a maximum of $1,500, with no deductions on parts of salaries in excess of $3,000.

It is unfortunate that the leaders of the majority should have seen fit to force upon these 400,000 Federal employees a system of retirement to which they are opposed, a system which favors those that need help less than any others, a system which will cost the Government at least $16,000,000 more than the present law, most of which inures to the benefit of a very small proportion of those coming under the law.

The present law was enacted in 1920 with the purpose that one half of the cost would be borne by the Government and the other half by the employees. The original plan was in the interest of the great mass of employees. It has been most successful, for without including any funds contributed from the Federal Treasury, the retirement fund has grown to a hundred million dollars. The present bill, while greatly increasing the cost of retirement to the Government, actually forces the employees to contribute a larger percentage of the funds eventually paid to them. The original draft of this bill would, in my opinion, have placed the entire cost upon the employees.

That the Government intended in the beginning to pay one-half of the cost is evidenced by the statement of Senator Sterling, page 4290, CONGRESSIONAL RECORD for February 19, 1925, as follows:

I think I have made the statement again and again that ultimately the payments on the part of the employees and on the part of the Government would be a 50-50 proposition.

It seems to me, Mr. Speaker, that it would have been much fairer to these 400,000 employees if the leaders of the majority party in the House had not insisted upon using a "steam roller" in this matter; if they had brought in a special rule permitting a reasonable time for debate, with a reasonable opportunity for the Members of this body to have been informed as to the merits of this controversy; and with reasonable opportunity for the offering of amendments so that this proposed legislation might be perfected. It is my sincere hope that the Senate conferees on this measure will insist upon such changes as will give a square deal to the great rank and file of employees affected by this matter, such changes as will cause the Government to bear its just proportion of the cost and will eliminate the tontine system which this bill establishes. There is no justice in forcing the employees to pay a part of the Government's share of the cost of retirement.

Under the present organization of the Congress, the Senate alone is the hope of the masses and in this case, if the masses of the Federal employees are to be made safe as to retirement, we must look to that body. This legislation is almost exclusively in the interest of those employees who need it the least. It is a shame that the great bulk of the employees have been bulldozed and forced to accept something they do not want through the steam-roller tactics of the leaders of the majority in this House.

If the majority leaders had been willing to heed the cry of the great majority of the affected employees a bill in their interest, so amended as to eliminate the objection of the President but retaining the present simple system and its equitable provisions, would now be the law.

Mr. Speaker, the pending bill is in fact the Lehlbach bill, with certain amendments which were forced into it by the determined fight made by the Democratic members of the committee. It has some good features, but without further amendment, which is impossible under suspension of the rules, I can not support it.

In its present form the pending bill is objectionable to me for the following reasons:

First. Because the annuities are uncertain. What a retired employee will receive depends upon the decision of a board of actuaries. The bill should provide for certain fixed annuities. When the power to legislate is delegated to others by Congress the results are not always those intended. We are all familiar with what happened under the Welch bill.

Second. This bill excludes the bonus from the basic salary. This is a discrimination against the rank and file of employees.

Third. In cases where an annuity to a disabled employee is discontinued under section 6 of the pending bill and his deductions, not consumed by payments made to him, are returned, no allowance is made for the $1 per month. Such employee should

receive back all deductions not consumed, including the $1 per month.

Fourth. In cases of involuntary separation from the service, under section 7, an employee must attain the age of 55 and must have served 15 years before he can receive back all of his deductions. Such employees as are removed from the service ought to be repaid all deductions.

Fifth. I am unalterably opposed to the tontine provision. No part of the deductions from an employee's salary should be taken by the Government. It should all be credited to his account for the purpose of buying annuities.

Sixth. When a retired employee dies all of his deductions not consumed by annuity payments should be paid to his heirs. The bill does not provide for the return of any part of the $1 per month.

Seventh. The words "terminable upon the death of the annuitant," appearing in section 4 of this bill, should be stricken out. These words conflict with the other provisions of the bill relating to the return of deductions in certain cases. They provide a loophole whereby the Comptroller General might rule so as to provide for the forfeiture provisions originally contained in the Lehlbach bill.

Eighth. The principle of the bill is wrong. It is a compulsory-insurance annuity system with the tontine plan, which many States have outlawed. It is contrary to the policy of equal treatment for all classes. It provides such high annuities to a favored few that it will tend to create public sentiment against the plan of retirement. It is being forced upon the rank and file of employees, without giving them or the Members of this body a chance to discuss its provisions. It is being railroaded under a suspension of the rules, thus preventing discussion or amendment, by the autocratic will of the majority, controlled as they are by a small group; a group who wield the party lash at the dictation of the President.

The 400,000 employees whose rights are so vitally concerned, have one remedy. That is the ballot box. In November they will have the only opportunity now left to them to express their wishes in this matter. I have no doubt that they will then express their disapproval of this utter disregard of their interests by the Republican machine that operates this body with an iron hand. By returning the Democratic Party to power in the House, and in that way only, can the masses get relief.

My heart goes out in sympathy to the rank and file of the civil-service employees; to the great body of carriers and clerks in the city, rural, and railway mail service, those who toil in snow, sleet, and rain; those who work at top speed as the trains thunder through the night.

It is upon these who, under the pending bill, must wait many, many years for any benefit that the autocratic, the power-drunk Republican majority has shut the door. In their face you have thrown this objectionable act, saying take this or we will give you nothing.

If they follow the biblical doctrine of "an eye for an eye," many of you will remain at home when the next Congress convenes. In your places will come men with sympathy for the desires and rights of the great rank and file, men who believe in equal rights for all classes; not men who care only for those who already are enjoying great privileges. [Applause.]

Mr. JEFFERS. Mr. Speaker, I yield four minutes to the gentleman from Arkansas [Mr. FULLER]. [Applause.]

Mr. FULLER. In 1920 the first retirement law for civil-service employees became effective, whereby the employees paid 2½ per cent of their salaries into the retirement fund. In 1926 the law was amended to provide for the payment of 3½ per cent into the retirement fund, and provided for a maximum annuity of $1,000 per year. The last Congress passed the Dale-Lehlbach bill, increasing the annuity to $1,200 a year, which was pocket vetoed by President Coolidge. The various organizations of civil-service employees, in their conventions assembled, have recommended the passage of this same measure. This request is reasonable and just, and the money in the retirement fund would justify such a law. The Dale bill, S. 15, the same as the one passed last session, passed the Senate and is now pending in the House. This bill was considered by the Civil Service Committee of the House, and all the heads and representatives of the various branches of the civil service came before the committee and asked that this bill be passed without amendment; they were unanimous in their request. Later the Lehlbach bill was introduced in the House, and hearings had upon the same. After these hearings were completed a notice of an interview with LEHLBACH appeared in the papers in which he stated on account of the opposition to his bill he would withdraw it. Simultaneously there appeared in the papers notice of an interview with our President stating the Dale bill was not acceptable to him for the same objections entertained by President Coolidge, as the Dale bill did not make provisions for enough annuity for those who draw high salaries, since they paid more into the fund.

It developed in the hearing that this bill was not drawn by its author, Congressman LEHLBACH, but at the instance of the President of the United States by the Efficiency Bureau, and in all probability Mr. McReynolds, the actuary and main witness before the committee arguing for its approval.

The joint conference on retirement, representing at least 300,000 of the 400,000 civil-service employees, appeared before the committee and vigorously opposed the provisions of the Lehlbach bill. This joint conference and the committee were told the Republican majority in the House would grant no rule for consideration of the Dale bill, and the President would veto it if passed; that it was the Lehlbach bill or nothing. As a result, some amendments to this bill were agreed to and, against their will, some of the members of the joint conference reluctantly asked for its passage.

The strong majority of the House now seek to have this measure considered as the Dale Senate bill No. 15 by striking out all of the Dale bill after the enacting clause, inserting in lieu thereof this entire new measure. Thus the Senate is kept from considering the bill on its merits and the matter is left to be considered and settled in conference wholly by its friends, a high-handed steam-roller procedure, with no opportunity for discussion on either floor of Congress. It is not the same horse of a different color and compares with the Dale bill only as a mule to a horse.

The proponents of this pending bill, which should really be called the Hoover bill, are those drawing high salaries as officials, or representatives of this group. They were led by Luther C. Steward, not in the Government service, but as national president of the Federal Employees' Union, less than 10 per cent of those in the service, and consisting of the higher paid officials. You will recall how, under his same leadership, Congress recently passed the increased salary pay for the civil-service employees, believing it meant a gradual increase for all ranks. When this law was construed by the higher efficient officials it was found Congress did not pass the law as represented and desired, but those who drew high salaries were given higher salaries, in many instances being over $1,000 increases, while the lower paid employees scarcely got the crumbs which fell from this large bread basket.

This bill is obnoxious and objectionable to the overwhelming majority of the civil-service employees and is drawn with the sole object and purpose of benefiting those who draw large salaries ranging from four to nine thousand per year. It requires a sacrifice on behalf of 95 per cent of the employees for the special benefit of 5 per cent.

Under the operation of the present law there is now over $145,000,000 in the retirement fund, and by the 1st of July, 1930, it will amount to $175,000,000, and it is conceded even by the actuary who drew the Lehlbach bill by July 1, 1935, it will amount to $250,000,000. All this has accumulated from the 3½ per cent, with the exception of approximately $39,000,000 contributed by the Government. If this fund were left alone and the annuity increased to $1,200 per year, it would practically take care of all future retirement without the Government being required to pay much, if any. Under the terms and provisions of the pending Lehlbach bill all of this fund is confiscated, taken entirely out of the fund and credited to the various employees in proportion to the amount they have paid since 1920. They are required to pay 3½ per cent of their salaries, but deducted from this will be $1 per month from each employee, which will amount to approximately $5,000,000 annually, and this amount the Government gets and is all it gets in return for paying future annuities.

Those retiring get a basic annuity of $900 a year, plus the annuity which the balance of their 3½ per cent to their credit will purchase. No one reaps any real benefit from this law, notwithstanding their deduction of 3½ per cent of their salary, except on the 30-year retirement. Approximately 30,000 quit the service each year, who have paid $12 annually into this fund amounting to approximately $5,000,000 every year, which they can not take with them when they leave the service. In this respect the law is retroactive and contrary to the present law. It is confiscation of a vested right. It is deemed necessary, however, in order to give higher annuities to the high-paid officials.

A dollar a month deduction from the 3½ per cent total deduction means it is only 4 per cent of the $6,000 salary, 16 per cent of the $2,000, and 30 per cent of the $1,200 salary. The overwhelming number of those in the service draw salaries in the neighborhood of $1,500 to $2,100 per year.

The following table shows approximately the annuities under the Lehlbach bill and under the Dale bill:

Approximate annuities under H. R. 9679 after 30 or more years of service to employees who entered prior to August 1, 1930

Year of retirement	Average salary during contributing period							
	[1] $1,080	[1] $1,500	$2,000	$2,500	$3,000	$4,000	$5,000	$6,000
Retired at age 58 aggregate retirement age (disability):								
1930	$810	$1,125	$1,200	$1,200	$1,200	$1,200	$1,200	$1,200
1935	810	1,125	1,200	1,200	1,200	1,200	1,200	1,219
1940	810	1,125	1,200	1,200	1,200	1,220	1,303	1,386
1945	810	1,125	1,200	1,200	1,234	1,352	1,471	1,589
1950	810	1,125	1,200	1,271	1,352	1,514	1,675	1,837
1955	833	1,175	1,282	1,389	1,496	1,710	1,924	2,138
1960	886	1,255	1,394	1,533	1,671	1,949	2,227	2,504
Retired at age 63 (62 group):								
1930	810	1,125	1,200	1,200	1,200	1,200	1,200	1,200
1935	810	1,125	1,200	1,200	1,200	1,200	1,210	1,274
1940	810	1,125	1,200	1,200	1,200	1,275	1,373	1,470
1945	810	1,125	1,200	1,222	1,292	1,431	1,570	1,709
1950	814	1,146	1,241	1,336	1,431	1,620	1,810	1,999
1955	865	1,223	1,349	1,474	1,600	1,851	2,102	2,353
1960	928	1,316	1,479	1,642	1,805	2,131	2,457	2,783
Retired at age 68 (65 group):								
1930	810	1,125	1,200	1,200	1,200	1,200	1,200	1,200
1935	810	1,125	1,200	1,200	1,200	1,200	1,275	1,352
1940	810	1,125	1,200	1,200	1,235	1,353	1,471	1,590
1945	810	1,125	1,205	1,289	1,373	1,542	1,710	1,878
1950	849	1,197	1,312	1,427	1,541	1,771	2,000	2,229
1955	911	1,290	1,442	1,594	1,746	2,049	2,353	2,656
1960	986	1,404	1,601	1,798	1,994	2,388	2,782	3,176
Retired at age 73 (70 group):								
1930	810	1,125	1,200	1,200	1,200	1,200	1,200	1,213
1935	810	1,125	1,200	1,200	1,200	1,263	1,356	1,450
1940	810	1,125	1,200	1,236	1,308	1,451	1,595	1,738
1945	831	1,169	1,271	1,373	1,475	1,680	1,884	2,089
1950	893	1,262	1,401	1,540	1,680	1,958	2,237	2,516
1955	968	1,375	1,559	1,744	1,928	2,297	2,666	3,035
1960	1,059	1,512	1,751	1,991	2,230	2,709	3,188	3,667
Dale bill	810	1,125	1,200	1,200	1,200	1,200	1,200	1,200

[1] Assuming that the average salaries during the 5 years of service next preceding retirement are $1,080 and $1,500, respectively. (The final salaries would, of course, generally exceed the average for the entire contributing period.)

The mail group, numbering approximately 275,000, drawing salaries around $2,000 per year, get no benefit or increase under this bill until 1955, at a time when most of them will be out of the service; and it will be noticed that those who draw higher salaries begin to reap the benefit in 1935. Some small benefits accrue to the $2,100 group in 1945.

Those members of the group known as charwomen and servants cleaning the Government buildings and the lower-paid laborers, principally colored, in the extremely low-salary group, drawing salaries of $1,080 per year, small in number as compared with the vast membership, receive special benefit under this bill, and if they are able to live through the 30-year period can retire on an annuity as large as their salaries.

The argument of the proponents of the bill that it will be economy on behalf of the Government to get rid of the superannuated and those who are not efficient because of disabilities is not tenable. Those who do the real work and draw salaries in the neighborhood of $2,000 per year will not receive as much upon retirement as they would by holding their positions and will, therefore, continue in the service; but the higher officials who are not required to do real labor will be held on as long as possible on the ground they are more efficient than the younger men. Those in the service who are needing real aid and assistance are not provided for; those who are sick and really not able to work, but who are not totally disabled and can not afford to retire on the annuity provided herein, and who will not be able to hold out to the end of the 30-year period when they will reap the benefits contemplated by this measure. They, of course, are not influential, being mostly employees in the truest sense of the word.

Officials who draw $4,500 a year pay annually into the fund $157; the $5,000 official, $175; the $6,000 official, $210; the $7,500 official, $262.50; and the $9,000 official, $315. Under the Dale bill, if he does not take up all of his credits in annuities after retirement and before his death, his estate gets all the remaining portion of his contribution, plus 4 per cent interest compounded annually. He therefore has no right to complain. With such salaries as these they should be able to retire and live in comfort on their savings and the $1,200 a year annuity. Yet he is the man whom the President says is not treated equitably under the Dale bill, and is required to pay more for the benefits he receives than other members of the civil service. He ought to be grateful and proud that he is able by means of this civil-service system to be promoted to an official position and draw a higher salary than other members.

The Lehlbach bill is based upon the tontine system known in insurance as a gamble. It originated centuries ago with an Italian, by which persons could contribute to a jack pot, conditioned that it would go to the estate of the first to die. It is a gambling method resorted to by the Government for the purpose of accumulating a big pension fund for its high-paid officials. In the greatest insurance contest ever held in the courts of this country, in which Chief Justice Hughes was the leading counsel, this system was exposed and denounced in the State of New York, where it is not now permitted to be operated, as in other States of this Union.

This bill, if enacted into law, I fear, will bring the civil service and the retirement system into disrepute. Every member of the Civil Service Committee of the House is in favor of a more liberal retirement system, and as a member of this committee and as a Member of Congress I am a friend to this system and the retirement plan. I am in favor of the laborer and the poor being taken care of, but I will not support a measure that has for its sole object the benefit of the strong, high-paid officials of the system, to the detriment and injury of the rank and file.

We of the committee who opposed this tontine system endeavored to amend the bill to provide for a $450 minimum and a $1,500 maximum annuity, with a provision that the 3½ per cent should not be collected on salaries over $3,000. We thought this latter provision would satisfy the high officials and at the same time meet the objections of the President.

The men in the shipyards, who do real labor, the post-office clerks, city and rural carriers, and railway-mail clerks, being in the $2,000-a-year group, are opposed to the terms and provisions of this bill, realizing if they live long enough to reap the benefits of the retirement, the trifle increase over the provisions of the Dale bill will be infinitesimal compared with the sacrifice caused by the confiscation of their contribution, if required to retire earlier. I realize that the proponents of this measure are sending word back home to our constituents that the Lehlbach bill is better than the Dale bill, and to urge their Congressmen to support it. As a result, many of you are receiving such messages from those who are not informed as to the real merits of the Lehlbach bill.

In the last nine years under the present policy of retirement, the Government has contributed less than $40,000,000 to the retirement fund. If the annuity were increased to $1,200 a year as in the Dale plan, and the retirement fund left intact, the Government would be required to pay very little, if any, more than it has been paying; but under this bill, conceded by its friends, it will require the Government to pay at least $37,000,000 per year, and in my opinion it will require at least $50,000,000 to take care of these large annuities. It has always been the policy and argument of the friends of the civil service, if necessary, the Government should pay 50 per cent of the retirement annuity, but under the terms and provisions of this bill it far exceeds 50 per cent, the fondest hope or expectation of the great membership of this system, and will have a tendency to injure the service, especially when so many are unemployed and breadlines are being formed daily in our large cities.

In the same issue of the paper which carried the President's statement as to what he demanded and exacted for retirement

in order to meet with his approval was another statement in regard to his attitude on the tariff, in which his friends fresh from the famous breakfast lecture stated the President thought it was none of his business to tell Congress what laws it should or should not pass, as that was another branch of government. Yet while he did so in this instance, after his pet bill was certain of overwhelming defeat before the committee due to the opposition of the employees and Congressman LEHLBACH announced its withdrawal, I know of no reason why we should criticize our Chief Executive for his attitude, as he may not know the life of the rank and file of the vast majority of the civil-service employees, his life having been spent during the last 12 years in Washington associated with the higher paid officials of this system.

For the first time in the history of Federal legislation our Chief Executive and Members of this House are seeking to pass a measure granting a greater pension and annuity to employees than desired by a vast majority of the organization. Methinks it comes in poor grace in view of the fact the aged poor of this country while clamoring for a pension law or some form of relief from their suffering and distress can not even have a day in court. It is all the more distressing when we consider there are thousands upon thousands of deserving World War veterans suffering untold agonies and going to an early grave who for technical and frivolous reasons under existing conditions can not service connect their disabilities and are drawing no compensation.

The higher paid members of the civil service are not really employees but officials. Those who draw from five to nine thousand per year in salaries have a better position than Congressmen, and are not required to retire until they have reached the age of 74. It is true they are paying more into the fund under the present law than those who draw smaller salaries, but no law can be passed which meets all conditions. They owe it to the service which has made them what they are to do more to help the weak, the poor, and depressed. The man who draws six thousand per year is not entitled to be retired at the termination of his service on a pension or annuity of $3,667 as this bill provides, which is just an example of a pension being granted these officials. The history and policy of every nation has been to take care of the unfortunate, poor, and helpless who could not take care of themselves. It has been the policy of our Government to reward and take care of those in their declining years who have gone forth and fought the Nation's battles and carried its flag to victory and glory.

To-day we are paying a pension in the neighborhood of $72 per month to the Union soldiers of the Civil War and are granting a pension of $30 to $40 per month to their widows, and many of them are not able to live upon this, and this recently enacted pension law was due to the recommendation, foresight, and wisdom of one of the greatest Presidents this Nation has ever had, a Democrat at that, the immortal Woodrow Wilson. We hear of no recommendation from the administration forces, or its Chief Executive, nor new bills being drawn at his instance for relief of these, the Spanish-American War veterans, and little, if any, for the veterans of the recent World War. These higher-paid Federal officials with whom our most worthy President has associated during all his political life, and who are the real cause of this present bill, are the exception to all past legislation. As an organization, they know not what it is to obey the command to go over the top, through barbed-wire entanglements, across No Man's Land in the face of liquid fire. They have never carried the flag of their country to victory, to sustain the honor, dignity, and the Constitution of their country, and it is not fair that they should be so singularly honored, especially over the war veterans, the poor and distressed of this Nation.

In my opinion, the granting of such an unreasonable retirement pension to these employees will bring the civil service into disrepute all over this Nation, and you can not tell me that the rank and file of the people of this country, who make the wheels of commerce turn, and who are the real producers, will not resent the payment of a pension which is twice as much as they make for their daily toil. As a result men will come to this Congress in the future who will be utterly opposed to the Government giving $50,000,000 a year to take care of this retirement fund. Already some of the retired members of the civil service are lobbying with the committee seeking a provision in the present law to the extent that their widows and members of their families will draw the pension after their death.

A vote for this bill will haunt Members to their political grave. Higher-paid officials who are demanding this legislation, in total disregard of their great obligation to the civil-service system, must have been in the mind of that great delineator of character when he sent thundering down through the ages that memorable reference of Brutus to the haughty and ambitious Cæsar.

"Tis common proof
That lowliness is young ambition's ladder,
Whereto the climber-upward turns his face;
But when he once obtains the upmost round,
He then unto the ladder turns his back,
Looks into the clouds, scorning the base degrees
By which he did ascend.

Mr. JEFFERS. Mr. Speaker, I yield myself one minute and in that time I will yield to the gentleman from South Carolina [Mr. HARE] who desired to ask me a question.

Mr. HARE. Mr. Speaker, I was very much interested in the statement the gentleman from Alabama made in regard to postponement of action on this bill. I want to know whether the gentleman has any assurance that if this proposal is voted down a bill will be brought to this House for consideration.

Mr. JEFFERS. My dear friend, that is up to the administration. In my opinion they would be bound to bring out some suitable legislation for the consideration of this House during this session. The pressure for it would be too great for them to refuse to do so; that is my idea about it.

Mr. HARE. Has not the administration indicated up to this time that it would not do that?

Mr. JEFFERS. I do not know anything about that.

Mr. HARE. I just wanted the information because I wanted to know how to vote on this motion. [Laughter and applause.]

Mr. JEFFERS. Mr. Speaker, I yield the remaining time to the gentleman from Massachusetts [Mr. MCCORMACK]. [Applause.]

Mr. MCCORMACK of Massachusetts. Mr. Speaker, I was very much interested in the statement made by the gentleman from New Jersey [Mr. LEHLBACH] that the way to enact legislation is to pass bills. As a general proposition, I agree with him; but I do not agree that the way to enact legislation is to pass bills through the suppression of opportunity for debate on the part of Members and also through preventing the membership of any legislative body from offering any amendment which they feel is germane to a pending bill and which might improve, perfect, or liberalize it.

Personally, I agree with the general principles and purposes of this bill, and I have many feelings in common with the gentleman who introduced it. I have the greatest feeling of admiration and respect for the gentleman from New Jersey [Mr. LEHLBACH] who introduced the bill and who has worked so hard for its passage.

However, I am sorry to be denied the opportunity of presenting an amendment relating to the tontine provisions of this bill.

It must be borne in mind that this is a representative Government and the Congress of the United States is the legislative body through which the people of this great country speak, act, and function from a governmental angle. As their Representatives we should be afforded reasonable opportunity to discuss and to offer amendments upon legislation that is being acted upon.

In my opinion, Mr. Speaker, after studying the history of the rule which permits suspension of the rules, its primary purpose was to apply to such bills reported by a committee with reference to which there was practically a unanimity of opinion, or to such bills as were of an emergency character and with reference to which there were only one or two Members, or a very small part of the membership of this body, in opposition. It was never intended, so far as I can determine from my investigation, that this rule should apply to legislation in general. I refer to this briefly in order that my views might be understood on the growing tendency to use the motion to suspend rules far beyond the intent and purport of the rule itself.

However, the best wishes of the Federal employees are uppermost in my mind, and I am willing to sacrifice my personal views to a procedure, even unusual, that will bring early relief by the immediate passage of the pending bill.

As I have previously stated, I agree with the general purposes of the bill. I feel that those employees who contribute 3½ per cent of a four or five or six thousand dollar salary should receive proper annuity considerations. I am in accord with that general principle, and I am also in accord with the view that all employees should receive a proper annuity when they reach the retirement age, and that a minimum retirement annuity should be provided for, if not now, at an early date. I would like to see as a part of our retirement law provisions for a widows' annuity. This could be provided for without any expense to the Government, by allowing an employee to accept a lower annuity,

and thereby provide for his widow so long as she remained unmarried. It would be optional with the employee.

The original Lehlbach bill possessed what I considered to be two very bad features. The first one was the so-called tontine system. That feature is still a part of the present bill, although in modified form, and, as modified, is beneficial to those in the Federal service.

The other feature that appeared to me as being objectionable was the so-called "forfeiture clause," which applied to persons retired. In substance, it provided that if a person who was retired died before he or she received in annuity payments an amount equal to their total deductions, with interest, the difference was forfeited unless the annuitant elected to receive a lesser annuity than he would have ordinarily received.

This meant that if, for example, the total deductions from an employee's salary, with interest, at time of retirement, amounted to $5,000, and he did not elect to receive a lesser annuity, and lived a month after retirement, his widow, children, heirs, or estate received nothing, and the difference went into the general fund. Such a provision constituted a marked departure from the present law, and the inequities of such are self-evident without further argument on my part. The public hearings disclosed the meaning and dangers of this provision and was strongly opposed by the representatives of the various organizations. Fortunately it was stricken out in committee, and it is not a part of the present bill. That provision was one of the main objections that I had to the original Lehlbach bill.

The pending bill is a radical departure from the present Federal retirement law. Its purpose is the enactment of legislation that will be fair and equitable to all salaried grades of employees or officials covered by the act. Under existing law the maximum annuity is $1,000 with no minimum provisions. One person receives as low as $34 each year, and several thousand receive less than $400 annuity each year. No person connected with the service can receive more than $1,000 each year. In view of the fact that the same percentage of deduction—3½ per cent—is made from the salaries of all persons, irrespective as to salary received, and that the deductions, with interest, purchase the annuities paid, it seems only fair that at some time changes should be made to existing law, provided, however, the provisions of the Dale bill were either preserved or improved upon, and also that a minimum annuity was established. This bill reasonably accomplishes that purpose, although it contains the tontine plan, to which I have already referred.

While this bill was pending in committee a situation developed which endangered the passage of any legislation during this session. It presented a practical problem to the members of the committee. So far as I could observe, the committee was unanimous on the passage of liberalizing legislation. Members justifiably were of the opinion that if the Dale bill was reported it might never receive the consideration of the House, and other members felt that if the Lehlbach bill was reported, even as modified, the Senate, in view of its being practically a new bill, would insist upon its appropriate committee considering it; in which event the probability of any kind of legislation being enacted was remote. The latter situation is still present. At the public hearings the representatives of practically all of the organizations of Federal employees, with one exception, felt that the best course to pursue was to report the Dale bill and later give consideration to the Lehlbach bill. They were anxious to secure some kind of legislation this session, and I agreed with them in this view. Furthermore, they opposed as strongly as they could the tontine system and forfeiture clause that I have already referred to—the only position that they could properly take in justice to the members of their organizations. While the supervisors and higher-salaried employees from my district were anxious to secure legislation that they are reasonably entitled to, and which I feel they are entitled to receive, I am particularly pleased with the position that they took when both bills were in committee. They requested me to take no action or course which might endanger the passage of any legislation this session.

However, events over which few persons had control happened, and in view of the forfeiture clause being removed from the bill and the tontine plan modified, the present bill was reported, with the support of all representatives of all organizations. I sincerely trust that the efforts of the committee and the representatives of the organizations will not be fruitless and that the hopes and expectations of the thousands of employees affected will not result in disappointment.

As both bills will probably go to conference, the question of whether or not the Dale bill or the Lehlbach bill, or a compromise of both, will become a law will undoubtedly depend upon the action of the conferees.

The tontine plan proposed in the original Lehlbach bill created a particular fund to be established by a monthly contribution of $1 from each employee within the retirement law, to be taken from the 3½ per cent deductions made from their salary. If an employee was separated from service before retirement his contributions to this fund were forfeited, and to this there were no exceptions. As a result of the evidence presented at the public hearings, and the opposition of practically all of the representatives of Federal organizations, an amendment was made exempting those persons who died in service before retirement; and another amendment, as was reported in the newspapers, upon my motion, was adopted exempting those employees involuntarily separated from service. However, it is well for Federal employees to realize and appreciate the meaning of the present bill and its effect so far as this feature is concerned. It must be borne in mind that the contributions to the tontine fund are not in proportion to salary received. In other words, an employee receiving $1,000 per annum has $35 deducted from his salary for retirement purposes, and from this sum is taken $12 each year and placed into the so-called tontine fund, constituting 33⅓ of his total deductions, leaving $23 for his individual account.

An employee receiving $2,000 per year contributes to the tontine fund about 16 per cent of his salary deductions, $3,000 a year a little over 11 per cent, and the higher the salary the smaller the percentage of contribution to the tontine fund. And when the $6,000 salary grade is reached the contribution is a little less than 6 per cent. Personally, I consider the tontine plan unwise and unnecessary. It seemed to me that if the tontine scheme was to be incorporated as a part of our retirement legislation it should be more equitable. However, that is a matter that can be best taken care of in conference, in view of the fact that no opportunity is permitted to offer amendments in the House. Such an equitable provision would undoubtedly receive the support of all Federal employees. Furthermore, rather than endanger the passage of any retirement legislation, it would be much better to allow that part of the bill to remain therein, not only by the House but by the conferees, and the situation, if necessary or advisable, could be taken care of by legislation in some future Congress.

I am of that school that believes in giving to those in the Federal service every possible consideration with reference to salary, working hours and conditions, and adequate retirement annuities. In view of the limited time remaining, I will conclude by expressing the hope that by the passage of the pending bill by the House the Senate will take such action as will assure immediate consideration and relief; if the Senate sends the bill to conference and the House adopts the same procedure, that the conferees will report to their respective branches recommendations of legislation which will give to the rank and file of the Federal employees the greatest amount of benefits obtainable under the circumstances. [Applause.]

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. LEHLBACH. Mr. Speaker, I yield one minute to the gentleman from Michigan [Mr. CLANCY].

Mr. CLANCY. Mr. Speaker, there was not much difficulty in the committee with the bill we reported. We were assured that the employees' organization, represented by the joint legislative committee, were in favor of the bill as we reported it out, and there has been no evidence presented here to-day to the contrary. As I recollect it, the bill was reported out 14 to 4. There was so much unanimity that the opponents did not avail themselves of the privilege of a roll call, although asked if they wanted one. We were assured that President Hoover was in favor of this bill and would have vetoed the Dale bill; even as Coolidge did. We were assured that Senator DALE is in favor of this bill as we reported it out. [Applause.]

I am much gratified that we are going to get retirement legislation this session. This Lehlbach bill has had such vicissitudes and has been contested with such heat and so intense an interest that at times it looked as if no legislation would be passed at all.

But legislation of this sort can only come from compromise, and this Lehlbach bill is just frankly that—a compromise measure. It is not perfect, but it is the most perfect bill which can be obtained at this stage. Moreover, it is a bill that can be remedied and amended and perfected later on. It is a good basis for future legislation.

Some retirement legislation is conceded on all sides to be necessary. I made the motion in the Civil Service Committee before the Christmas holidays to make retirement legislation the first order of business and that motion carried.

The committee has stuck faithfully to consideration of retirement legislation until this bill is the result.

It carries an expenditure of about $16,000,000 and favorably affects or relieves about 410,000 Federal employees. It is a boon to nearly 5,000 Federal employees in Michigan.

What every human being craves is security. That is the first aim in life; security from danger, security from hunger, thirst,

the extreme cold and the extreme heat, from violence and injury and untimely death, from disease and war and poverty; and from old age and failing faculties and unemployment.

This bill aims to provide in a fair measure security from unemployment in old age for Federal employees who have given the best years of their lives in Federal jobs—to men and women who have been honest and faithful and efficient.

The United States Government should have been the leader in this movement but it has been a laggard. My city of Detroit has been speedier and more generous in meeting the requirements for its city employees in retirement annuity and pension legislation.

Many great corporations of the country, charged often with considering the almighty dollar alone, have been pioneers and generous ones in this field. They have not demanded a percentage of their salaries from their faithful employees and have granted a pension instead of requiring an annuity.

This bill will increase efficiency because of its justice. The superannuated employee will be gotten off the Federal pay roll more easily and give a place to a younger and more efficient employee. Every worker will do better work for a just employer than for an unjust one or a niggardly one.

We have stricken from the bill harsh provisions of the "tontine" plan. We can strike out in conference or in later legislation any further objectionable features of the "tontine" plan.

Former President Coolidge vetoed the Dale-Lehlbach bill because it was not just to the higher-salaried employees. President Hoover is quoted as saying he would veto the bill if this defect were not remedied.

Personally I always fought for this principle: Just treatment for the higher salaried and supervising employees and officials of the Federal service, as well as for the lower ones.

I was in the Federal administrative service myself for nine and one-half years. I know the merits of the higher classes. Many have come up from the ranks, as a matter of fact, practically all of them have.

As they got higher wages because of their splendid services, they adopted a higher standard of living for themselves, their wives, children, and other dependents. All Americans do, and the general attitude in Detroit, if not in the United States as a whole, is not to begrudge a higher standard of living and this, irrespective of race, religion, and previous condition of servitude.

In some centers, and in Detroit, workers do not have to force higher wages, better hours, and improved working conditions from their employers who are running the great factories and business offices in that city. These boons are freely granted. A man who rises in the world there is not a subject of envy, but is generously acclaimed and congratulated.

He is recognized as being entitled to his place in the sun.

The attitude should be emulated by Members of this House and the Senate. Let none of us vote or work against this bill because it includes the higher salaried employee. The bill would have been vetoed if it had not.

We had the same quarrel over low and high classes when my committee considered the question of raising the salaries of Federal employees as we did in the last session of Congress.

It was largely a question of comparative treatment again. I spoke and fought for all Federal employees as a whole, low and high.

I reflected the Detroit attitude in that fight for higher salaries as I do in this one for more generous retirement legislation.

Mr. LEHLBACH. Mr. Speaker, I yield 30 seconds to the gentleman from Colorado [Mr. EATON].

Mr. EATON of Colorado. Mr. Speaker, the opposition to the Lehlbach bill seems to have arisen because the gentleman from New Jersey [Mr. LEHLBACH] could not do a sum in mental arithmetic while he had other things in his mind which he believed would interest this House.

In my district—the city of Denver—we have over 2,300 Federal employees working in fifty odd departments under 129 heads and principal subordinates. They have been as much interested as any group of Federal employees in the entire country. In my State of Colorado we have over 1,000 more faithful employees of Uncle Sam. They all remember some of the statements made by or on behalf of the actuaries in 1920, and then again in 1926. What if some figures were wrong then and have been changed? What if some of the present predictions of the accumulations will have to be changed?

Many of these employees are organized into groups. They have kept in close touch with the recent hearings here. Copies of the bill before this House were sent to them as soon as available last week, and to-day their replies were received.

The following organized groups of employees and retired employees in Denver now indorse the bill before us and request its passage:

Retired Federal Employees, by G. N. Burghardt, president.

Night shift, Denver post-office employees, by Clifford R. Selby, chairman.

Central committee, Federal Employees, M. F. Cannon, president.

National Federation of Federal Employees, Local No. 322, J. C. Gaskin, secretary; and

Denver Local, No. 102, George N. Spencer, secretary.

Also Federal Employees Union 234, National Federation of Federal Employees, J. J. Buck, secretary, which has a large membership in Pueblo and southwestern Colorado, exclusive of postal employees and the Woman's Auxiliary to National Federation of Post Office Clerks, by Mary E. Hodgins, national secretary, whose office is in Denver.

They are all a long way from Washington. They have sat at home content that the members of the committee would carefully decide the various questions which gave rise to the recent controversies. They are as deeply interested in the action of this House to-day as any who are sitting in the galleries listening to this debate. They believe in the bill now submitted for our consideration, and on their behalf I ask you to vote "aye" on the present motion to suspend the rules and pass this bill.

Mr. LEHLBACH. Mr. Speaker, I am going to take the remaining 30 seconds to say that there is not in the United States any responsible spokesman for a group of Federal employees anywhere who is not anxious to have this bill passed now.

The SPEAKER. All time has expired, and the question is on the motion of the gentleman from New Jersey to suspend the rules and pass the bill as amended.

Mr. JEFFERS. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. All in favor of taking the yeas and nays will rise and stand until counted. [After counting.] Thirty-four Members have arisen; not a sufficient number. The question is on the motion of the gentleman from New Jersey to suspend the rules and pass the bill as amended.

Mr. JEFFERS. Mr. Speaker, I make the point of no quorum.

The SPEAKER. Does the gentleman insist that the Chair shall count?

Mr. JEFFERS. No, Mr. Speaker; I withdraw that and ask for a division.

The House divided, and there were 235 ayes and 17 noes.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

DISCHARGE OF OBLIGATIONS OF GERMANY TO THE UNITED STATES (S. DOC. NO. 95)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with accompanying papers referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am submitting herewith for your consideration a copy of the report of the Secretary of the Treasury regarding the proposed agreement and exchange of notes with Germany for the complete and final discharge of the obligations of that Government to the United States with respect to the awards made by the Mixed Claims Commission, United States and Germany, and for the costs of this Government's army of occupation.

The plan of settlement has my approval and I recommend that the Congress enact the necessary legislation authorizing it.

HERBERT HOOVER.

THE WHITE HOUSE, *March 4, 1930.*

THE AMERICAN MERCHANT MARINE

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks on the American merchant marine and incorporate therein a letter and reply on the subject from the Postmaster General.

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

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, I voted to pass H. R. 9592, amending section 407, of the merchant marine act of 1928. Inasmuch as the time for the debate on the bill and an expression in regard to its practicability was very limited we who are not members of the Committee on the Merchant Marine and Fisheries felt that we should not take up any of the time that ought probably be allowed the members of that committee. I, therefore, at this time remark that which I intended to say when the bill was under consideration but which I did not make then for the reasons assigned above.

I have not always felt in accord with the policies of the United States Shipping Board, and felt constrained on one occasion at least to frankly state my criticism of a course to which they had given their full assent and approval. I have reference to the sea service bureau, whose activities from my

standpoint can not be construed in any other light than that of an open hostility to the collective bargaining principle established years ago by men whose patriotism could not be questioned, and whose love of this country was evidenced by them and their children whenever the bugle sounded for their appearance on the battle line. That policy of collective bargaining has had the indorsement of the ablest men that this world has ever produced. Among them and foremost in the ranks of the notables of all times we find Pope Leo XIII, whose encyclical, On the Condition of Labor, would have immortalized him in the realm of letters and secured for him an everlasting place in the niche of fame, had not his wisdom as a Pontiff rendered him immortal. Our own Theodore Roosevelt, and that matchless statesman, Woodrow Wilson, who in the night of despair foresaw the glories of the coming day, the peerless leader whose vision carried him to the fringe of the millennium and whose hands bore aloft even unto his dying day the torch which will throw a light across all of the ages; that will echo his cry for a happier and a better world than one of bloodshed, rapacity, and colossal robbery called war; these giant figures whose shadow will always remain shadows across the sky line of history gave their sanction to collective bargaining; and strange indeed it is that a great branch of our Government like the Shipping Board can tolerate a service that has the temerity to inferentially or otherwise question the validity and the Americanism of that doctrine which is as fundamentally near democracy as any other policy which could be expressed. But there is no such thing as a perfect institution or a perfect thing in the universe.

No man and no set of men can possibly possess the infallible touchstone of truth. Just as some days must be dark and dreary to every man and woman who have to journey through existence, so, too, must every man and woman, and every set of men, and every group of women make mistakes, and indirectly stand for that which they would individually oppose.

I have every confidence in that board, individually, and insolido, jointly and severally, as the legalists say. I know that my distinguished namesake Mr. T. V. O'Connor, chairman of that board, was appointed to that position years ago by the lamented President Harding, at a time when he felt that the office should seek the man and not the man the office. For President Harding knew that Mr. O'Connor did not seek the office, *did not* want it, and only accepted it because his friend President Harding earnestly requested him to accept it. I know that President Coolidge kept Mr. O'Connor on the Shipping Board because he felt that he was the right man in the right place, and the newspapers but recently carried the news to the country that when Mr. O'Connor desired to resign, President Hoover refused to accept that resignation and asked Mr. O'Connor to remain as chairman of the Shipping Board. The test of an institution is its ability to withstand the constant stroke of time. The test of an individual is his courage, his honesty of purpose, his integrity and the spirit that makes him stand up undaunted in the face of criticism, just and unjust, that may be flung his way.

Mr. O'Connor has served his country and the great laboring classes from whom he sprung, faithfully, patriotically, and loyally. He has worked to make the merchant marine a great asset to the United States, and I am convinced that he has done so. The passage of the bill under consideration will enable the postmaster and the Shipping Board put into operation more certainly than ever before the policy which will make for an enlargement of our merchant marine, its growth through replacement of new vessels, the development of all of our ports and the upbuilding of a sea spirit in the minds of many of our ambitious young men. It will make for activity in our ship-building plants, and as a proof of my statement I wish to insert herein a letter which I have received from W. Irving Glover, Acting Postmaster General, Post Office Department, in response to a letter which I wrote the Postmaster General, and which makes my letter, without reproducing it, as clear as Mr. Irving's letter is self-explanatory.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., March 3, 1930.

Hon. JAMES O'CONNOR,
House of Representatives.

MY DEAR MR. O'CONNOR: It is a pleasure to furnish you with the information requested in your courteous letter of March 1, with regard to the method of entering into ocean-mail contracts under section 407 of the merchant marine act if it should be amended as proposed in the bill H. R. 9592, which has just passed the House of Representatives.

The present procedure is, after the reciprocal certifications between the Post Office Department and the Shipping Board required by the act, to issue an advertisement stating fully the requirements for present operation and future construction or reconstruction of vessels, and bids must be submitted which are responsive to these requirements. All of the provisions of the advertisement are then included in the formal contract which is submitted to the accepted bidder, who is required to give an adequate bond to insure full performance.

Postmaster General Brown has announced the policy of making no contracts (or, in exceptional cases, for a period of not more than five years) unless the building of new ships is required. Under contracts which have already been let or which are now pending, the department has required, or will require, the building of 42 new ships in addition to a number which are to be reconditioned or rebuilt. They range from 13-knot vessels of 5,000 tons to mammoth ships of a minimum of 28 knots and 45,000 tons. The keels of several of the ships required have already been laid and one has actually been completed and placed in service. A copy of our latest advertisement is inclosed, together with a copy of the proposal form on which bids are submitted. The provisions of the advertisement are, as before stated, included in the formal contract on each route.

If section 407 of the merchant marine act should be amended as proposed in H. R. 9592, the provisions of the contract would be practically the same as at present, except that no advertisement would be issued in certain cases, as provided therein.

If I can be of further service to you in this connection, please command me.

Very truly yours,

W. IRVING GLOVER,
Acting Postmaster General.

Mr. Glover's letter is, in a measure, amplified by a statement issued by the Post Office Department, the full text of which follows:

In an interview to-day Assistant Postmaster General W. Irving Glover, in charge of foreign mails of the Post Office Department, and chairman of the interdepartmental subcommittee on ocean mail contracts, was enthusiastic over the awards made yesterday by Postmaster General Brown to the four bidding companies whose bids were opened on February 25, these awards being made to the Colombian Steamship Co., the Panama Mail Steamship Co., and the United States Lines.

It shows that this administration, and especially the Post Office Department, stands ready to take every advantage offered to it to carry out the terms of the Jones-White bill, as laid down by the Congress, and will go far toward doing its part to restore the American flag on the "seven seas." No longer, says Mr. Glover, will the citizen returning from abroad have to await his coming into New York Harbor or the Golden Gate to see the Stars and Stripes, but it will be viewed as it flies from the staff of the American merchant ship which will be in the ports of the world and the lanes of the seas.

LABOR TO BE EMPLOYED

By the stroke of the pen Mr. Glover said to-day the Postmaster General had given the "go sign" to the American shipbuilding yards to get busy and keep busy for the next five years at least, for in the awards that the Postmaster General has already made 66,000 tons of new building had been called for at a cost of nearly $30,000,000, and an additional amount of nearly $10,000,000 for rebuilt or reconditioned ships called for in the four contracts.

One can just visualize what these contracts means to the employment of labor in the shipbuilding industry; it means the employment, literally, of thousands of men for a period of years and goes a great ways in being one of the most helpful items in the program which President Hoover has laid down to take up the slack of the unemployed; this, together with the extensive building program of Federal buildings and post offices throughout the country, is one of the most impressive moves of the administration to keep the wheels of industry and trade going at high speed.

OTHER CONTRACTS PLANNED

Mr. Glover further stated that within the next few days he believed that he would be able to recommend to Postmaster General Brown additional contracts which would carry further new building requirements of at least 125,000 tons. In other words, the Post Office Department is "steaming" ahead in the awarding of contracts which will carry out the intent and will of the Congress as laid down by the Jones-White bill.

These advertisements and awards are the result of many hearings held by the subcommittee since last June, and it was at these hearings and meetings that the recommendations were issued to the parent committee on ocean-mail contracts that made it possible to award these various contracts and thus bring about the vast building contracts soon to be entered into between the steamship companies and the shipbuilders.

Mr. Glover further stated that on Tuesday a hearing would be held before him, same being given the Consolidated Navigation Co., of Baltimore, Md., one of the bidders on route No. 46—Baltimore to Hamburg—whose bid is believed not to be responsive to the advertisement.

THE DALE-LEHLBACH RETIREMENT BILL

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill that has just passed.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that all Members have five legislative days in which to extend their own remarks on the bill just passed.

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

There was no objection.

Mr. PATTERSON. Mr. Speaker, ladies and gentlemen of the House, under leave granted Members to extend remarks on the passage of the Dale-Lehlbach bill on March 4, I wish to say that although I have stood for and supported since being in Congress liberal retirement provisions for our civil-service employees and am so constituted that I would favor any fair and just liberalizing of this law when the public interest is safeguarded, I regret deeply that the leaders of the House sought to bring this bill up under suspension of the rules where we could not fully discuss the bill and offer amendments which would improve the bill and make of it a better bill, as I understand would be the intent of the majority of the Members of this House.

Everyone recognizes that there have been some serious weaknesses in our retirement law, and as for me, I have been ready to support any law which would strengthen these conditions and make them more in the interest of those thousands of faithful men and women who give their lives and their work in season and out of season, through all kinds of weather and conditions—of course, with the public interest always duly guarded. Therefore, as I said, even though I could not get all that I hoped for and feel that these employees are entitled to under this bill and the conditions under which it passed, yet I should always be glad to do what I could to work toward that end even though we do not get all we hope for. The time may come when this law will have to be further amended to be in harmony with modern conditions—changing some of the points in the law which might have easily been changed by amendment in the House should it have been passed under different conditions. In closing may I say that I sincerely hope that in conference this bill will be improved and made a better bill.

Mr. Speaker, the day has come, in my judgment, when we must give more heed to those who toil and work either with their physical strength or mental strength to see that they get justice. There is no question that Congress has from time to time passed legislation to protect manufacturers and others, and we must begin to give due consideration to the large class of workers in not only Government but in other fields. The great mass of our citizens belong to what we are pleased to call laborers, tradesmen, small business, professions, farmers, clerks, civil-service workers, and, as some one has been pleased to call them, a lot of other plain people; and all of these do the work of our country and support this structure of Government, and we must protect these people and give more consideration to their interest in the future. I hope at some time in the near future to further address the House along this line; that is, representation fair and just for all.

Mr. IGOE. Mr. Speaker and Members of the House, under leave granted to Members of the House to extend remarks on the Dale-Lehlbach retirement bill for civil-service employees, I desire to state I am not opposed to the principle of the bill offered for consideration of the House, for, since becoming a Member of this body I have always actively supported legislation that would inure to the benefit of the postal employees and other governmental workers, a vast number of whom comprise the populace of my congressional district.

I am in full accord with the movement to liberalize the retirement provisions for those loyal and faithful employees who give the best years of their life to serving the public interests, and I should be most unjust to my constituency were I to sit idly by without interposing an objection to the procedure adopted for the consideration of this measure.

Liberalization of the retirement law for the employees of the Government is one of the most important subjects considered in this House in a number of years, and I deeply regret the members of the steering committee have deemed it advisable to consider this measure under suspension of the rules with only 40 minutes' debate, without an opportunity for offering amendments. This procedure, to my mind, is very unfair. I had hoped that when this bill was reported in the House for consideration general debate would be in order so that those of us who disagreed with some of the objectionable features, and who were in favor of more liberalization, would be afforded a fair opportunity to present our views.

Even though this opportunity has been denied us, and we have been unable to obtain all that we had hoped for, through the adoption of this procedure, I shall be glad to continue my efforts in the direction that the best interests of these employees may be served.

In conclusion, Mr. Speaker, permit me to say I voted for the bill in its present form, fearful of the fact that if a further liberalization measure should be presented to the President at this time he would veto it.

THE MOVEMENT OF POPULATION BETWEEN CANADA AND THE UNITED STATES

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the movement of population between Canada and the United States, and to include some official statistics.

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

There was no objection.

Mr. BACON. Mr. Speaker, an analysis of the statistics of the movement of population for permanent residence between the United States and Canada since 1920 is important in view of pending legislation to restrict Canadian immigration. The figures of immigration to Canada from the United States are derived from the Canadian Department of Immigration, and those of immigration to the United States from Canada are derived from the United States Bureau of Immigration. The official Canadian statistics are important because our Government does not keep accurate figures of American citizens who emigrate to Canada.

TABLE I.—MOVEMENT OF POPULATION SINCE 1920, TAKING INTO ACCOUNT STATISTICS OF IMMIGRATON ALONE

This table does not give as accurate a view as Table II of the total movement between the two countries. The figure of "returning Canadians" used in Table II was, however, not recorded before 1925. The figures here employed cover the migration of persons who have lived for at least one year in Canada or in the United States, as the case may be, before moving for permanent residence to the other country. The figures are for fiscal years, those in column 1 being for our fiscal year ending June 30, and those in column 2 being for the Canadian fiscal year ending March 31. Our figures before 1925 include immigration from Newfoundland, for which separate statistics were not kept until that year—1929.

Year	Migrated to United States from Canada	Migrated from United States to Canada	Net loss to Canada
1920	90,025	49,656	40,469
1921	72,317	48,059	24,258
1922	46,810	29,345	17,465
1923	117,011	22,007	95,004
1924	200,690	20,521	180,169
1925	100,895	15,818	85,077
1926	91,019	18,778	72,241
1927	81,506	21,025	60,481
1928	73,154	25,007	48,147
1929	64,440	30,560	33,880

TABLE II.—MOVEMENT OF POPULATION SINCE 1924, TAKING INTO ACCOUNT "RETURNING CANADIANS" AS WELL AS IMMIGRANTS

In 1924 the Canadian Department of Immigration began to record the number of Canadian citizens who returned to live in Canada after having taken up their permanent residence in the United States. Probably the fairest picture which can be drawn from official statistics of the balance between the two countries is given by adding these figures to those given in Table I of immigration from the United States to Canada. The persons who make up the totals of "returning Canadians" had presumably left Canada permanently and on their departure they were recorded as immigrants to the United States; on their return to Canada it is therefore legitimate to reckon them in the balance, together with immigrants to Canada. While no comparable figure exists covering United States citizens who have returned to the United States after settling in Canada, it is certain that this movement is now very small compared with the movement of "returning Canadians."

Year	Migrated to United States from Canada	Migrated from United States to Canada	Returning Canadians	Net loss to Canada
1925	100,895	15,818	43,775	41,302
1926	91,019	18,778	47,221	26,020
1927	81,506	21,025	56,957	3,524
1928	73,154	25,007	39,887	8,260
1929	64,440	30,560	33,798	82

TABLE III.—THE MOVEMENT TO THE UNITED STATES OF NATIVE-BORN CANADIANS SINCE 1925

The immigration act of 1924 imposed a numerical limitation, or quota, on the immigration to the United States of all persons not born in the Western Hemisphere. Canadians born in Great Britain or on the European Continent could migrate to the United States only by securing visas from the quota of their country of birth. In consequence the act encouraged the immigration of native-born Canadians; the rapid decline since 1926 is, therefore, specially significant. The table below, of course, does not show the whole balance between the two countries; it only reveals that Canada is now getting back from the United States a larger number of people of all classes than the number of native born alone who are emigrating.

Year	Canadian-born emigrated to United States	Per cent of total emigration to United States	Immigrants from United States and returning Canadians	Loss (−) or gain (+) to Canada
1926	82,462	90.6	65,999	−16,463
1927	70,136	86	77,982	+7,846
1928	54,704	74.8	64,894	+10,190
1929	49,009	76	64,358	+15,353

TABLE IV.—EMIGRATION FROM CANADA TO THE UNITED STATES SINCE 1921 BY RACIAL ORIGIN

This table divides the annual totals of emigration from Canada to the United States since 1921 under the three heads of British, French, and other races. Its chief value is to show the amount of French-Canadian emigration from Canada. The heading "British" here includes Irish, as well as English, Scottish, and Welsh. The heading "Other races" is made up almost entirely of persons of continental European origin, except for a small number—192 in 1929—of African, Asiatic, or Spanish-American descent. The figures before 1925 include Newfoundland.

Year	British	French	Other races	Total
1921	41,060	15,906	15,351	72,317
1922	27,909	9,625	9,276	46,810
1923	69,028	30,438	17,545	117,011
1924	123,783	43,959	32,948	200,690
1925	65,461	19,261	16,173	100,895
1926	61,986	18,612	10,421	91,019
1927	55,369	15,710	10,427	81,506
1928	48,476	14,227	10,451	73,154
1929	40,461	13,206	10,773	64,440

TABLE V.—THE NUMBER OF PERSONS WHO HAVE EMIGRATED MORE THAN ONCE FROM CANADA TO THE UNITED STATES

Month	Migrated to United States from Canada	Number who had previously lived in United States	Per cent
1929			
July	5,760	950	16.5
August	7,408	2,008	27.1
September	9,302	1,282	13.8
October	7,301	1,281	17.5
Total	29,771	5,541	18.6

On July 1, 1929, the United States Immigration Service began for the first time to record the number of immigrants entering the country who had previously lived in the United States and were returning again as immigrants after an absence of one year at least. The result throws an interesting light on the character of the movement of population from Canada to the United States, since it reveals that during the four months for which statistics are available 18.6 per cent of the immigrants from Canada had previously emigrated to the United States, had then gone back to Canada, and were once more moving to the United States. There seems no reason to suppose that the result during these months is not typical. On this assumption it would seem that almost one-fifth of the immigrants from Canada appear more than once in the United States immigration statistics.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WAINWRIGHT, for Tuesday and Wednesday of this week, on account of attendance at a funeral.

To Mr. CULLEN, for the balance of the week, on account of death in family.

To Mr. BRIGHAM, indefinitely, on account of illness.

ADJOURNMENT

And then, on motion of Mr. TILSON (at 5 o'clock and 16 minutes p. m.), the House adjourned until to-morrow, Wednesday, March 5, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, March 5, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Legislative appropriation bill.

(2 p. m.)

Navy Department appropriation bill.

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To consider proposed legislation concerning Muscle Shoals.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States (H. J. Res. 114, H. J. Res. 11, H. J. Res. 38).

Proposing an amendment to the eighteenth amendment of the Constitution (H. J. Res. 99).

Proposing an amendment to the Constitution of the United States providing for a referendum on the eighteenth amendment thereof (H. J. Res. 219).

Proposing an amendment to the eighteenth amendment of the Constitution of the United States (H. J. Res. 246).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

Relating to the carriage of goods by sea (H. R. 3830).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To define fruit jams, fruit preserves, fruit jellies, and apple butter, to provide standards therefor, and to amend the food and drugs act of June 30, 1906, as amended (H. R. 9760).

EXECUTIVE COMMUNICATIONS, ETC.

355. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting supplemental estimate of appropriations for the District of Columbia for the fiscal year 1931, amounting to $684,300 (H. Doc. No. 310), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 9931. A bill granting the consent of Congress to Berks County, State of Pennsylvania, to construct, maintain, and operate a free highway bridge across the Schuylkill River; with amendment (Rept. No. 835). Referred to the House Calendar.

Mr. CORNING: Committee on Interstate and Foreign Commerce. H. R. 9988. A bill granting the consent of Congress to the State of New York to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Red House, N. Y.; without amendment (Rept. No. 836). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 9989. A bill granting the consent of Congress to the State of Minnesota, Le Sueur County and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn.; without amendment (Rept. No. 837). Referred to the House Calendar.

Mr. FITZGERALD: Committee on Revision of the Laws. H. R. 10198. A bill to repeal obsolete statutes and to improve the United States Code; without amendment (Rept. No. 838). Referred to the House Calendar.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the executive departments (Rept. No. 839). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SANDERS of Texas: Committee on Naval Affairs. H. R. 830. A bill for the relief of Frank Woodey; without amendment (Rept. No. 823). Referred to the Committee of the Whole House.

Mr. COYLE: Committee on Naval Affairs. H. R. 5611. A bill for the relief of William H. Behling; with amendment (Rept. No. 824). Referred to the Committee of the Whole House.

Mr. SANDERS of Texas: Committee on Naval Affairs. H. R. 7219. A bill for the relief of Drinkard B. Milner; without amendment (Rept. No. 825). Referred to the Committee of the Whole House.

Mr. FITZGERALD: Committee on Claims. H. R. 669. A bill for the relief of Seth J. Harris; with amendment (Rept. No. 826). Referred to the Committee of the Whole House.

Mr. CLARK of North Carolina: Committee on Claims. H. R. 917. A bill for the relief of John Panza and Rose Panza; without amendment (Rept. No. 827). Referred to the Committee of the Whole House.

Mr. DOXEY: Committee on Claims. H. R. 936. A bill for the relief of Glen D. Tolman; without amendment (Rept. No. 828). Referred to the Committee of the Whole House.

Mr. DOXEY: Committee on Claims. H. R. 1546. A bill for the relief of Thomas Seltzer; with amendment (Rept. No. 829). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 1699. A bill for the relief of Theresa M. Shea; with amendment (Rept. No. 830). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 1888. A bill for the relief of Rose Lea Comstock; without amendment (Rept. No. 831). Referred to the Committee of the Whole House.

Mr. JOHNSON of Nebraska: Committee on Claims. H. R. 2175. A bill for the relief of the Great Western Coal Mines Co.; without amendment (Rept. No. 832). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 2432. A bill for the relief of J. A. Lemire; with amendment (Rept. No. 833). Referred to the Committee of the Whole House.

Mrs. KAHN: Committee on Military Affairs. H. R. 7484. A bill for the relief of Edward R. Egan; without amendment (Rept. No. 834). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 3935. A bill for the relief of Eugenia A. Helston; without amendment (Rept. No. 840). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALLGOOD: A bill (H. R. 10461) authorizing Royce Kershaw, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry, about 8 miles southwest of Gadsden, in Etowah County, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. GARBER of Oklahoma: A bill (H. R. 10462) authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the Oklahoma State Board of Agriculture; to the Committee on Agriculture.

By Mr. GOLDSBOROUGH: A bill (H. R. 10463) to authorize the erection of an addition to the Veterans' Bureau hospital at Perry Point, Md., and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. HAUGEN: A bill (H. R. 10464) to facilitate and simplify national-forest administration; to the Committee on Agriculture.

By Mr. JOHNSON of Washington: A bill (H. R. 10465) to define and delimit citizenship, to establish a uniform system for the naturalization of aliens throughout the United States, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. KNUTSON: A bill (H. R. 10466) granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 10467) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such land in the town of Pikeville, Pike County, Ky., as may be necessary for the location of a Federal court building in said city, and also to construct a suitable building thereon, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10468) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such land in the town of Paintsville, Johnson County, Ky., as may be necessary for the location of a Federal court building in said city, and also to construct a suitable building thereon, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. McLEOD: A bill (H. R. 10469) to grant emergency relief to certain World War veterans by providing for immediate payment of the face value of adjusted-service certificates; to the Committee on Ways and Means.

By Mr. SHOTT of West Virginia: A bill (H. R. 10470) to amend section 19 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, as amended; to the Committee on the District of Columbia.

By Mrs. LANGLEY: A bill (H. R. 10471) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such land in the town of Hazard, Perry County, Ky., as may be necessary for the location of a Federal court building in said city and also to construct a suitable building thereon, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. WINGO: A bill (H. R. 10472) to amend section 7 of the Federal reserve act, as amended; to the Committee on Banking and Currency.

By Mr. WHITE: A bill (H. R. 10473) to amend the radio act of 1927, approved February 23, 1927, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mrs. OLDFIELD: A bill (H. R. 10474) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the White River at or near Sylamore, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. CRISP: A bill (H. R. 10475) to authorize the creation of organized rural communities to demonstrate the benefits of planned settlement and supervised rural development; to the Committee on Irrigation and Reclamation.

By Mr. McLEOD: A bill (H. R. 10476) to define, regulate, and license real-estate brokers and real-estate salesmen; to create a real-estate commission in the District of Columbia; to protect the public against fraud in real-estate transactions, and for other purposes; to the Committee on the District of Columbia.

By Mr. LEAVITT (by departmental request): A bill (H. R. 10477) to permanentaly set aside certain public lands in Utah as an addition to the Western Navajo Indian Reservation; to the Committee on Indian Affairs.

By Mr. SPEAKS: A bill (H. R. 10478) to amend the national defense act of June 3, 1916, as amended; to the Committee on Military Affairs.

By Mr. WOODRUFF: A bill (H. R. 10479) to amend section 1440, Revised Statutes, as amended by the act of March 2, 1929, Public, No. 920; to the Committee on Naval Affairs.

By Mr. HAWLEY: A bill (H. R. 10480) to authorize the settlement of the indebtedness of the German Reich to the United States on account of the awards of the Mixed Claims Commission, United States and Germany, and the costs of the United States Army of occupation; to the Committee on Ways and Means.

By Mr. McFADDEN: A resolution (H. Res. 178) to provide for the expenses of the Committee on Banking and Currency in carrying out the provision of House Resolution 141; to the Committee on Accounts.

By Mr. JOHNSON of Washington: A resolution (H. Res. 179) to provide quota limitations for certain countries of the Western Hemisphere, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. O'CONNELL of Rhode Island: Memorial of the General Assembly of the State of Rhode Island urging the use of Westerly granite in the construction of Federal buildings and particularly in the post-office buildings to be erected at Pawtucket and Woonsocket, R. I.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACK: A bill (H. R. 10481) for the relief of Roland Morgan; to the Committee on Military Affairs.

By Mr. BOWMAN: A bill (H. R. 10482) granting an increase of pension to Susan Lavelle; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 10483) granting an increase of pension to Sarah Horney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10484) granting an increase of pension to Hannah A. McColly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10485) granting an increase of pension to Lucy Clark; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 10486) granting an increase in pension to Lyda Robertson; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 10487) granting a pension to Thomas Henry Shanley; to the Committee on Pensions.

By Mrs. ROGERS: A bill (H. R. 10488) for the relief of Etta Cluff; to the Committee on Claims.

By Mr. DENISON: A bill (H. R. 10489) granting an increase of pension to Mallie E. Roberts; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 10490) for the relief of Flossie R. Blair; to the Committee on Claims.

Also, a bill (H. R. 10491) for the relief of Edwin F. Reid; to the Committee on Military Affairs.

By Mr. DRIVER: A bill (H. R. 10492) for the relief of Drainage District No. 17 of Mississippi County, Ark.; to the Committee on Flood Control.

Also, a bill (H. R. 10493) for the relief of Drainage District No. 7 of Poinsett County, Ark.; to the Committee on Flood Control.

By Mr. ENGLEBRIGHT: A bill (H. R. 10494) granting an increase of pension to Eva A. Smith, to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 10495) granting a pension to Dora M. Hull; to the Committee on Invalid Pensions.

By Mr. GARBER of Oklahoma: A bill (H. R. 10496) granting a pension to Ella Moodey; to the Committee on Invalid Pensions.

By Mr. HALSEY: A bill (H. R. 10497) granting an increase of pension to Annie E. Box; to the Committee on Invalid Pensions.

By Mr. HESS: A bill (H. R. 10498) granting a pension to Charles W. Ammann; to the Committee on Pensions.

By Mr. HOOPER: A bill (H. R. 10499) for the relief of J. H. McLaughlin; to the Committee on Claims.

By Mr. HOPKINS: A bill (H. R. 10500) granting an increase of pension to Mary E. Walker; to the Committee on Invalid Pensions.

By Mr. KENDALL of Kentucky: A bill (H. R. 10501) granting a pension to Sarah Lucetta Kidder; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 10502) granting a pension to Ella Ann Alexander; to the Committee on Pensions.

Also, a bill (H. R. 10503) for the relief of the Portland Electric Power Co.; to the Committee on Claims.

By Mrs. LANGLEY: A bill (H. R. 10504) granting a pension to Granville Pearl Cornett; to the Committee on Pensions.

By Mr. LEE of Texas: A bill (H. R. 10505) granting a pension to G. C. Musgrove; to the Committee on Pensions.

By Mr. McREYNOLDS: A bill (H. R. 10506) for the relief of Carl F. Castleberry; to the Committee on Claims.

By Mr. MENGES: A bill (H. R. 10507) granting a pension to Carrie R. Pine; to the Committee on Pensions.

By Mr. MONTET: A bill (H. R. 10508) providing for the examination and preliminary survey of that composite stream extending a distance of approximately 25 miles from the Intracoastal Canal as it traverses section 48, township 17 south, range 19 east, parish of La Fourche, La., down to Lake Chien, in the parish of Terrebonne, State of Louisiana; to the Committee on Rivers and Harbors.

By Mr. MOORE of Kentucky: A bill (H. R. 10509) granting a pension to William R. Speck; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 10510) granting an increase of pension to Alice P. George; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 10511) for the relief of the Lakeside Country Club; to the Committee on Claims.

By Mr. FRANK M. RAMEY: A bill (H. R. 10512) granting a pension to Agnes M. Sexton; to the Committee on Pensions.

By Mr. RAMSPECK: A bill (H. R. 10513) for the relief of Ralph LaVern Walker; to the Committee on Claims.

Also, a bill (H. R. 10514) granting an increase of pension to Leo Pope Ott; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 10515) to ratify certain leases with the Seneca Nation of Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 10516) granting an increase of pension to Emma W. Miller; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 10517) granting an increase of pension to Missouri C. Burlingame; to the Committee on Invalid Pensions.

By Mr. SIMMS: A bill (H. R. 10518) granting a pension to Albert D. Pontius; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 10519) granting an increase of pension to Annabell Keller; to the Committee on Invalid Pensions.

By Mr. STEVENSON: A bill (H. R. 10520) for the relief of Lottie W. McCeskill; to the Committee on Claims.

By Mr. UNDERHILL: A bill (H. R. 10521) authorizing the President of the United States to posthumously present in the name of Congress a congressional medal of honor to Lieut. Joseph F. Wehner; to the Committee on Military Affairs.

By Mr. UNDERWOOD. A bill (H. R. 10522) granting a pension to Katie B. Johnston; to the Committee on Invalid Pensions.

By Mr. WALKER: A bill (H. R. 10523) granting an increase of pension to Virginia C. Smith; 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:

5272. By Mr. AYRES: Petition of citizens of McPherson, Kans., urging action on House bill 8976 for the relief of veterans, widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

5273. By Mr. BACON: Petition of the Sons of the Revolution in the State of New York indorsing the principle of military training in the Reserve Officers' Training Corps, citizens' military training camps, and in high schools with Government aid; to the Committee on Military Affairs.

5274. Also, petition of 586 citizens of Baldwin, Long Island, N. Y., in opposition to the Robsion-Capper bill; to the Committee on Education.

5275. By Mr. BLOOM: Petition of citizens of Washington, D. C., opposing the calling of an international conference by the President of the United States, or the acceptance by him of an invitation to participate in such a conference, for the purpose of revising the present calendar, unless a proviso be attached thereto definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of the blank days; to the Committee on Foreign Affairs.

5276. By Mr. BOLTON: Petition of citizens of Perry and Painesville, Ohio, urging favorable action on bills providing for increased rates of pension for Spanish War veterans; to the Committee on Pensions.

5277. Also, petition of certain residents of Cuyahoga County, Ohio, urging increased rates of pension for Spanish War veterans; to the Committee on Pensions.

5278. By Mr. BOWMAN: Petition of constituents of the second congressional district of West Virginia, urging passage of a bill providing increased rates of pension for Spanish War veterans and widows of veterans; to the Committee on Pensions.

5279. By Mr. BOYLAN: Resolution adopted at a meeting of the board of managers of the Sons of the Revolution in the State of New York, New York City, N. Y., February 24, 1930, indorsing the principle of military training in Reserve Officers' Training Corps and citizens' military training camps and in the high schools; to the Committee on Military Affairs.

5280. By Mr. CAMPBELL of Iowa: Petition of 98 citizens of Woodbury County, Iowa, urging an increase in pension for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

5281. By Mr. CHRISTOPHERSON: Petition of 40 citizens of Spencer, S. Dak., asking for passage of House bill 2562; to the Committee on Pensions.

5282. By Mr. COOPER of Wisconsin: Petition of residents of Rock County, Wis., urging the passage of a bill to increase pensions of Spanish War veterans; to the Committee on Pensions.

5283. By Mr. CROWTHER: Petition of residents of Schenectady, N. Y., for speedy consideration and passage of House bill 2562; to the Committee on Pensions.

5284. By Mr. DAVENPORT: Petition of the common council of the city of Utica, N. Y., requesting due consideration of proposed legislation providing for increase of compensation to veterans of the war with Spain, the Philippine insurrection, and China relief expedition; to the Committee on Pensions.

5285. Also, petition of the common council of the city of Utica, N. Y., favoring the enactment of legislation providing that October 11 be made a national holiday in honor of Brig. Gen. Casimir Pulaski, hero of the Revolutionary War; to the Committee on the Judiciary.

5286. By Mr. DENISON: Petition of various citizens of Duquoin, Perry County, Ill., urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5287. By Mr. DRANE: Petition of citizens of Wildwood, Fla., in support of House bill 2562; to the Committee on Pensions.

5288. By Mr. HILL of Washington: Petition of E. P. Hensinger and 21 other residents of Spokane, Wash., and vicinity, urging prompt consideration and action on Senate bill 476 and House bill 2562 providing for increased pension rates to Spanish War veterans; to the Committee on Pensions.

5289. By Mr. HOCH: Petition of various citizens of Marion County, Kans., urging the speedy consideration and passage of Senate bill 476 and House bill 2562 providing for increased pensions to Spanish-American War veterans; to the Committee on Pensions.

5290. Also, petition of citizens of Olpe, Kans., and vicinity, urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5291. Also, petition of various citizens of Olpe, Kans., urging speedy consideration and passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to Spanish-American War veterans; to the Committee on Pensions.

5292. By Mr. JOHNSON of Texas: Petition of Mrs. A. J. Hole, first vice president, State Officers Woman's Auxiliary, Texas Federation of Post Office Clerks, Houston, Tex., indorsing House bill 6603 and Senate bill 2540; to the Committee on the Post Office and Post Roads.

5293. By Mr. KEMP: Petition favoring the Capper-Robsion education bill, submitted by residents of the city of Ponchatoula, La.; to the Committee on Education.

5294. By Mr. KENDALL of Kentucky: Petition of citizens of Denton, Carter County, Ky., in which they urge that immediate action be taken to bring to a vote House bill 2562 and Senate bill 476, and they respectfully urge their passage; to the Committee on Pensions.

5295. By Mr. KORELL: Petition of residents of Multnomah County, advocating the passage of House bill 8976; to the Committee on Pensions.

5296. By Mr. KVALE: Petition of 71 residents of Osakis, Minn., urging speedy passage of House bill 2562; to the Committee on Pensions.

5297. By Mr. LINDSAY: Petition of Polish National Alliance, of Brooklyn, N. Y., declaring it to be the consideration and interest of all Americans of Polish extraction that House Joint Resolution 167 authorizing the President to proclaim October 11 of each year as General Pulaski memorial day be favorably acted upon at once; to the Committee on the Judiciary.

5298. By Mr. McCLINTOCK of Ohio: Petition of the council of the village of Dennison, Ohio, in favor of legislation granting increased pension to veterans of the Spanish War; to the Committee on Pensions.

5299. Also, petition of the council of the village of Uhrichsville, Ohio, in favor of legislation granting increased pension to veterans of the Spanish War; to the Committee on Pensions.

5300. By Mr. MOORE of Kentucky: Petition of citizens of Graham, Muhlenberg County, Ky., urging passage of 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-American War; to the Committee on Pensions.

5301. By Mr. MURPHY: Petition of Walter W. Sandrus, of Leesville, Ohio, and 50 other residents of that village, asking for the passage of the Spanish War pension bill; to the Committee on Pensions.

5302. By Mr. O'CONNELL of Rhode Island: Resolution of the city council of Woonsocket, R. I., urging immediate construction of the proposed addition to the Woonsocket post office; to the Committee on Public Buildings and Grounds.

5303. By Mr. PARKS: Petition of citizens of Hope and Waldo, Ark., urging the passage of House bill 2562 granting a pension to Spanish-American War veterans; to the Committee on Pensions.

5304. By Mr. RANSLEY: Petition of citizens of Philadelphia, Pa., urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5305. By Mr. ROBINSON: Petition of City Clerk G. A. Triggs and 26 other citizens of Clarion, Iowa, requesting and urging the passage of the Robsion-Capper free public school bill, H. R. 10 and S. 1586; to the Committee on Education.

5306. By Mrs. ROGERS: Petition of Ishmael E. Park and other residents of Lowell, Mass., urging Congress to grant further relief to the Spanish War veterans; to the Committee on Pensions.

5307. Also, petition of Arthur E. Sears and other residents of Ashby, Mass., urging Congress to grant further relief to the Spanish War veterans; to the Committee on Pensions.

5308. By Mr. SIMMONS: Petition of 75 citizens of Sutherland, Nebr., asking for speedy consideration and passage of pending bills 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.

5309. By Mr. SIMMS: Petition of citizens of Farmington, N. Mex., asking support of Civil War pension bill; to the Committee on Invalid Pensions.

5310. By Mr. SLOAN: Petition of Edward Pracheil and 30 others, for Seventy-first Congress bills, S. 476 and H. R. 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.

5311. By Mr. SWING: Petition of A. J. Johnston and 40 other residents of Anaheim, Calif., urging the adoption of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5312. Also, petition of Hartie A. Skillin and 68 residents of San Diego, Calif., urging the adoption of legislation to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

5313. By Mr. THATCHER: Petition signed by Joseph H. Varble and others, of Louisville, in support of increased pension legislation for Spanish War veterans; to the Committee on Pensions.

SENATE

WEDNESDAY, *March 5, 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:

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

Mr. SHEPPARD. The junior Senator from South Carolina [Mr. BLEASE] is unavoidably detained on imperative business. This announcement may stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

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

EXPRESSION OF THANKS BY THE PRESIDENT OF MEXICO

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of State, transmitting diplomatic correspondence with the American chargé d'affaires ad interim at Mexico City, informing the department that His Excellency Pascual Ortiz Rubio, President of the Republic of Mexico, had requested that his profound thanks be tendered to the Senate of the United States for so signal a proof of friendship and