By Mr. BOWMAN: A bill (H. R. 12206) for the relief of Freda Mason; to the Committee on Claims.

Also, a bill (H. R. 12207) for the relief of Lewis Clark; to the Committee on Claims.

By Mr. CARLEY: A bill (H. R. 12208) for the relief of Albert A. Ayuso; to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 12209) for the relief of the estate of Victor L. Berger, deceased; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 12210) granting a pension to Robert M. Knipple; to the Committee on Pensions.

By Mr. DOUGLAS of Arizona: A bill (H. R. 12211) for the relief of John W. Miller; to the Committee on Military Affairs.

By Mr. GREENWOOD: A bill (H. R. 12212) granting a pension to Nancy Ann Scribner; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 12213) for the relief of Will A. Helmer; to the Committee on War Claims.

By Mr. HOPKINS: A bill (H. R. 12214) granting an increase of pension to Elizabeth J. Mumford; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 12215) for the relief of Daisy Ballary; to the Committee on Military Affairs.

By Mr. JOHNSTON of Missouri: A bill (H. R. 12216) granting an increase of pension to Margaret C. Vitteto; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 12217) providing for the appointment of Roderick R. Strong as a warrant officer, United States Army; to the Committee on Military Affairs.

By Mrs. McCORMICK of Illinois: A bill (H. R. 12218) granting a pension to Bertie E. Williams; to the Committee on Pensions.

By Mr. McCLINTIC of Oklahoma: A bill (H. R. 12219) providing for the enrollment of William J. Cizek as a member of the Kiowa Indian Tribe of Oklahoma and providing for an allotment of land in the Kiawo, Comanche, and Apache Indian Reservations; to the Committee on Indian Affairs.

By Mr. MOREHEAD: A bill (H. R. 12220) granting a pension to Pearl Rounds; to the Committee on Invalid Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 12221) granting an increase of pension to Christina Stiehl; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 12222) authorizing the Treasurer of the United States to pay to Henry F. Meyers the sum of $785.10 as full compensation for services rendered as a member of local draft board No. 1, Omaha, Nebr.; to the Committee on Claims.

By Mr. STALKER: A bill (H. R. 12223) granting an increase of pension to Jane Bronson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12224) granting an increase of pension to Ida E. Saxbury; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 12225) for the relief of the heirs of James H. Jones; to the Committee on War Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 12226) for the relief of Edward Deyarmin, otherwise known as Edward Miller; to the Committee on Naval Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12227) granting a pension to Charles Farris; to the Committee on Pensions.

By Mr. TEMPLE: A bill (H. R. 12228) granting an increase of pension to Nancy Malone; 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:

7213. By Mr. GUEVARA: Petition of Cepriano Gigata, of Guiuan, Samar; Pedro Bassig, of Ilagan, Isabela; and Agustin Ibus, of Laspinas, Rizal, all citizens of the Philippine Islands, to secure speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

7214. By Mr. JOHNSON of Washington: Petition and resolutions of various organizations and sundry citizens of South Bend, Wash., favoring the enactment of House bill 8976, for the relief of Indian war veterans and widows and minor children of veterans; to the Committee on Pensions.

7215. By Mr. SWANSON: Petition of C. C. Wilson and 53 others, urging increased Spanish War pensions; to the Committee on Pensions.

7216. By Mr. WELCH of California: Petition of all clerks of the post office of San Francisco, Calif., urging that a special rule be granted to permit early consideration of the Kendall bill, H. R. 6603; to the Committee on the Post Office and Post Roads.

SENATE

WEDNESDAY, *May 7, 1930*

(Legislative day of Wednesday, April 30, 1930)

The Senate met at 12 o'clock meridian in open executive session, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the bill (S. 2076) for the relief of Drinkard B. Milner.

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

H. R. 10209. An act authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell; and

H. R. 10579. An act to provide for the erection of a marker or tablet to the memory of Col. Benjamin Hawkins at Roberta, Ga., or some other place in Crawford County, Ga.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 305) providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930, and it was signed by the Vice President.

CALL OF THE ROLL

Mr. GLASS obtained the floor.

Mr. FESS. Mr. President, will the Senator from Virginia yield to me to enable me to suggest the absence of a quorum?

The VICE PRESIDENT. Does the Senator from Virginia yield for that purpose?

Mr. GLASS. I yield.

Mr. FESS. 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	Fess	Keyes	Shortridge
Ashurst	Frazier	La Follette	Simmons
Baird	Gillett	McCulloch	Smoot
Barkley	Glass	McKellar	Steck
Bingham	Glenn	McNary	Steiwer
Black	Goldsborough	Metcalf	Stephens
Blaine	Gould	Norris	Sullivan
Blease	Greene	Nye	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Bratton	Harris	Overman	Thomas, Okla.
Brock	Harrison	Patterson	Townsend
Broussard	Hastings	Phipps	Trammell
Capper	Hatfield	Pine	Tydings
Caraway	Hawes	Pittman	Vandenberg
Connally	Hayden	Ransdell	Wagner
Copeland	Hebert	Reed	Walcott
Couzens	Howell	Robinson, Ark.	Walsh, Mass.
Cutting	Johnson	Robinson, Ind.	Walsh, Mont.
Dale	Jones	Schall	Waterman
Deneen	Kean	Sheppard	Watson
Dill	Kendrick	Shipstead	Wheeler

Mr. SHEPPARD. I wish to announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

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

Mr. WALSH of Montana. Mr. President, will the Senator from Virginia yield?

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

Mr. GLASS. I yield.

RECEPTION TO SENATOR DAVID A. REED

Mr. WALSH of Montana. Mr. President, I am advised that another Member of this body, returning from abroad after having rendered distinguished service as a member of the American delegation at the naval conference in London, is about to resume his duties in this Chamber. In token of the deserved esteem in which he is held by his colleagues in this body, I suggest that he be greeted upon his entrance to the Chamber by the Members of the Senate, led by the Vice President, in the well of the Senate. I move that a recess be now taken for such time as is necessary to carry out this order.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. FESS. Mr. President, in behalf of my colleagues on this side of the Chamber, I wish to express our appreciation of the suggestion of the Senator from Montana. We think that the record which the Senator from Pennsylvania [Mr. REED] has made in this Chamber has been given additional luster by the service rendered by him on the important mission in which he has been engaged while out of the country.

I second the motion of the Senator from Montana.

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

The motion was unanimously agreed to.

The VICE PRESIDENT. The Chair appoints the Senator from Arkansas [Mr. ROBINSON] and the Senator from Indiana [Mr. WATSON] to escort Senator REED to the Chamber.

The Senate being in recess,

Mr. REED, escorted by Mr. WATSON and Mr. ROBINSON of Arkansas, entered the Chamber and stood with the Vice President in the area in front of the Secretary's desk and greeted the Members of the Senate as they advanced to greet him.

The reception having ended (at 12 o'clock and 15 minutes p. m.), the Vice President resumed the chair and called the Senate to order.

NOMINATION OF JUDGE JOHN J. PARKER

The Senate in open executive session resumed the consideration of the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. STEPHENS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Commercial Appeal, one of the leading newspapers of the South, published in Memphis, Tenn., regarding Judge Parker's confirmation.

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

[From the Commercial Appeal, Memphis, Thursday morning, May 1, 1930]

JUDGE PARKER SHOULD BE CONFIRMED

If the nomination of Judge John J. Parker, of North Carolina, for the United States Supreme Court should be rejected by the United States Senate, it will be openly and brazenly because of political reasons. There will then be established the evil precedent that appointments to the highest judicial tribunal in the land are political pawns, just the same as nominations for postmasters, marshals, and even lesser Federal posts.

Never before have the party-first politicians stalked so boldly forward as in their opposition to Judge Parker. They have not produced a single thing against either the character or the ability of the North Carolina jurist. Nor have these elements of the appointee, which should be the vital factors in determining his availability, even been brought into question. Barefacedly he is being attacked because the politicians fear his appointment and confirmation may lose some votes of the colored brother in the North and East or of some workingmen in Republican districts.

We submit that never before has any attempt been made so deliberately to prostitute to political ends a tribunal that was sacredly set up as one body that should be removed entirely from any and all political attachments. If the move to reject the nomination succeeds, then will notice be served upon future Presidents of the United States that they must select judges to the United States Supreme Court with the sole aim in view of increasing the labor vote here, the colored vote there, the manufacturer's vote in another section, the mining vote in any one or two of the mining States of the country, or the dairy vote in Wisconsin.

In their political stampede the politicians of President Hoover's own party seem to have forgotten that as a careful Executive he studied the record of Judge Parker carefully and took into consideration all legitimate factors before making the nomination. Surely is President Hoover, as head of the Republican Party, as much interested in the success of that party as some of its lesser leaders. And just as sure is it that the Executive of the whole Nation is more concerned with the well being of the Republic than the Senator from Indiana or the Senator from Idaho, either.

President Hoover made a study of Judge Parker's decision concerning the so-called "yellow dog contracts" in the West Virginia mining case. He found that the jurist merely followed a ruling of the United States Supreme Court itself and applied that rule to the West Virginia case. It is a ridiculous objection, indeed, to an appointee to the United States Supreme Court to bring up against him that he is in agreement with that tribunal.

But this labor decision is not the real objection to the North Carolinian. It is merely a smoke screen to hide the compelling motive behind the opponents of the nominee. One must be frank about the matter and state that the Republican objection to the North Carolinian comes from those who would conceal efforts of that party in the South to attain to a higher standing. Those political objectors would, no doubt, accomplish the same thing that Judge Parker may have sought to accomplish, but they would do it secretly and hypocritically. Judge Parker was frank and honest and those virtues should commend rather than condemn him.

It is plainly unfair to assume that he has any race prejudice. And it is manifestly slanderous to assume that he would not give equal justice to negroes as well as to whites, if he were called upon to render any decision involving racial rights. But it is not his judicial fairness or his legal capabilities that are under question. The whole issue has been developed and it resolves itself down to the one point of whether or not it is politically expedient to confirm his nomination.

Under such conditions there should be but one course for Democrats as well as Republicans to follow. They should reject all objections that are frankly and almost brutally based upon partisan politics. Unless they do, the Supreme Court will be stained with the slime of political aggrandizement. What it will mean should it ever be established that our highest court of law is merely a political tribunal, lawyers and thinkers in all walks of life should tremble to contemplate.

Judge Parker should be confirmed. It is the only way in the present emergency to impress upon the Nation the fact that it has one body which is above political manipulation and is removed from all thoughts of partisan consideration.

Mr. GLASS. Mr. President, before I begin to address myself, if I shall do so, to the pending nomination, I wish to make an observation about the extraordinary nature of the unanimous-consent agreement under which the Senate is now operating. If its actual validity may not be questioned, certainly it is one of the unfairest agreements I have taken note of since I have been a Member of the United States Senate. That a Senator, who spent three hours in a historical narrative of this case, and quite a few other hours in discussing the case, in the absence of almost the entire membership of the Senate, and without the customary roll call, should have undertaken to limit his colleagues to-day to 15 minutes, upon a question of this importance, is to me an exhibition of discourtesy and inconsiderateness that I hope not to see repeated while I am a Member of the body.

I have no desire to speak 15 minutes on a question of this sort. While I had signified my intention and very much desired, as near as I ever come to entertaining such a desire to make some observations on the various aspects of this case, I shall have to discard entirely the address which, in my mind, I had intended to make, and merely indicate in a few minutes why I have reached the conclusion to cast my vote in favor of the confirmation of Judge Parker for a position on the Supreme Court Bench.

It is very much easier for a Senator situated as I am to vote against Judge Parker's confirmation than to vote for him, and, in all frankness, I may say that I have tried, and tried in vain, to discover some reason that would accord with my own conscientious convictions for voting against the nominee.

First, I inquired if he was fit; if he had the ability, the legal learning, that a man elevated to a position of such distinction and responsibility should possess. For not a little while I was greatly disturbed on that point by the receipt of a letter from one of the most accomplished and scholarly lawyers at the bar of my State, protesting that Judge Parker had not the legal requirements for a position of this kind; yet, over against that judgment, I find the almost unanimous sentiment of the bar of Virginia, and not only Virginia but of the five States composing the fourth judicial circuit, to be that Judge Parker has the requisite qualifications.

Not content with that, I interrogated a lawyer who, in any comparable period I venture to say, has had more appearances before the Supreme Court than has any other lawyer in America, and has won a greater number of cases before that court than any other practicing attorney. He seriously assured me that Judge Parker had the legal equipment for this place. Therefore my mind was set at rest on that point.

Then I considered the overwhelming protest of the labor leaders of Virginia and of the country. I sat here and listened intently to every word of the important discussion of that particular aspect of the case, as to whether or not Judge Parker had exhibited a lack of appreciation of the interests of the laboring classes of the country and had exhibited that degree of inhumanity that was imputed to him by speakers here. Not only did I listen to the discussion but I have read every word of the addresses made on the subject, and, if it were to save my life, I could not find in one of them a justification of the view taken on the subject. I came to the conclusion, by reading the cases and by hearing and reading those speeches, that Judge Parker had merely followed the decisions of the Supreme Court.

While it might seem an assumption on the part of a layman to entertain and to express a view on legal refinements, I found myself entirely unable to follow the distinctions that have been presented here as between the Tri-City case and the Red Jacket case and other cases.

Judge Parker simply did what, had he failed to do, he would have been overruled by the higher court, and he knew that he would have been overruled by the higher court. The only case cited here from a State court to sustain the view that Judge Parker should not have decided as he did decide in the Red Jacket case had no relevancy whatever, if I can understand the plain import of the English language. So I dismiss that objection to this confirmation of Judge Parker. I do it reluctantly; I do it after industriously trying to give the view entertained by the labor leaders the benefit of every doubt.

I think Judge Parker is a friend to the laboring interests. The whole background of the man suggests that he would feel obliged to be the friend of the laboring interests. Born of plain and modest parents, his whole life has been one of struggle, by his industry, by his exhibition of fine traits of character, by his clear conception of the obligation of life surmounting almost insuperable obstacles to attain the position which he holds in the affections of the people of his State and in the respect of all the people of the fourth judicial circuit who know him.

Then there have been suggested other considerations, somewhat extraneous, but inevitable—political considerations. I do not think it will ever be possible to divest Federal appointments from considerations of this kind; but a circumstance which has interested me here is to find gentlemen who, with almost sinister precipitancy, wanted us to confirm the nomination of Mr. Hughes to the position of Chief Justice without uttering one syllable about the political aspects of his case objecting to Judge Parker on that score.

There is—and I should like the time to develop it—protruding itself at every stage of this discussion here the disagreeable comment that those of us who opposed the nomination of Mr. Hughes are socialistically inclined; that we were engaged in an attack upon the Supreme Court of the United States as an institution rather than discharging our constitutional obligation under oath to "advise and consent" as to the qualifications of a nominee for the position of a Supreme Court justice.

Both appointments of Mr. Justice Hughes were political. A practitioner for 22 years at the bar of the most populous city of the Western Hemisphere, he never had one case before the Supreme Court of the United States before his first appointment. There is no record of his ever having entered the door of the Supreme Court room until he went to take office as an Associate Justice. He was identified with but one notable case in his own State, and that of a quasi-political nature, in which he acted as chief cross-examiner of the Armstrong insurance investigation. That activity was turned immediately into a political asset; he was nominated for the mayoralty in the city of New York, a distinction declined in order to accept later the greater distinction of nomination for Governor of New York; and then, after 47 speeches in a presidential campaign, he was elevated to the bench of a court the room of which he had never darkened as a practitioner of 22 years' standing in a populous city, where a greater business is carried on than in any other city of the world. It is true that we have heard the proud boast of his advocates here that he appeared in 72 cases during the interval of his resignation from the court and his return to it as Chief Justice; but that statement involves implications not altogether of a creditable nature.

I had expected, Mr. President, to discuss at some length this and other aspects of the debate upon the Senate's relation to the Supreme Court and its obligations with respect to nominations for that bench. Particularly, I wanted to remark upon the amazing circumstance that we are asked in this pending contest to constitute as practical arbiter of the personnel of the Supreme Court of the United States a northern negro association for the advancement of the black race. That is what we are warned to do, under penalty of political reprisal, and that is what the defeat of Judge Parker will mean. However, the paltry 15 minutes allotted for debate to-day precludes an intelligent or even orderly consideration of the various aspects of the case.

The VICE PRESIDENT. The time of the Senator from Virginia has expired.

Mr. SWANSON. I ask unanimous consent that my colleague may have 15 minutes longer.

Mr. GLASS. No, Mr. President.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. The Senator from California.

Mr. JOHNSON. Mr. President, I do not understand that we are under a time limit—that the Senator from Virginia was limited to 15 minutes or that I am limited to 15 minutes.

The VICE PRESIDENT. The clerk will read the unanimous-consent agreement.

The legislative clerk read as follows:

Ordered, by unanimous consent, That when the Senate concludes its business to-day it take a recess in executive session until 12 o'clock m. to-morrow (May 7, 1930); that at 1.30 o'clock p. m. to-morrow the Senate proceed to vote upon the question of the confirmation of John J. Parker to be an Associate Justice of the Supreme Court of the United States; that the time between the convening of the Senate and the hour of 1.30 o'clock be equally divided between the proponents and opponents, and that no Senator shall speak more than once nor longer than 15 minutes upon the question of confirmation.

Mr. JOHNSON. Evidently the Chair was entirely correct. The latter part of the agreement I never heard when unanimous consent was asked yesterday. Very well, sir.

John J. Parker should be rejected as a judge of the Supreme Court, among other reasons, first because the background of the appointee is such that, while not in the least bit discreditable to him, it does not commend him as a judge of the Supreme Court of the United States; secondly, that the appointment is purely political in character, and for an office of this sort that kind of an appointment should not be made; thirdly, that the state of mind of Mr. Parker, as indicated by his decision in the Red Jacket case, is such as should preclude him from being a Justice of the Supreme Court, particularly in those fundamental economic questions concerning which the line of cleavage has been so sharply drawn in our country.

Mr. President, of course, in the ordinary appointee, many things might be passed over. In an appointment to the Supreme Court of the United States the most scrupulous care should be exercised by this body, and no man should be put upon that court unless, first, he has the requisite legal attainments; secondly, a character of the very highest; thirdly, vision and imagination; and, fourthly, a statesmanship which will enable him to pass in accord with progress, upon the ever-changing questions of public policy and government, concerning which the Supreme Court has made itself the final arbiter.

In the first instance, sir, his background, I assert, while I do not criticize it, and I say that it is not discreditable to him at all, does not commend itself to us in the appointment of a judge of the Supreme Court. A thumbnail sketch of that is this:

Perennially and biennially he has been a candidate exercising a laudable ambition to be the attorney general, the governor, and a Member of Congress from the State from which he comes. Biennially he has been a candidate thus for public office; and then, culminating his political career, an appointee of Mr. Daugherty. Nothing distinguished during that period in his career at all; no background which should, indeed, give him the requisite recommendation for judge of the Supreme Court.

You could go into any village, any town, or any city in this country, and among the profession you could find the replica of that kind of an appointee—all, of course, respectable, none to be criticized—but, sir, there is something more demanded and required for a judge of the Supreme Court of the United States than that one should have been a candidate for governor, for attorney general, for Member of Congress from a State, and then should have been an appointee of the Attorney General of the United States in certain specific prosecutions.

Thus much for his background. Time does not permit to discuss the political aspect of the appointment; but, sir, my credulity is strained to the utmost limit by the letter that was introduced here by the Senator from Mississippi [Mr. STEPHENS] from the Attorney General of the United States. I know Mr. Joseph Dixon, and I know him very, very well. He is a gentleman for whom I have the highest regard and with whom I fought the good fight in 1912. Mr. Dixon voices in his letter to the Secretary of the President perhaps only a personal view, but nevertheless a view unquestionably that has been held by many of those who were sponsors for this nominee.

Thirdly, sir, the last question arises as to the state of mind of the appointee, and whether or not, with our knowledge of that state of mind, evidenced by his work upon the circuit bench, he ought to be permitted to sit upon the highest judicial tribunal in all the world.

I read just a line from the "yellow-dog" contracts, so called. I assume that all are familiar with them; but, nevertheless, here let me read in order that it may be in juxtaposition to some words that I wish to read of a man whom it is unfashionable to quote nowadays here, or perhaps in this materialistic age to utilize as an authority upon any subject whatsoever.

These are the controlling provisions of the contracts that have been the subject of discussion:

That during his employment said employee will not become a member of any labor union and will have no dealings, communication, or inter-

views with officers, agents, or members of any labor union in relation to membership of such employee in any labor union, or in relation to the employment of such employee.

Again:

I agree, during employment under this contract, that I will work efficiently and diligently and will not participate in any strike nor unite with employees in concerted action to change hours, wages, or working conditions.

Words utterly fail me in characterization of contracts such as that. I care not whether they have been enforced by the one court or another. Legally, they are void as against public policy; socially, they are wicked and destructive of ordinary human relations; economically, they are unsound as resting upon necessity on the one side and coercion upon the other; and morally, sir, they are infamous, denying fundamental rights and disrupting the dearest human associations.

These contracts that are part of the discussion in this case, upon which the mind of this appointee has been indicated in the Red Jacket case, come before us now finally for our determination—at a tangent, it may be, and only incidentally—but finally come before us for ultimate determination.

"Socialistic," says my friend from Ohio [Mr. FESS], are assaults that are made upon the Supreme Court in this Chamber. "Socialistic," reechoes man after man in this body, in relation to what may be said about this applicant or another. "Socialistic," he says, to deal at all with the Supreme Court, or to be heard in opposition to any man or to any set of men who may seek to make of that court the reflection of their peculiar economic views. "Socialistic," sir, to stand here and denounce a contract such as that that has been upheld by Judge Parker in the Red Jacket case. "Socialistic"—and exactly the same epithet was hurled in the United States some years ago upon another case of like character, the Dred Scott decision, wherein human liberty was at stake; no more important than this, where industrial freedom is at stake. And I read, sir, with such haste as I may, what was said by Abraham Lincoln on the occasion when he discussed the denunciation of Stephen A. Douglas of his characterization of the Dred Scott decision and the United States Supreme Court.

How apt it is! How prophetic were the words then! No longer fashionable is it to quote Abraham Lincoln in this materialistic age. No longer, sir, is it apposite, in this era of ours, where everything apparently is devoted to exploitation and to the making of money—no longer, sir, is it the appropriate thing to speak of Lincoln and his humanity and his desire for equal opportunity for all men and for all women in this land.

Mr. Lincoln said, in answering Judge Douglas:

A little now on the other point—the Dred Scott decision. Another of the issues he says that is to be made with me is upon his devotion to the Dred Scott decision and my opposition to it.

I have expressed heretofore, and I now repeat, my opposition to the Dred Scott decision; but I should be allowed to state the nature of that opposition, and I ask your indulgence while I do so. What is fairly implied by the term Judge Douglas has used, "resistance to the decision"?

The same words echoed in this Chamber in the last 10 days in this debate.

I do not resist it—

Said Mr. Lincoln—

If I wanted to take Dred Scott from his master, I would be interfering with property, and that terrible difficulty that Judge Douglas speaks of, of interfering with property, would arise. But I am doing no such thing as that, but all that I am doing is refusing to obey it as a political rule. If I were in Congress, and a vote should come up on a question whether slavery should be prohibited in a new Territory, in spite of the Dred Scott decision, I would vote that it should.

That is what I should do.

I ask leave to print, as part of my remarks, what Lincoln said concerning the Dred Scott decision, because of its appropriateness at this particular hour.

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

The matter referred to is as follows:

Judge Douglas said last night that before the decision he might advance his opinion, and it might be contrary to the decision when it was made; but after it was made he would abide by it until it was reversed. Just so! We let this property abide by the decision, but we will try to reverse that decision. We will try to put it where Judge Douglas would not object, for he says he will obey it until it is reversed. Somebody has to reverse that decision, since it is made, and we mean to reverse it, and we mean to do it peaceably.

What are the uses of decisions of courts? They have two uses. As rules of property they have two uses. First, they decide upon the question before the court. They decide in this case that Dred Scott is a slave. Nobody resists that. Not only that, but they say to everybody else that persons standing just as Dred Scott stands are as he is. That is, they say that when a question comes up upon another person, it will be so decided again, unless the court decides in another way, unless the court overrules its decision. Well, we mean to do what we can to have the court decide the other way. That is one thing we mean to try to do.

The sacredness that Judge Douglas throws around this decision is a degree of sacredness that has never been before thrown around any other decision. I have never heard of such a thing. Why, decisions apparently contrary to that decision, or that good lawyers thought were contrary to that decision, have been made by that very court before. It is the first of its kind; it is an astonisher in legal history. It is a new wonder of the world. It is based upon falsehood in the main as to the facts; allegations of facts upon which it stands are not facts at all in many instances, and no decision made on any question—the first instance of a decision made under so many unfavorable circumstances—thus placed, has ever been held by the procession as law, and it has always needed confirmation before the lawyers regarded it as settled law. But Judge Douglas will have it that all hands must take this extraordinary decision, made under these extraordinary circumstances, and give their vote in Congress in accordance with it, yield to it, and obey it in every possible sense. Circumstances alter cases. Do not gentlemen here remember the case of that same Supreme Court some 25 or 30 years ago deciding that a national bank was constitutional? I ask if somebody does not remember that a national bank was declared to be constitutional? Such is the truth, whether it be remembered or not. The bank charter ran out and a recharter was granted by Congress. That recharter was laid before General Jackson. It was urged upon him, when he denied the constitutionality of the bank, that the Supreme Court had decided that it was constitutional; and General Jackson then said that the Supreme Court had no right to lay down a rule to govern a coordinate branch of the Government, the members of which had sworn to support the Constitution; that each member had sworn to support that Constitution as he understood it. I will venture here to say that I have heard Judge Douglas say that he approved of General Jackson for that act. What has now become of all his tirade about "resistance of the Supreme Court"? (Speech of Abraham Lincoln delivered at Chicago, Saturday evening, July 10, 1858, p. 54, vol. 3. Abraham Lincoln, Constitutional Edition.)

Now, as to the Dred Scott decision. I am opposed to that decision in a certain sense, but not in the sense which he puts it. I say that in so far as it decided in favor of Dred Scott's master and against Dred Scott and his family I do not propose to disturb or resist the decision.

I never have proposed to do any such thing. I think that in respect for judicial authority my humble history would not suffer in comparison with that of Judge Douglas. He would have the citizen conform his vote to that decision; the Member of Congress, his; the President, his use of the veto power. He would make it a rule of political action for the people and all the departments of the Government. I would not. By resisting it as a political rule I disturb no right of property, create no disorder, excite no mobs.

Then Mr. Lincoln quoted Jefferson:

"You seem, in pages 84 and 148, to consider the judges as the ultimate arbiters of all constitutional questions—a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps. Their maxim is, 'Boni judicis est ampliare jurisdictionem,' and their power is the more dangerous as they are in office for life and not responsible, as the other functionaries are, to the elective control. The Constitution has erected no such single tribunal, knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots. It has more wisely made all the departments coequal and cosovereign with themselves."

Thus we see the power claimed for the Supreme Court by Judge Douglas, Mr. Jefferson holds, would reduce us to the despotism of an oligarchy.

Now, I have said no more than this; in fact, never quite so much as this; at least I am sustained by Mr. Jefferson. (Speech of Abraham Lincoln delivered in Springfield Saturday evening, July 17, 1859, vol. 3, Abraham Lincoln, Constitutional Edition, pp. 168–171.)

He says this Dred Scott case is a very small matter at most; that it has no practical effect; that at best—or, rather, I suppose, at worst—it is but an abstraction. I submit that the proposition that the thing which determines whether a man is free or a slave is rather concrete than abstract. I think you would conclude that it was, if your liberty depended upon it, and so would Judge Douglas if his liberty depended upon it. (Speech of Abraham Lincoln delivered at Springfield Saturday evening, July 17, 1858, Abraham Lincoln, Constitutional Edition, vol. 3, p. 172.)

I defy any man to find any difference between the policy which originally planted slavery in these Colonies and that policy which now prevails in our new Territories. If it does not go into them it is only because no individual wishes it to go. The judge indulged himself doubtless to-day with the question as to what I am going to do with or about the Dred Scott decision. Well, Judge, will you please tell me what you did about the bank decision? Will you not graciously allow us to do with the Dred Scott decision precisely as you did with the bank decision? You succeeded in breaking down the moral effect of that decision; did you find it necessary to amend the Constitution or to set up a court of negroes in order to do it? (Speech of Abraham Lincoln delivered at Springfield July 17, 1858, Abraham Lincoln, Constitutional Edition, vol. 3, p. 173.)

* * * but it is my opinion that the Dred Scott decision, as it is, never would have been made in its present form if the party that made it had not been sustained previously by the elections. My own opinion is that the new Dred Scott decision, deciding against the right of the people of the States to exclude slavery, will never be made if that party is not sustained by the elections. I believe further that it is just as sure to be made as to-morrow is to come if that party shall be sustained. I have said upon a former occasion and I repeat it now that the course of argument that Judge Douglas makes use of upon this subject (I charge not his motives in this) is preparing the public mind for that new Dred Scott decision. I have asked him again to point out to me the reasons for his first adherence to the Dred Scott decision as it is. I have turned his attention to the fact that General Jackson differed with him in regard to the political obligation of a Supreme Court decision. Jefferson said that "Judges are as honest as other men, and not more so." And he said, substantially, that whenever a free people should give up in absolute submission to any department of Government, retaining for themselves no appeal from it, their liberties were gone. I have asked his attention to the fact that the Cincinnati platform, upon which he says he stands, disregards a time-honored decision of the Supreme Court in denying the power of Congress to establish a national bank. I have asked his attention to the fact that he himself was one of the most active instruments at one time in breaking down the Supreme Court of the State of Illinois because it had made a decision distasteful to him—a struggle ending in the remarkable circumstance of his sitting down as one of the new judges who were to overslaugh that decision, getting his title of judge in that very way.

So far in this controversy I can get no answer at all from Judge Douglas upon these subjects. Not one can I get from him, except that he swells himself up and says, "All of us who stand by the decision of the Supreme Court are the friends of the Constitution; all you fellows that dare question it in any way are the enemies of the Constitution." (Lincoln's reply to Douglas, Galesburg, October 7, 1858. Abraham Lincoln, Constitutional Edition IV, pages 132–133.)

We oppose the Dred Scott decision in a certain way, upon which I ought, perhaps, to address you a few words. We do not propose that when Dred Scott has been decided to be a slave by the court, we, as a mob, will decide him to be free. We do not propose that, when any other one, or one thousand, shall be decided by that court to be slaves, we will in any violent way disturb the rights of property thus settled; but we nevertheless do oppose that decision as a political rule which shall be binding on the voter to vote for nobody who thinks it wrong, which shall be binding on the Members of Congress or the President to favor no measure that does not actually concur with the principles of that decision. We do not propose to be bound by it as a political rule in that way, because we think it lays the foundation, not merely of enlarging and spreading out what we consider an evil, but it lays the foundation for spreading that evil into the States themselves. We propose so resisting it as to have it reversed if we can and a new judicial rule established upon this subject. (Speech of Abraham Lincoln delivered at Quincy October 13, 1858, Abraham Lincoln, Constitutional Edition IV, pages 167–168.)

Can he withhold the legislation which his neighbor needs for the enjoyment of a right which is fixed in his favor in the Constitution of the United States, which he has sworn to support? Can he withhold it without violating his oath? And, more especially, can he pass unfriendly legislation to violate his oath? Why, this is a monstrous sort of talk about the Constitution of the United States! There has never been as outlandish or lawless a doctrine from the mouth of any respectable man on earth. I do not believe it is a constitutional right to hold slaves in a territory of the United States. I believe the decision was improperly made, and I go for reversing it. Judge Douglas is furious against those who go for reversing a decision. But he is for legislating it out of all force while the law itself stands. I repeat that there has never been so monstrous a doctrine uttered from the mouth of a respectable man. (Mr. Lincoln's reply to Mr. Douglas, Alton, October 15, 1858, Abraham Lincoln, Constitutional Edition, IV, pp. 270–271.)

Mr. JOHNSON. Mr. President, Lincoln dared criticize the Supreme Court. Lincoln dared criticize a decision of the Supreme Court. He said of the Dred Scott decision, coining a word, that it was an "astonisher," and that he "went for reversing it." I say to you, sir, paraphrasing what Lincoln said, this decision upon the "yellow-dog" contract is an "astonisher," and I "go for reversing it." I go for reversing it, as Mr. Lincoln said, in any fashion by which I may voice that endeavor to reverse; and here comes an opportunity finally for us, in the Senate of the United States, to voice our views upon this inhuman, this cruel, and this wicked contract that rests upon the necessity of human beings and the hunger of innocent and helpless children.

Mr. President, there is in English practice and jurisprudence little or no use of the injunction in labor disputes. We ape the English in some things. We follow them in others. They have blazed the trail in jurisprudence for us. Why not follow them in this that they do in behalf of humanity and in behalf of human association and human activities?

Through the ages, sir, has gone on the long contest for human rights, with ever a little progress. Retrogression alone has come in this country with the injunction's use. A few have ever sought control of the many for the few's profit. I reecho the words which Rumbold spoke upon the scaffold as he paid with his life his rebellion against James Stuart. The drums were beaten to drown from the populace his voice, but rolling down the centuries has come this sentence:

> I never will believe that Providence has sent a few men into the world ready, booted and spurred, to ride, and millions ready, saddled and bridled, to be ridden.

I never will believe that and neither directly nor indirectly to such a philosophy can I give my consent. Because of the attitude of Judge Parker in the Red Jacket case, because, among many other things, for the reasons I have given, I could not vote on this occasion or any other for his confirmation as a Supreme Court judge.

Mr. SIMMONS. Mr. President, but little can be said in the few minutes that are allotted to me. The obligation of the Senate to give careful investigation and study to the qualifications and fitness of a nominee of the President for the Supreme Court is very great. But in my estimation, it is not as great as the duty which rests upon the President in the selection of the man named by him for that high and exalted position. His duty is a duty to the people of the whole country, a duty which can be performed by nobody except himself, and the obligation to make the most thorough and searching inquiry and investigation available to him is imposed upon him in ascertaining the qualifications and the fitness of the person he nominates.

The President possesses the best facilities for conducting that inquiry in a thoroughgoing way. He has the aid of his Cabinet, taken from all parts of the country. He has the aid of such Senators and Representatives as he may see fit to call in to advise with him. He has his Attorney General, learned in the law, with a corps of United States attorneys and assistant United States attorneys scattered throughout the Nation, to make such inquiry and investigation as may be necessary. He has every means that could be desired in getting the facts upon which to act, and his duty is a solemn one.

In the exercise of that obligation and duty, the President has recommended to the Senate the name of Judge John J. Parker. It is to be supposed that he has made the most searching and thorough investigation as to his fitness and as to his qualifications, and, after mature deliberation upon his responsibilities and duty to the people, he has named him.

I do not say, Mr. President, that the President's nomination should constitute a prima facie case of fitness and qualifications, I do not say even that it constitutes a presumption of qualifications and fitness, although that is probably true; but I do mean to say to Senators that it is an act in the discharge of a solemn official duty on the part of the Chief Executive which ought to appeal powerfully to our judgment in the determination of this question.

Now, add to the duties of the President in this regard, and the influence and effect we should give to that, the supporting evidence in this case as to the qualifications of this man.

Judge Parker's name is not new to the Senate of the United States. This is not the first time his name has been presented to this body for a high office. Once before, by another President, noted for his scrutiny and his caution, Judge Parker was selected to fill an office only second in power and responsibility and duty to that of the one for which he is nominated to-day. He was nominated to fill an office which Senator Hoar once said to me should not be filled by anybody except a man of the largest mental and moral stature. His name was sent to the Senate to be a member of the United States circuit court of appeals five years ago by Mr. Coolidge. His fitness and his

qualifications were submitted to scrutiny by a committee of this body, and he was confirmed to that high position without a dissenting voice in this Chamber, as I remember.

Five years Judge Parker has been upon that bench. During that time, I am told, he has written the court's opinion in 115 different decisions, and of that 115 decisions, so far as I know, only one is to-day under question and criticism. The 114 were not obnoxious to labor or to any other element of the population, so far as I have heard, and the soundness of Judge Parker's construction of the law in those 114 cases is not by anyone attacked.

Mr. President, during that period of time Judge Parker, in the discharge of his exalted duties, has mingled with the bar of five great States in this Union, all of them industrial States, all of them States in which great numbers of laboring people were engaged, and during that period of five years he has won not only the respect and confidence of his associates upon that high tribunal, next in importance and power, as I have said, to the Supreme Court itself, but he has won the admiration and the respect of the bar, irrespective of party or of creed, in those five States. Their testimony, expressing their opinions gained from daily contact with him on the bench, is before this body speaking in trumpet tones and in no unmistakable terms their opinion as to the fitness and qualifications of Judge Parker.

I know it is said that in one case probably he is subject to criticism. Judge Parker claims, and it is claimed for him and for his associates, that that one case was decided in accordance with a decision of the Supreme Court of the United States which they had no power to overrule or to modify in the slightest degree. It is true, it is said by those opposing his confirmation, that if he had been a strong man, such a man as we think ought to be on the bench, he would have criticized that decision if he did not agree with it; that he probably would have attempted, by some subtlety, to have differentiated the case before him from the case decided by the Supreme Court, and in some way or other get around the force of that decision. There are strong men on the bench who might have pursued such a course, and there are other equally strong men on the bench who would not have pursued that course, who would have considered that course unseemly and in derogation of their duty and the relations which should obtain between the Supreme Court and the lower courts of this country.

Mr. President, that is the only criticism of his judicial record that the opposition offers. It is charged that Judge Parker is unfriendly to labor. I want to say that in the course of our lives there is probably no one influence which dominates our actions and the course of the processes of our thinking more than those things which happen during the period of our youth and early manhood. Influences of that period follow us and control us and dominate us, to a large extent, in all of our future lives.

This man, who it is now said is unfriendly to labor, and against whom labor has never before made and did not make in my State a murmur until it was started by the leaders higher up and outside North Carolina, was born among laboring people, among the people in the country, on a farm, and there he spent the first years of his life. He went to the high school and then up to college, working his way through by his own efforts, making a little money here and a little money there to pay his expenses. When he had finished, with the respect and admiration of his tutors and of all of his fellow students, he entered upon the practice of the law in a small town in his own county, where he likewise won the respect of his associates at the bar and of the masses of both political parties.

Then he went to the large city of Charlotte, one of the greatest manufacturing and industrial centers in the South to-day, surrounded by corporations and by laboring people who worked in the large factories. His law practice was general and not confined principally to representing corporations, as has been the case in some instances of nominees to the United States Supreme Court. His clientele embraced all classes of people and he was never known as a corporation lawyer. Poor people and people in moderate circumstances found in him a sympathetic friend as well as an able attorney.

Up to the time that Judge Parker was named as a candidate for governor in my State such had been the character of his practice. It had won him not only local reputation but reputation throughout the State. He was placed at the head of the Republican ticket, and I want to say now that although the candidate of the Republican Party he won the respect of the people of both parties by the high character of campaign he made. North Carolina is Democratic and he was beaten, but there was not involved in his defeat any lack of confidence in Judge Parker's ability, honor, or patriotism.

I want to say, in conclusion, that I know, and the laboring men of North Carolina know, that this man is not unfriendly to labor and human rights and has no bias in favor of capital or the rights of property.

It seems to me that against the strong evidence submitted as to the high fitness of this nominee the opposition makes a rebuttal that ought not to command the support of the Senate when they bring here a protest of doubtful strength laid against only 1 out of the 115 opinions he has written, with an additional protest on the part of a negro association touching some statement now in dispute which they allege that he made in political discussion years before he went on the bench.

The VICE PRESIDENT. The Senator's time has expired.

Mr. SHIPSTEAD. Mr. President, I want to say in the beginning that whatever accusations may be made about criticisms of the judiciary I hold to the belief that not only the Supreme Court of the United States but inferior courts as well can not lose any of their dignity or integrity except by their own acts. That applies not only to the Supreme Court of the United States but it applies equally as well to the legislative body and to the Executive.

I believe it is claimed that Hegel at one time said that humanity can not learn from history anything except that it can not learn from history. It has been customary at all times in human history that those who are concerned with the good or ill of humanity have gone back to the scrap piles, to the dump heaps of the past, very often, and taken an old discarded tin can in the form of an idea, given it a coat of paint and a nice label, and sold it to humanity as a container containing a hitherto unknown but benign cure for political and economic ills. Russia has such a tin can and it is labeled "communism." Italy has such a tin can and it is labeled "fascism." We have such a tin can and we call it "equity." All of these are repudiations of parliamentary government or government by law. Equity is covered with the mantle of the judiciary, and that mantle serves a dual purpose. It gives it a benign respectability and serves as a cover under which is concealed the sword which we call the power of injunction. This sword has been used by those to whom it has been intrusted. Its use could only be at the discretion of the judge sitting on the bench, and it has been used by many of those to whom it has been intrusted to nullify not only provisions of the Constitution but also the law of the land.

Associate Justice Holmes tells us in a volume called "A Collection of Early Legal Papers" that we got it with the common law from England. He tells us that England got it from the Germans and the Franks through the Normans, and the Germans and the French got it from the Roman Empire. When the Normans came to Normandy they met the Roman system of law traveling from the East to the West, a system of law that was formed for the purpose of making it possible for a few men to own all the wealth, free to live in perfect security in a land where most of the people were slaves. The Normans found it very useful. They adopted it and carried it to England with their arms and used it with their arms to dispossess the Saxons and the Celts of their property, as judges of the courts of equity are using it now to deprive American citizens of their liberties.

Through the royal prerogative of the King, as it was known, covered by the ermine of the King, this power was abused until the House of Commons gradually, through several hundred years of effort, curbed the use of that power. I want to read from a footnote found in this volume by Justice Holmes a short extract:

> The object of the repeated prayers of the commons from Richard II to Henry VI directed against the council and the chancellor was that common-law cases should be tried in the regular courts.

Under the constant hammering of the commons, courts of equity became divested of progressively more and more power in England until Lord Chancellor Ellsmere, who served under Queen Elizabeth, said, in describing his court and its functions:

> It is the refuge of the poor and afflicted. It is the altar and sanctuary for such as against the might of rich men and the countenance of great men can not maintain the goodness of their cause and the truth of their title.
>
> It became the basic principles of British chancery or equity courts that "it was to be exercised for the protection of property rights only."
>
> "He who would seek its aid must come with clean hands."
>
> "There must be no adequate remedy at law."
>
> "It must not be used to punish crime."
>
> "It must never be used to curtail personal rights."

After this power was curbed by Great Britain it came with the common law to the United States. Equity as then known came to the United States. It was not used in controversies between capital and labor until 1888, and it was not until the early nineties that a Federal judge found that his conscience

permitted him to use the sword of the injunction with which to deprive American citizens of the liberty guaranteed them under the first amendment to the Constitution. It has been said that in order to enforce the provisions of the fifth amendment to protect property, in order to furnish an adequate remedy at law, this power must be used, because under its use a judge can deprive American citizens of their constitutional rights, the right of free speech, the right of peaceful assemblage, and the right to a free press.

I can not believe that due process of law as understood in the fifth amendment includes the nullification of any other provision of the Constitution. I believe the first amendment or any other amendment or any other provision of the Constitution is as sacred as the fifth amendment. In fact, I believe that every provision of the Constitution, including the fifth amendment, rests upon the sacred protection of the first amendment. Let the legislature, the executive, or the judiciary permit a progressively frequent violation of the first amendment and there will be created a condition that will throw the fifth amendment and other provisions of the Constitution overboard. Permit the constant violation of provisions and the guaranties embodied in the first amendment and trial by jury and there will be created a condition that will destroy the entire Constitution.

I want to read a statement by Judge Henry Caldwell, at one time presiding judge of the Circuit Court of Appeals of the Eighth Circuit, who said in an address before the Missouri State Bar Association, explaining what courts of equity had become in recent years. I ask Senators to compare it with the definition of the court given by the distinguished English jurist quoted by Mr. Justice Holmes, and with Webster's International Dictionary definition of equity, and the definition of equity in Bouvier's Dictionary of Law, where it is called a court of conscience. Judge Caldwell said:

The modern writ of injunction is used for purposes which bear no more resemblance to the uses of the ancient writ of that name than the milky way bears to the sun. Formerly it was used to conserve the property in dispute between private litigants, but in modern times it has taken the place of the police powers of the State and Nation. It enforces and restrains with equal facility the criminal laws of the State and Nation. With it the judge not only restrains and punishes the commission of crimes defined by statute but he proceeds to frame a criminal code of his own, as extended as he sees proper, by which various acts, innocent in law and morals, are made criminal; such as standing, walking, or marching on the public highway, or talking, speaking, or preaching, or other like acts. In proceedings for contempt for an alleged violation of the injunction the judge is the lawmaker, the injured party, the prosecutor, the judge, and the jury. It is not surprising that uniting in himself all these characters he is commonly able to obtain a conviction.

The extent and use of this powerful writ finds its only limitation in an unknown quantity called judicial discretion, touching which Lord Camden said: "The discretion of a judge is the law of tyrants; it is always unknown; it is different in different men; it is casual and depends upon constitution, temper, and passion. In the best it is oftentimes caprice; in the worst it is every crime, folly, and passion to which human nature is liable."

Believing as I do, that the guaranties of the first amendment to the Constitution are as sacred, if not more so, and more important than any other provision of the Constitution, I am of the opinion than any man, be he either a legislator, a judge, or an executive, who lends himself to become an instrument to be used for the nullification of any part of its provisions, is not a fit man with whom to trust the responsibilities of either the support or defense of the Constitution, whether that be in law or in equity; and because Judge Parker, sitting in a court of conscience, found that, according to his good conscience, he could enjoin peaceful persuasion, and by so doing deprive American citizens of the right of freedom of speech and freedom of the press, I think by that act he has disqualified himself for sitting upon the Federal Bench of the United States. Therefore, I shall vote against him.

Mr. President, I ask unanimous consent to have printed in the RECORD, because there is not time for me to read it, a quotation from Mr. Justice Harlan on the sacred right of contract.

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

Harlan, J., in Adair *v.* United States (208 U. S. 161, 175 (1908)). These abstract conceptions concerning "liberty of contract" were long ago rejected by conservative English statesmen and English legislation as inapplicable to modern conditions. See, for instance, the statement of Lord Randolph Churchill to Mr. Moore Bayley in 1884: "In answer to your question as to my views on the rights of contract I beg to inform you that where it can be clearly shown that genuine freedom of contract exists I am quite averse to State interference, so long as the contract in question may be either moral or legal. I will never, however, be a party to wrong and injustice, however much the banner of freedom of contract may be waved for the purpose of scaring those who may wish to bring relief. The good of the State, in my opinion, stands far above freedom of contract; and when these two forces clash the latter will have to submit. If you will study the course of legislation during the last 50 years, you will find that the Tory Party have interfered with and restricted quite as largely freedom of contract as the Liberals have done." (2 Churchill, Lord Randolph Churchill (1906).)

Mr. FESS. Mr. President, how much time is there remaining?

The VICE PRESIDENT. The Chair will state that the 15 minutes remaining are to be divided equally between the two sides.

Mr. FESS. Mr. President, in view of the fact that the time is so limited I have prepared some memoranda which I desire to have inserted in the RECORD, because I can not take the time to read them. One of them deals with the interpretation of law according to the rule of Story; another is in reference to the position of an independent judiciary; a third is the value to the country in the maintenance of an independent judiciary; and the fourth is a cross-section of public opinion touching the subject of the judiciary. It will be universally conceded that no one, except Marshall, did a greater service to our country on the bench than Joseph Story.

I here submit some citations from his decisions on the rules of interpretation laid down by this great jurist.

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

MEMORANDA

Marshall's statement (in anticipating political opposition to the court's decision): "The court can be insensible neither to the magnitude nor delicacy of this question," he said, "but on the judges of this court is imposed the high and solemn duty of protecting, from even legislative violation, those contracts which the Constitution of our country has placed beyond legislative control; and, however irksome the task may be, this is a duty from which we dare not shrink."

Judge Story on same subject: "The predicament in which this court stands in relation to the Nation at large is full of perplexities and embarrassments. It stands in the midst of jealousies and rivalries of conflicting parties, with the most momentous interests confided to its care. Under such circumstances it never can have a motive to do more than its duty; and I trust it will always be found to possess firmness enough to do that. It is not for judges to listen to the voice of persuasive eloquence or popular appeal. We have nothing to do but to pronounce the law as we find it; and having done this, our justification must be left to the impartial judgment of our country."

Judges, all Federalist. Law was policy of antis. Party taint seldom contaminates judicial functions.

Judge Story: "I can perceive a path which without a great sacrifice of what the world would deem equity might make me a very popular judge of the court at this moment; but I have great fears as to the character of a popular judge in these times. I prefer to meet the present prejudices, rather than hereafter to suffer the deepest regrets for judgments which I could not sustain upon principles of law or upon conscientious errors of reasoning." (Judge Story, in 1813, on the attempts to break down the national judiciary.)

"We must administer the laws as they exist, without straining them to reach public mischief, which they never were designed to remedy. It may be fit and proper for the jurist, in the exercise of the high discretion contributed to the Executive for great public purposes to act on a sudden emergency, or to prevent an irreparable mischief by summary measures, which are not found in the text of the laws. * * * But this court can only look to the questions, whether the laws have been violated; and if they were, justice demands that the injured party should receive a suitable redress." (Story in the Apollon case, 1824, 9 Wheat. 362.)

Judge Story (in letter to Chancellor Kent): "The vital importance to the well-being of society and the security of private rights are the principles on which that decision rested. Unless I am very much mistaken, these principles will be found to apply, with an extensive reach, to all the great concerns of the people, and will check any undue encroachments upon civil rights, which the passions or the popular doctrines of the day may stimulate our State legislatures to adopt."

Sir Henry Maine (on clause of Constitution forbidding State to impair obligation of contract): "It would prove to be 'the bulwark of American individualism against democratic impatience and socialistic fantasy.'"

Judge Story (in obituary notice on Todd): "That though bred in a different political school from that of the Chief Justice, he never failed to sustain those great principles of constitutional law on which the security of the Union depends. He never gave up to party what he thought belonged to the country."

"I shall never hesitate to do my duty as a judge under the Constitution and laws of the United States, be the consequences what they

may. That Constitution I have sworn to support, and I can not forget or repudiate my obligation at pleasure. You know full well that I have ever been opposed to slavery. But I take my standard of duty as judge from the Constitution." (Story on Prigg case (slavery) fugitives.)

When Judge Story died the most dire predictions were made by Clay, Kent, Peters, and most leading Whigs on disintegration of important stabilizing forces on the bench.

Yet, the case of Luther B. Borden, involving constitutional supremacy, totally disproved the dark forebodings in which all the judges but one decided in opposition to the views of the party, from whose ranks most of the judges had come. The significance of this fact is greater in view of the high political excitement as no case ever came before the Constitution in which the possibility of the court dividing along political lines was greater.

Commenting on the Dorr decision Justice White said: "The fundamental doctrines thus so cogently and candidly announced have never been doubted or questioned since, and have afforded the light guiding the orderly development of our constitutional system from the day of the deliverance of that decision to the present time." (Pacific States Telephone & Telegraph Co. *v.* Oregon.)

1. Taney—Jackson.
2. McLean—Jackson.
3. Wayne—Jackson.
4. Catron—Jackson.
5. McKinley—Van Buren.
6. Daniel—Van Buren.
7. Spencer—Tyler.
8. Woodbury—Polk.
9. Grier—Polk.

TEMPERING EFFECT OF JUDICIAL POSITION

"In Story's case, as in so many other instances in the history of the court, there was shown the utter futility of the expectations, frequently entertained by politicians, that the judicial decisions of a judge would accord with his politics at the time of appointment to the Supreme Bench. Time and time again it has been proved, and to the great honor, of the profession, that no lawyer, whose character and legal ability would warrant his appointment to that lofty tribunal would stoop to smirch his own record by submitting his judgment to the political touchstone; and no President has dared to appoint to that court a lawyer whose character and ability could not meet the test."

The position of an independent judiciary and the part it has and must play in the development of our American system of complete independence of this department of our National Government, Thomas Ewing, commenting upon the duty of the court in maintaining this great constitutional system of law, said:

"It is truly a system upon which we can rely as a foundation for securing the rights and independence of the States of this Union and our national liberty. Gentlemen of the bar, it is our part to maintain it, and if this shall be done with discretion, and with a spirit exempt from the corruptions of party, our country will again be what it was."

Mason (to Rufus King): "I confess I have long been of opinion that the vigorous exercise of the judiciary power, to the full extent now authorized by law, was absolutely necessary for the preservation of the Government."

Judge Baldwin: "While the area of the public lands of the United States might have been increased had the court construed the treaty more strictly against private claimants, the policy which the court adopted gave to the world conclusive proof of its devotion to the theory of the sanctity of treaties."

Baldwin: "The protection and maintenance of the rights of private property in the disputed territory may conduce more to the honor and interest of the United States than a contrary course, which, in my opinion, will cause injury to their fame and hazard to their power."

William Harper: "The independence of the judiciary is at the very basis of our institutions. It is in times of faction, when party spirit runs high, that dissatisfaction is most likely to be occasioned by the decisions of the Supreme Court. I do not believe that the Supreme Court or the Constitution itself will ever be able to stand against the decided current of public opinion. It is a very different thing from the temporary opinion of a majority, for a majority acting unjustly and unconstitutionally under the influence of excitement, a majority though it be, is nothing more than a faction, and it was the object of our Constitution to control it."

Buchanan wrote, July 18, 1857: "No Whig President has ever appointed a Democratic judge of the Supreme Court, nor has a Democratic President appointed a Whig; and yet the remark has been general that the Democrats appointed to this bench, from the very nature of the constitution of the court, have always leaned to the side of power and to such a construction of the Constitution as would extend the powers of the Federal Government." (Works of James Buchanan, (1909).)

Story to Taney (corporation cases): "Your opinion in the corporation cases has given very general satisfaction to the public, and I hope you will allow me to say that I think it does great honor to yourself as well as to the court." (Taney, 288, letter from Story, April 19, 1839.)

Judge Story, on Taney's opinion: "It is a masterly opinion and does his sound judgment and discrimination very great credit."

James Buchanan stated: "Had always entertained the highest respect for the present Chief Justice of the United States; but I must say, and I am sorry in my very heart to say it, that some portions of his opinion in the case are latitudinous and centralizing beyond anything I have ever read in any other judicial opinion.

(NOTE.—Taney, 290, letter of Story to Richard Peters, May, 1840; 27th Cong., 2d sess., App. speeches in the Senate of Buchanan, May 9, 1842, Robert J. Walker, of Mississippi, June 21, 1842.)

ATTACKS ON JACKSONIAN POLICIES

It is interesting to note, however, that so fully had Jackson's appointees on the court satisfied the country that political criticism of its decisions had already almost entirely disappeared.

Van Buren on Supreme Court: "* * * We might, perhaps, have expected that in such a calm even Mr. Jefferson's alarm, if he had lived to see, would, at least in some degree, have subsided; but this state of things can only be expected to last until a similar or equally strong interest is brought under discussion of a character to excite the whole country and to enlist the sympathies of a majority of the court, and requiring the intervention of that high tribunal to sustain its unconstitutional assumptions by unauthorized and unrestrained construction. Whether the institution of domestic slavery is destined to be such an interest remains to be seen."

(NOTE.—See Amer. Hist. Ass. Rep. (1918), 11,184.)

Reverdy Johnson on slavery and Supreme Court: "The appeal to the court is the only amicable mode of adjusting a question which threatened the honor and integrity of the South. * * * From the character of the Supreme Court I am sure the compromise in this particular will be acquiesced in by the country. * * * The members of the Supreme Court are not politicians. They are born in a different atmosphere and address themselves to different hearers. * * * It ought not to be expected that the South shall surrender all that is dear to her and do the bidding of the North. They are willing to adopt the appeal to the Supreme Court, and if the decision of that court be against them they will be satisfied. * * *"

Senator Reverdy Johnson, in speaking of Judge McLean, was forced to say: "The judgment of the public in its almost universal censure of the step will effectually guard against its repetition. A judge should be separated, not only while he is upon the bench, but forever, from all the agitating political topics of the day. Once a judge, he should ever be a judge. The ermine should never be polluted, not suspected of pollution; it should be the very type of justice herself—pure, spotless, faultless."

A Democratic Philadelphia newspaper said, in speaking of the Supreme Court: "They justly respect the high responsibilities of their position and the notorious feelings of the people by keeping themselves aloof from the altercations and animosities, the differences and the difficulties of party strife. Justice McLean is an exception."

Bowdon on public reliance on South Carolina: "The Supreme Court is elevated above the influence of popular clamor. That high tribunal is responsible to no local constituency, and would be swayed in the discharge of its great duties by none of the sectional prejudices which here prevail or the political interests which exert upon our deliberations so baleful an influence. A decision from this elevated source would exercise a commanding influence upon public opinion and go very far to restore harmony to the country. Should the decision of the much-mooted question be in accordance with either southern or northern opinion it would command both respect and acquiescence. * * * The Supreme Court would act under a high sense of duty, free from any immediate influences, to give direction to their action; its members come from the East, the West, the North, and the South; they have the confidence of the country; they have no party schemes to subserve, and their settlement of this question of constitutional law would appeal with irresistible force to the great body of the people, North and South."

Senator Herschell V. Johnson, of Georgia: "If the Constitution does not guarantee our rights as we contend, the court would certainly so decide. The Supreme Court has been established for the very purpose of giving it authoritative interpretation, and as a lover of the Union, I am willing to abide its solemn decision."

(NOTE.—Thirtieth Congress, 2d sess., February 27, 28, 1849; App. 187, January 25, 1849.)

Richard W. Thompson, of Indiana, said in the House: "Nothing can be more dangerous to our peace and prosperity as a Nation than these repeated attempts to appeal from the decision of our highest courts to the tribunal of party and of faction. * * * We have seen, more than once, in the last 10 years, both the Constitution and the law trodden under the feet of party. We have seen Dorrism, and other isms not less odious, ready to spring up upon their shattered fragments. * * * I hold that man, an enemy to the public welfare and the public peace, who, for political party purposes, seeks to array popular prejudice against that Constitution and law, thus settled and fixed."

Thomas Ewing, of Ohio, in the House: "The people of this great Union revere it as one of the institutions of our forefathers, illustrated

and adorned by the genius and erudition of a Marshall and a Story, and even now upheld and sustained by men scarcely inferior to those mighty masters of their profession. I shall, in the darkest hour of our Republic, look to the Supreme Court as a palladium of our institutions and as one of the brightest and purest ornaments of our system."

(NOTE.—Thirty-first Congress, 1st sess., February 13, 14, 1850.)

Thomas Ewing further says: "He had practiced long before the court and that he had never known a case in which he thought he 'had any right to impeach the motives, feelings, or bias of a single judge.' * * * I look upon that bench as above all political influence, above influence of every kind except the main object—right, justice, and truth."

William L. Dayton, of New Jersey, in repelling Hale's charges, said of the Supreme Court: "I look on them, as a sole and safe arbiter, and upon them I am willing to trust everything I have, and everything I feel, of interest in this country and its Constitution. It was important that the Senate should sustain the court 'in the high confidence that it has heretofore held in the minds of the American people.'"

Andrew P. Butler, of South Carolina, protests the thought that judges, "sworn to observe the Constitution, men who have the landmarks of precedent and law, and who have public opinion, the opinion of the whole bar and of the world, to guide, and control, could disregard those influences, would yield to the miserable and low suggestion of geographical lines."

Important opinion of Judge Curtis: "This power and corresponding duty of the court authoritatively to declare the law is one of the highest safeguards of the citizen. The sole end of courts of justice is to enforce the laws uniformly and impartially, without respect of persons or times, or the opinions of men. To enforce popular laws is easy. But when an unpopular cause is a just cause, when a law, unpopular in some locality, is to be enforced there, then comes the strain upon the administration of justice; and few unprejudiced men would hesitate as to where that strain would be most firmly borne. * * * Finding that no judge of any court of the United States had in any published opinion examined it upon such grounds that I could feel I had a right to repose on his decision without more, I knew not how to avoid the duty which was then thrown upon me. My firm conviction is that under the Constitution of the United States, juries in criminal trials have not the right to decide any question of law; and that if they render a general verdict, their duty and their oath require them to apply to the facts, as they may find them, the law given to them by the court."

New York Times (speaking of Judge John A. Campbell): "He will, doubtless, in his new estate, prove true to the Constitution and to the Union of States established by it. * * * Past experience has shown that, once in this exalted post and for life, the professions of the partisan soon give place to the convictions and sense of high responsibilities of the jurist. * * * It was so with the present Chief Justice, and so with Justices Catron and Daniel, both the nominees of President Jackson, on the score of warm party service or devotion. * * * The highest-toned Federalists on the bench have been taken from the Democratic ranks, and it will be strange if the views of a gentleman of first-rate legal talent like Mr. Campbell should prove less conservative."

(NOTE.—Compare this with Henry Adams's comment on judicial appointments at an earlier period: "Jefferson and his party raised one Republican lawyer after another to the bench only to find that when their professions of political opinion were tested in legal form the Republican judges rivaled Marshall in the Federalist and English tendencies of his law." History of the United States (1898), II, 195.)

Statement of Jeremiah S. Black (Conflict with States): "Such conviction for contempt must be final, otherwise courts totally unconnected with each other would be coming in constant collision. * * * There may be cases in which we ought to check usurpation of power by the Federal courts. * * * But what we would not permit them to do against us we will not do against them. We must maintain the rights of the State and its courts, for to them alone can the people look for a competent administration of their domestic concerns; but we will do nothing to impair the constitutional vigor of the general Government, which is the 'sheet anchor of our peace at home and our safety abroad.'"

Fine statement of Attorney General Caleb Cushing: "In the complex institutions of our country you are the pivot point upon which the rights and liberties of all, Government and people alike, turn; or rather, you are the central light of constitutional wisdom around which they perpetually revolve. Long may this court retain the confidence of our country as the great conservators not of the private peace only but of the sanctity and integrity of the Constitution."

Opinion of George E. Pugh, of Ohio (on Seward's charges of corrupt bargaining between the President and the court): "* * * Whatever may be my opinion as an individual, both as a Senator and a citizen, the judgment of the court must be carried into effect. We can not live an hour under any other doctrine. It is more important to the community, more important to the cause of good government that a judgment, once pronounced by the appropriate tribunal, should go into effect than that it should be decided rightly—far more."

Lincoln's position on Supreme Court in re constitutionality of acts of Congress: "Judicial decisions have two uses: First, to absolutely determine the case decided, and secondly, to indicate to the public how other similar cases will be decided when they arise. For the latter use they are called 'precedents' and 'authorities.'"

Lincoln, on the people's resignation of their Government into the hands of that eminent tribunal:

"Nor is there in this view any assault upon the court or the judges. It is a duty from which they may not shrink to decide cases properly brought before them, and it is no fault of theirs if others seek to turn their decisions to political purposes."

Taney (on the Booth case): "The Constitution accordingly provided, as far as human foresight could provide, against this danger," by conferring upon the Federal courts the supreme power and jurisdiction. "So long, therefore, as this Constitution shall endure," said Taney, "this tribunal must exist with it, deciding in the peaceful forms of judicial proceedings the angry and irritating controversies sovereignties, which in other countries have been determined by the arbitrament of force." And he added: "Nor can it be inconsistent with the dignity of a sovereign State to observe faithfully, and in the spirit of sincerity and truth, the compact into which it voluntarily entered when it became a State of this Union. On the contrary, the highest honor of sovereignty is untarnished faith."

Taney, when writing to the Secretary of the Treasury, said: "Not by any act or word of mine would I have it supposed that I acquiesce in a measure that displaces it [the judicial department] from the independent position assigned to it by the statesmen who framed the Constitution."

MILLIGAN CASE (1866)

Judge Davis delivered the opinion of the court. "No greater question was ever considered by this court nor one which more nearly concerns the rights of every American citizen when charged with crime to be tried and punished according to law. * * * The Constitution of the United States is a law for rulers and people equally in war and peace, and covers with the shield of its protection all classes of men at all times and under all circumstances. Its provisions can not be suspended during any of the exigencies of government. Such a doctrine leads directly to despotism. Martial rule can never exist where the courts are open and in the proper and unobstructed exercise of their jurisdiction."

LEGAL-TENDER CASES

Hepburn *v.* Griswold.

Legal tender act could not apply to contracts made before act was passed: Chase, Nelson, Clifford, and Field.

Dissenting: Swayne, Miller, and Davis.

February 7, 1870. Same day Strong and Bradley were appointed to court.

Hepburn case was reopened and argued April, 1871.

Legal tender act held constitutional: Swayne, Miller, Davis, Strong, and Bradley.

Dissenting: Chase, Clifford, Field, and Nelson.

The fear expressed that partisan bias will be regarded in the court is without foundation:

"The late renovation in the Constitution of this august body by the creation of seven of the nine members under the auspices of the present Democratic ascendency may be regarded as the closing of an old and the opening of a new era in its history." But as in every other instance in the history of the court, when it has been either feared or hoped that it would divide on party lines, the expectations of the politicians have been unfulfilled. The court continued to decide its cases without regard to party, and pursued its majestic course protecting the national sovereignty, the rights of the States, the rights of individuals, and the rights of property, uncontrolled by the political views of its members or by the desires of officials at whose hands the individuals, judges, had received their appointments.

Note opinion of court quoted by Baldwin in Olmsted case (Warren 11, p. 43).

"There is, we are sorry to perceive, a disposition sometimes apparent to undervalue its [court] high and commanding character. Because its decisions on some questions are not in unison with our general opinions, and because some principles are adopted which are not in harmony with the doctrines of our schools, and possibly because a majority of its members are of a political party in opposition to the one to which we belong, we are in danger of losing respect for its learning, its authority, and its power. But the members of this high court have as a body no superiors in all the great qualities of mind and heart, in honor, integrity, ability, and learning, which are the ornaments of the bench and the security of the people. (Law Register, 1847.)

"Many of its formerly supposed errors have become acknowledged truths by the silent yet sure operations of time; if some of its decisions are still regarded wrong (though very few, if any, are generally so), it is accepted that they were the result of an honest and enlightened judgment. For so it is that lawmakers as well as judges are not infallible, and that 'angels do not descend' to give us unerring legisla-

tive, executive, or judicial decision. Perfection is not hoped for, and all that can be expected is the honest judgment of independent and intelligent individuals who, in the frailty of human nature, are liable to error, however zealously they may strive to avoid." (Niles Register, 1834.)

VALUE OF INDEPENDENT JUDICIARY

A New York Whig paper said: "Important as is every election, and of the gravest importance as are sometimes the appeals to the ballot box, yet all dwindle into comparative insignificance when contrasted with some great principle now and then brought before that high tribunal, the Supreme Court, upon a proper and just settlement of which hang both the Constitution and the Union of the States."

James C. Jones, of Tennessee, speaking of the Supreme Court, said: "For purity, integrity, virtue, honor, and all that ennobles and dignifies, it stands unimpeached and unimpeachable."

Opposition against Taney is not unlike that against Marshall: "It is interesting to note that this Democratic diatribe, leveled against a Democratic court and a Chief Justice appointed by Jackson, is of almost exactly the same tenor as that previously made against a Federalist court and Chief Justice appointed by Adams. The incident affords again a striking proof that contentment with the court's decision did not depend upon the political composition of the court."

The New York Independent: "The reverence for the Supreme Court which has been so widely cherished, is a reverence for law. It is a reverence which assumes that the judges of a tribunal, so far removed from the shifting winds of popular excitement and so carefully guarded against the intrusion of factions and political influences, will be under no violent temptation to betray their trust."

Wade, of Ohio, the famous abolitionist, said: "I deny the doctrine that judges have any right to decide the law of the land for every department of this Government. You would have the most concentrated, irresponsible despotism on God's earth if you give such an interpretation to the decisions of that or any other court."

Ohio's attitude—Piqua branch decision: Great excitement was shown when the Supreme Court of Ohio refused to enter the mandate of the Supreme Court of the United States. Finally, late in 1856, three judges of the State supreme court decided to conform to the mandate which had been issued to it, stating that they were "not prepared to adopt the theory" on which a denial of the jurisdiction of the Supreme Court under the judiciary act was based.

A similar situation took place in California—Johnson *v.* Gordon.

Such an attack upon the supremacy of the United States Supreme Court, however, was not long tolerated in California, for the next year, on April 9, 1855, the legislature, by a nearly unanimous vote of both branches, passed a law to force compliance with the sections of the Federal judiciary act by judges and clerks of courts.

WISCONSIN—BOOTH CASE, 1854

The New York Evening Post: "Booth, when arrested and brought before the magistrate, stated that 'rather than have the great constitutional rights and safeguards of the people, the writ of habeas corpus and the right of trial by jury, stricken down by the fugitive law, I would prefer to see every Federal officer in Wisconsin hanged on a gallows 50 cubits higher than Haman.'"

An appeal of the American Law Register: "In such a crisis it is the duty of all honest thinking men to join in an endeavor to remove all those causes of controversy which are rankling and festering in the heart of the Nation by submitting them to the peaceful arbitration of the Supreme Court. * * * Admit that the Federal judiciary may in its time have been guilty of errors, that it has occasionally sought to wield more power than was safe, that it is as fallible as every other human institution. Yet it has been and is a vast agency for good; it has averted many a storm which threatened our peace and has lent its powerful aid in uniting us together in the bonds of law and justice. Its very existence has proved a beacon of safety. And now, when the black cloud is again on the horizon, when the trembling of the earth and the stillness of the air are prophetic to our fears, and we turn to it instinctively for protection—let us ask ourselves, with all its imagined faults, What is there that can replace it? Strip it of its power, and what shall we get in exchange? Discord and confusion, statutes without obedience, courts without authority, an anarchy of principles and a chaos of decisions, till all law at last shall be extinguished by an appeal to arms."

An appeal of the Southern Quarterly Review: "Men whose whole political life has been marked by an undeviating opposition to domestic slavery have, in elaborate decisions from the bench of Federal justice, declared the constitutionality of the fugitive slave law. * * * The tempest of popular feeling against southern institutions seems to have overwhelmed in the North every political barrier against the invading flood of aggression. To the swelling tide nothing seems to be opposed but the barrier of judicial independence which the great architects of the Constitution have set up. Gloomy will that day be for the cause of constitutional order and State rights when the mighty structure is leveled before the rolling waves of that angry ocean."

Maintenance of principles of judicial control was well expressed by Judge Baldwin: "In the case of Olmstead this court expressed its opinion that if State legislatures may annul the judgments of the courts of the United States and the rights thereby acquired, the Constitution becomes a solemn mockery and the Nation is deprived of the means of enforcing its laws by its own tribunal. So fatal a result must be deprecated by all, and the people of every State must feel a deep interest in resisting principles so destructive of the Union and in averting consequences so fatal to themselves."

Judge Thompson in Kendall against United States: "* * * One spot where questions of constitutional law could be discussed with calmness of mind and liberality of temper—where it was usually deemed repugnant to good taste to offer as argument the outpourings of excited feeling or the creation of an inflamed imagination, and where vehement invective and passionate appeals, even though facts existed which in some other forum might justify their use, were regarded as sounds unmeet for the judicial ear. The court stated in a striking and dignified opinion that it did not think that the proceedings in the case interfered 'in any respect whatever with the rights or duties of the Executive, or that it involves any conflict of powers between the executive and judicial departments of the Government.' It held that the mandamus was properly issued to the Postmaster General 'to enforce the performance of a mere ministerial act, which neither he nor the President had any authority to deny or control'; that while 'there are certain political duties imposed upon many officers in the executive department, the discharge of which is under the direction of the President * * * it would be an alarming doctrine that Congress can not impose upon any executive officer any duty they may think proper, which is not repugnant to any rights secured and protected by the Constitution; and in such cases the duty and responsibility grow out of and are subject to the control of the law and not to the direction of the President.'"

The necessity of definite decision to give effectiveness to law and order: "Whenever any conflict arises between the enactments of two sovereignties, or in the enforcement of their asserted authorities, those of the National Government must have supremacy until the validity of the different enactments and authorities can be finally determined by the tribunals of the United States. This temporary supremacy until judicial decision by the national tribunals and the ultimate determination of the conflict by such decision are essential to the preservation of order and peace and the evidence of forcible collision between the two governments." (Field in United States *v.* Tarble.)

This opinion by a Democratic judge reasserting national supremacy voiced by a Democratic Chief Justice in Booth case while Republican Chief Justice dissented, strongly upholding State rights.

The effect upon legislation by the passions of war is obvious. The inevitable effect of the Civil War would be expansion of the nationalistic theory of our government. This trend could not well have been averted because of the character of contest and result. The courts' trend of decisions under Chase would be in that direction. A reaction to this trend set in about 1873.

From 1789 to 1869, 80 years, only four acts of Congress were declared unconstitutional: Marbury *v.* Madison (1803); Dred Scott *v.* Sandford (1857); Gordon *v.* United States (1865); Ex parte Garland (1867).

From 1870 to 1873 six acts of Congress were declared unconstitutional: Hepburn *v.* Griswold (1870); United States *v.* DeWitt (1870); Justices *v.* Murray (1870); Collector *v.* Day (1871)—can not impose income tax on salary of State officer; United States *v.* Klein (1872); and United States *v.* Baltimore & Ohio Railroad (1873).

Trend away from nationalism began with the Slaughter House cases. Retained in the States authority over matters of property belonging to the States.

American Law Review: "In its results it is of untold importance to the future relations of the different members of our complex system with the whole. The line which separates the Federal Government from the States, and which of late years has trenched on what are called the reserved rights of the latter, was never so precisely defined as to make trite interpretation of the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States, which was called for by attempts to apply their letter, if not spirit, to new States of fact not contemplated by the Congress nor the legislatures that made them is the latest and one of the most important acts of government growing out of the war. It is noteworthy that, while the executive department keeps Casey in New Orleans and sends its soldiers to regulate the internal policies of Louisiana, the judicial department remits to the people of that State, to its courts and legislature, the custody of the privileges and immunities of its citizens." (American Law Review, July, 1873.)

Another southern statesman, John S. Wise, said at the celebration of the centennial of the court in reference to the value of an untrammeled court:

"That decision did more than all the battles of the Union to bring order out of chaos. * * * When war had ceased, when blood was stanched, when the victor stood above his vanquished foe with drawn sword, the Supreme Court of this Nation planted its foot and said: 'This victory is not an annihilation of State sovereignty but a just interpretation of Federal power.'"

Judge Moody in 1908 said: "Criticism of the case has never entirely ceased, nor has it ever received universal assent by members of this court. Undoubtedly it gave much less effect to the fourteenth amendment than some of the public men active in framing it intended and disappointed many others. On the other hand, if the views of the minority had prevailed, it is easy to see how far the authority and independence of the States would have been diminished by subjecting all their legislative and judicial acts to correction by the legislative and review by the judicial branch of the National Government."

Speaking of the trend to overburden the work of the Supreme Court, it was—

Chief result of the decision was: (1) Preservation of authority of the State rather than a province of the Federal Government; (2) prevented break down of Federal judiciary, over 800 cases involving State statutes under the due process clause of the Constitution.

Political features: Field (Democrat) and Chase (Republican) tending toward State rights join Swayne and Bradley (Republicans), and nationalistic in theory gave minority views against power of State.

In favor of State authority were (Republicans) Miller, Strong, and Hurst (Democrat); Clifford and (insurgent) Davis.

Death of Chase (1873). His eight years were notable in his poise of character, which held the court steady in a period filled with passion.

Clifford's comment: "From the first moment he drew the judicial robes around him, he viewed all questions submitted to him as a judge in the calm atmosphere of the bench and with the deliberate consideration of one who feels that he is determining issues for the remote and unknown future of a great people."

From 1850 to 1873 the court was the subject of constant attack and threat of legislation to curb its power. From 1873 to 1884 no attack is noticed. This is the period of industrial as well as political importance.

Decisions on political and industrial questions due to: The new phases of the regulation of interstate commerce, of the transcontinental railroads and the telegraph railroad receiverships, the Granger legislation, control of public utilities and rates, the relation of the States to the liquor traffic, strikes and anarchist riots, polygamy, anti-Chinese legislation, superintendence and status of the Indian wards of the Nation, repudiation of State and municipal debts, the constitutionality of Federal laws enacted for the protection of the negro, the right to sue State officials and the scope of the eleventh amendment, the liability of agents of the Federal Government to respond for tortious acts and Federal protection of such agents for acts done in pursuance of their duties.

During this period the trend was to uphold the power of the States, especially in cases involving the fourteenth amendment. The Slaughter House case was adhered to in Miner *v.* Happerset in 1875 in holding that the fourteenth amendment did not add to privileges and immunities of citizens of the United States and a State did not infringe on such by refusing to allow a woman to register to vote.

Cases arising under the fourteenth amendment involved two questions: (1) Whether the State's action interfered with "due process" of law, and (2) whether act fell within the legal meaning of word "deprive" in connection with life, liberty, or property.

Under the latter term have arisen labor cases, but not until later. The first outstanding case of this character was under Fuller, who was called upon to decide cases arising out of corrective legislation of a progressive and experimental character.

The Chicago Anarchists case is one of the most historic (1887).

The fourteenth amendment involving cases arising under "due process" required judicial determinations as to limits of the term.

Judge Miller said (570): "Apart from the imminent risk of a failure to give any definition which would be at once perspicuous, comprehensive, and satisfactory, there is wisdom, we think, in the ascertaining of the intent and application of such an important phrase in the Constitution by the gradual process of judicial inclusion and exclusion, as the cases prosecuted for decision shall require, with the reasoning on which such decision may be founded." He admitted that "if it were possible to define what it is for a State to deprive a person of life, liberty, and property without due process of law, in terms which would cover every exercise of power thus forbidden to the State, and exclude those which are not, no more useful construction could be furnished by this or any other court to any part of the fundamental law."

But he warned suitors and counsel that the phrase clearly did not include a case where a party had, by the laws of the State, a "fair trial in a court of justice, according to the mode of proceeding applicable to such a case."

On the result of legislation due to amendments in a memorable decision, one of the landmarks of our law, Judge Matthews held that "due process" in the fourteenth amendment was intended only to secure "those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions."

In a series of cases, involving the police power of a State, the court held such State legislation did not violate the fourteenth amendment.

Bartemeyar *v.* Iowa held that a State could prohibit the sale of liquor as a proper exercise of police power.

Mugler *v.* Kansas (573): "The court practically asserted that statutes passed in the exercise of the State police power would be upheld in every case unless the statute 'purporting to have been enacted to protect the public health, the public morals, or the public safety has no real or substantial relation to these objects or is a palpable invasion of rights secured by the fundamental law.'"

Same view as anti-Chinese legislation on Pacific coast. Field held that liberty guaranteed by the Constitution was liberty regulated by just and impartial laws.

The Granger cases decided in 1877 limited to a narrow field the operation of the fourteenth amendment under which it was contended that it provided protection of civil rights against State aggression. These cases arose out of the transportation situation in which it was declared by grangers that if the State did not absorb the railroad the railroad would absorb the State. Then began agitation, legislation, which led to judicial determination that has had its mark on the course of our entire history.

Railroads protected as they asserted by Dartmouth College case were rather defiant toward the radical legislation in the West and Northwest, they instituted suits to determine the constitutionality of the legislation which they declared violated the principle of deprivation of life, liberty, and property without due process of law of the fourteenth amendment.

The first case was Munn *v.* Illinois (94 U. S. 113), in compliance with the State constitution looking to "the protection of producers, shippers, and receivers of grain and produce." The court, through Chief Justice Waite, decided (1877) in which it held:

That when property had become clothed with a public interest, the owner must submit to be controlled by the public for the common good; and the general test as to the character and status of property was stated to be that: "Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created."

Applying this test to a grain-elevator business in Chicago, the court pointed out:

"It is a business in which the whole public has a direct and positive interest. It presents, therefore, a case for the application of a long-known and well-established principle in social science, and this statute simply extends the law so as to meet this new development of commercial progress." That the power might be abused, the court said, was no argument against its existence. "For protection against abuses by legislatures the people must resort to the polls, not to the courts."

On the same day the court sustained laws of Illinois, Wisconsin, Iowa, and Minnesota fixing maximum rates on all railroads operating in those States as an exercise of police power not in violation of the Federal Constitution. Corporations engaged in a public employment affecting public interest were subject to legislative control as to rates.

This decision was received by many as the guaranty of protection against high rates. Their satisfaction expressed itself as follows:

"The time had come when either the people would govern the railroads or the railroads would govern the people. The Supreme Court had come to the rescue, and now both the public and the railroads are safe."

The fact was not overlooked that the decision had transferred the contest of rail property from the owners to the legislature, and it was urged that the latter bodies be limited in their rate making to the principles of the common law entailing reasonable compensation to be judicially ascertained.

The years immediately following the operation of the regulation legislation soon demonstrated the fears of transportation breakdown where, no matter how low the rate might be, it could not compensate for poor service. Efficient service was preferred by the farmer to lower rates. The repeal of the laws soon followed.

Those most active to pass the laws in 1870 to 1874 were foremost in repealing those in 1878. It was at that time the movement arose to create State railroad commissions with power over rates to avoid the dire consequences of political regulation. These commissions were to be empowered to fix rates after due investigation and to frame and administer other regulatory provisions.

The constitutionality of these commissions was attacked in the case of Stone *v.* Farmers Loan & Trust Co. (116 U. S. 307), in which validity of the statute of Mississippi providing for a railroad commission with full regulatory powers was sustained. The court further held that even though the railroad charter granted a specific power to the corporation to fix its tolls and charges, this provision was subject to the implied condition that such charges must be reasonable.

The decision continues: "From what has thus been said it is not to be inferred that this power of limitation or regulation is itself without limit. This power to regulate is not a power to destroy, and limitation is not equivalent to confiscation under pretense of regulating fares and freights. The State can not require a railroad corporation to carry persons or property without reward; neither can it do that which in

law amounts to a taking of private property for public use without just compensation, or without due process of law."

In the case of Chicago, Milwaukee & St. Paul R. R. *v.* Minnesota (1890) (134 U. S. 418), the court held that reasonableness of rates was for ultimate judicial decision as well as a legislative act depriving a railroad the right to judicial investigation of their reasonableness was within the province of the courts determining the validity of such acts.

X X Hadley declared that this decision repudiated the doctrine of uncontrolled rights on the part of the legislature to make rates, as emphatically it repudiates the doctrine of uncontrolled rights on the part of agents of the corporation in the Granger cases.

To this opinion Justices Bradley, Gray, and Lamar dissented.

How much did the court feel the touch of public opinion in these cases?

The court considered questions in the light of the doctrine of "business clothed with a public interest," involved in the Granger cases.

This doctrine rests on the principle that any business in which there was a natural monopoly might at any time be subject to regulation of its charges. Monopolistic condition might arise out of available supply, opportunities of access being restricted, place value, difficult distribution, and absence of substitutes—questions largely of fact.

How much attention the court should give to sympathy for hardship, Mo. Pac. Ry. *v.* Humes (115 U. S. 512), Justice Field held "its increased surprise at the continued misconception of the purpose of the provision"; and it again asserted that the "hardship, impolicy, or injustice of State laws is not necessarily an objection to their constitutional validity," and that "this court is not a harbor where refuge can be found from every act of ill-advised and oppressive State legislation." So long as the State's action is not purely arbitrary and the enforcement of the law is "attended with the observance of those general rules which our system of jurisprudence prescribes for the security of private rights, the harshness, injustice, or oppressive character of the law will not invalidate them as affecting life, liberty, or happiness without due process of law."

In U. S. *v. Reese,* Waite held that under the fifteenth amendment Congress had only power to enforce "by appropriate legislation" the right to exemption from discrimination in the exercise of the election franchise on account of race, color, or previous conditions of servitude; that the statute in question was not confined to such limited class of discrimination, but extended broadly to all discriminations and obstructions. That so construed it was an unconstitutional interference with the rights of the States. * * * While Congress was supreme within its legislative sphere, its courts when called upon in due course of legal proceeding must annul its encroachments upon the reserved powers of the States and the people" (Waite in U. S. *v.* Reese).

During reconstruction days many civil rights acts were enacted, which in time came to the Supreme Court for consideration.

Strander *v.* West Virginia upheld the validity of the section permitting removal into United States courts when equal rights of action were desired in a State court. (100 U. S. 303) (1880).

Neal *v.* Delaware (103 U. S. 370) the court held that "The refusal of the State court to redress the wrong by them committed was a denial of a right secured to the prisoner by the Constitution and laws of the United States." This reversed the judgment of the State court, which had restricted jurors to white persons qualified to vote.

In the case United States *v.* Harris (106 U. S. 629) the court held as invalid the Ku Klux act of 1871 as interfering with proper functions of the States over acts of private persons.

In the Civil Rights case (109 U. S. 3) (1883) the court, through Judge Bradley, held the laws without force, touching free and equal employment of accommodations of inns, public conveyances, etc., as interfering with proper functions of the States. This decision was strongly indorsed by such publications, strongly antislavery, as Independent and Harper's Weekly.

Ex parte Yarborough (110 U. S. 651) upheld the law against conspiracy "to injure, oppress, threaten, or intimidate any citizen in the free exercise of enjoyment in any right or privilege secured to him by the Constitution or laws of the United States." This was held valid as within the law to enforce the fifteenth amendment. In this case Judge Miller said: "If the recurrence of such acts as these prisoners stand convicted of are too common in one-quarter of the country and give omen of danger from lawless violence, the free use of money in elections, arising from the vast growth of recent wealth in other quarters, presents equal cause for anxiety. If the Government of the United States has within its constitutional domain no authority to provide against these evils, if the very sources of power may be poisoned by corruption or controlled by violence and outrage, without legal restraint, then, indeed, is the country in danger, and its best powers, its highest purposes, the hopes which it inspired, and the love which enshrines it are at the mercy of the combinations of those who respect no right but brute force on the one hand and unprincipled corruptionists on the other.

Waite was Chief Justice, and court was made up of appointments made by Lincoln, Grant, and Hayes.

"Now, after a lapse of years, when the temper and spirit in which the text of the amendments was penned have cooled and the views of men have matured, it is seen that the value of the court as the great conservative department of the Government was never greater than then." Samuel Shellaberger, of Ohio, on death of Chief Justice Waite (1889).

In the Lottery case (1877), Waite held: "That the existence of any contract which might be impaired depended on the authority of the legislature to bind the State; and that while the legislature might make irrevocable grants of property and franchises, it could not 'bargain away the public health or the public morals,'" i. e., its police power. "Government is organized with a view to their preservation, and can not divest itself of the power to provide for them. * * * The contracts which the Constitution protects are those that relate to property rights, not governmental."

In 18 years from 1892 on, only one case, Snyder *v.* Bettman (1903), did court divide where all Republicans were on one side and all Democrats on the other.

One other case where all Republicans approved and all Democrats disapproved—United States *v.* Shea (1894) (152 U. S. 178).

In the Insural and Northern Securities cases, no such divisions.

Mr. KEAN. Mr. President——

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

Mr. FESS. I will yield two minutes to the Senator from New Jersey.

The VICE PRESIDENT. The Senator can not divide his time, but the Senator from New Jersey can be recognized for two minutes.

Mr. FESS. The Senator from New Jersey understands that my time is limited.

The VICE PRESIDENT. The time is passing.

Mr. KEAN. Mr. President, I merely desire to ask that there be printed in the RECORD a telegram addressed by me to Judge Parker and the reply of Judge Parker thereto.

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

The telegrams are as follows:

[Telegram]

MAY 2, 1930.

Hon. JOHN J. PARKER,
Charlotte, N. C.:

Representing among my constituents 125,000 colored men and women who have risen from slavery and are now occupying positions as lawyers, doctors, clergymen, in fact, every position that their fellow white men occupy; and being very jealous of their rights, realizing that their bible of liberty is the fifteenth amendment, can you give me assurance that you would protect these people in the free exercise of their rights as citizens, and that if you take the oath of office that you will take it without any reservation, promising to support the Constitution of the United States; otherwise I will feel it my duty, in the protection of these people, to vote against your confirmation. I understand that you deny the statement attributed to you in reference to the colored people's rights under the Constitution.

HAMILTON F. KEAN,
United States Senate.

[Telegram]

RICHMOND, VA., *May 2, 1930.*

Hon. HAMILTON F. KEAN,
United States Senator:

In answer to your telegram inquiring whether as a member of the Supreme Court I would freely accord to colored people the rights to which they are entitled under the Constitution of the United States and its amendments, I assure you that as a member of the Supreme Court I would consider it my sworn duty to support and enforce the Constitution of the United States and enforce all of its amendments, and would protect all citizens of the United States regardless of race or color in the enjoyment of their rights thereunder. I do not believe in depriving any man, white or black, of his rights under the Constitution or the laws of our country, and have never advocated doing so. I would certainly take the oath of office promising to support the Constitution without any reservation whatsoever.

JOHN J. PARKER.

Mr. FESS. Mr. President, in listening to the objections to the confirmation of Judge Parker I find that there has been much said to the effect that his appointment might be regarded as a political one. In the first place, that suggestion is not sustained by the facts. The appointment is not a political one. The facts are that more Democrats were consulted about the appointment of Judge Parker than were Republicans. However, if it were a political appointment, which I deny, the fear which has been expressed that any particular shade of political opinion would be reflected in the decisions of the appointee is not borne out by the history of the Supreme Court. Time and time again have appointees of Presidents to the Supreme Court

bench rendered decisions which were quite out of current with the policy of the Chief Executive, who made the appointments.

It is well understood that the members of the Supreme Court appointed by Jefferson and Madison joined Chief Justice Marshall in his interpretations, and that the appointees of Andrew Jackson and of Martin Van Buren unanimously disagreed with Jackson in the Spanish land claims case which came before the court. Not only that——

Mr. NORRIS. Mr. President——

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

Mr. FESS. Mr. President, I am afraid I can not yield, as I have only five minutes.

Mr. NORRIS. I merely desire to ask the Senator a question.

Mr. FESS. Very well; I will yield to the Senator.

Mr. NORRIS. I want to ask the Senator if he has complied with his promise he made to the Senate the other day that he would produce the statute enacted by Congress in regard to picketing?

Mr. FESS. I produced the statute, Mr. President, and read it into the RECORD on an occasion when the Senator was absent.

Mr. NORRIS. I have not been able to find it.

Mr. FESS. It was a case of hit-or-miss, I fear, for after the Senator spoke he left the Chamber, and I read the statute in his absence.

Mr. President, the truth is not to be controverted that the appointees of Jackson to the Supreme Bench did not reflect the political policies of that President in their interpretation of the law, and that the appointees of Lincoln did not reflect the policies of Lincoln. The truth about the matter is that three of the reconstruction laws, which were enacted during the years immediately following the Civil War, were pronounced by a majority of the court as unconstitutional, although the members of the court had been appointed by Lincoln and Grant. In spite of the fact, however, that they were appointed by Republicans, the statutes then enacted were pronounced unconstitutional. So it is not true that the appointee of a President of any particular party will reflect in his opinions when he comes to decide a case upon the facts involved the political views of the President who appointed him.

The opposition now manifested against the confirmation of the nomination of Judge Parker is not new. It was manifested in 1821 following the decision in the case of McCulloch against Maryland; it was apparent in 1833 when an attack on the Supreme Court was ended by a ringing proclamation of Andrew Jackson; it was in evidence in 1857 in the case of the Dred Scott decision; it was made plain in 1868 in the case of the reconstruction acts; also in 1885 when it came to a question involving the extension of the commerce clause; and in 1896 in the case of the populistic movement in the Western States.

I can indicate by history that the present opposition to Judge Parker is not unlike opposition which has been manifested to nominations to the Supreme Court Bench in the past. Therefore, in my judgment, the nomination of Judge Parker is not justly subject to the criticism that is being made on this ground.

Mr. President, a Senator sitting near me insists that Lincoln said he would undertake to secure a reversal of the decisions of the court. That is a perfectly legitimate procedure, but the reversal he had in mind was to be accomplished by legislation curing the defects, as he viewed them, in the decisions which had been rendered. His method was not to bludgeon the court because the court refused to reflect a particular sentiment or emotion that might have been expressed at the time; Lincoln never undertook to pack the court in order to reverse a decision; but his idea was to go to the root of the situation and by legislative enactment to remedy the evil against which complaint was made.

Let me state that if the issuance of injunctions is a matter of criticism, the place to cure the defect is not in the Supreme Court but is in the legislative body. We insist that the court shall follow its rules, in line with proper interpretation, and then, if we do not like the law, let the legislative department change it; but let not the court usurp power by itself changing the law.

For these, among other reasons, we ought not to permit the opposition to the confirmation of Judge Parker to succeed.

The VICE PRESIDENT. The time of the Senator from Ohio has expired.

Mr. BORAH obtained the floor.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. GLASS. Mr. President, I merely wanted to submit a request for unanimous consent.

The VICE PRESIDENT. Does the Senator from Idaho yield for that purpose?

Mr. BORAH. I yield.

Mr. GLASS. I ask unanimous consent that the time of the Senator from Ohio be extended several hours in order that he may give us the history of the Supreme Court of the United States. [Laughter.]

The VICE PRESIDENT. The Senate will be in order.

Mr. BORAH. Mr. President, this debate is now drawing to a close, and perhaps nothing can be said that will have any effect whatever upon the ultimate result. There are, however, one or two observations which may appropriately be made.

It seems to me, generally speaking, that the debate has been conducted upon a very high plane, such as should characterize a discussion with reference to the membership of the Supreme Court of the United States. But there is one phase of the debate which, it appears to me, falls a little below the fair rule which should obtain in such cases. It has been constantly and insistently urged that those who assume to pass upon the fitness and capability of a particular individual to sit upon the court are by reason of that fact attacking the court itself; that we are here engaged in undermining the great tribunal which ultimately passes upon the vitally important constitutional questions which concern us as a people.

Mr. President, that is not in accord with either the facts here or the facts in history. In the case of the appointment of the first Chief Justice whose nomination was rejected by the Senate, the opposition to his confirmation was led by Mr. Ellsworth, than whom there was no greater figure in the Constitutional Convention when capacity is measured by legal learning and talent. Patriot, statesman, and jurist, he stands out as one of the masterful men of those eventful years. Mr. Ellsworth opposed the confirmation of the nominee for Chief Justice because of the views which he entertained, and he was successful in defeating him. This man, who was the author of the judiciary act under which we are in a large measure still acting in this country, thought it within his province, and properly so, to oppose the nominee for the Chief Justiceship of the Supreme Court of the United States. Will it be said he was attacking the court which he had helped to create and the machinery by which it was put in operation more than anyone else his great mind provided.

Again, Mr. President, when it came to Mr. Chief Justice Taney, Webster and Clay and Calhoun and Ewing and other great leaders of the Senate opposed Mr. Taney. Why? They opposed him for the same reason that some of us now oppose the present nominee, because they believed his views upon certain important matters were unsound. They certainly did not oppose him because of his lack of learning, or because of his incapability as a lawyer, for in no sense was he lacking in fitness except, in their opinion, that he did not give the proper construction to certain problems which were then obtaining.

The Senator from Ohio [Mr. FESS] takes refuge behind the fact as he says that Webster and Clay and Calhoun and Ewing and others were actuated by hatred. Those men, who were great leaders in their day, and one of them as free from personal hatred as any man who ever sat in the Chamber, are now characterized as having attacked a candidate for that high position by reason of their personal hatred or their personal dislike for him. Let us put it upon a higher plane. Let us put it upon the true plane. They felt as lawyers and as patriots that it was their duty to pass upon the fitness of the nominee, and in discharging that duty they did pass upon his fitness and measured it by his views upon public questions.

The Senator from Ohio referred to Mr. Lincoln, and said Mr. Lincoln was not going to bludgeon the court, but was going to reverse it by securing the enactment of legislation to effectuate the change. Mr. Lincoln said:

> We think the Dred Scott decision is erroneous. We know the court that made it has often overruled its own decision—and we shall do what we can to have it overrule this.

Was that a proposal to secure a reversal by legislation? Let the scholarly historian stick a little closer to the facts. Let us not bend historic facts to meet present emergencies. Mr. Lincoln advocated time after time and year after year the proposition that the proper way to deal with the subject was to place men upon the court who were in accordance with what he believed was sound policy. We are proposing to do the same thing to-day. We are insisting that here is a great problem involving human rights, a question of whether we shall embody into the jurisprudence of this country a principle which we believe to be at enmity with the welfare of not only the great working classes but with the public good, and we say that we are not willing to place a man upon that bench who is committed to the doctrine. We are on safe grounds, we are in company with great leaders and men whose fidelity to this Government no man dare challenge. They claimed and exer-

cised the right to pass upon the fitness of men for this supreme tribunal.

Is that an impeachment of the bench? Is it an attack upon the court? Why did the fathers make us advisers in regard to these appointments? Why were we placed here to pass upon the qualifications of the appointees? Was it merely to sit here, hear the names read, and as amanuenses of the President to record our votes, or were we, as sworn representatives of our States, to exercise our judgment in regard to the fitness and the capability of the men who should wear the ermine.

Again, Mr. Lincoln said:

> I have expressed heretofore, and I now repeat, my opposition to the Dred Scott decision. * * * We mean to reverse it. * * * It is based upon falsehood in the main as to the facts. The allegation of facts upon which it stands are not facts at all in many instances.

Those are the words of the man who sealed his devotion to his country with his blood. In all this debate no Senator has soiled his lips by defending the justice of the contract which is involved in this controversy. No Senator has undertaken to say that it is sound or humane; and, in my opinion, that of itself ought to weigh heavily in determining this question. We are asked in effect to approve and commend that which we are unwilling openly to justify. Individuals do not count; it is the principle which is involved that should determine our votes.

The VICE PRESIDENT (at 1 o'clock and 30 minutes p. m.) rapped with his gavel.

Mr. LA FOLLETTE. 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	Fess	Keyes	Shortridge
Ashurst	Frazier	La Follette	Simmons
Baird	Gillett	McCulloch	Smoot
Barkley	Glass	McKellar	Steck
Bingham	Glenn	McNary	Steiwer
Black	Goldsborough	Metcalf	Stephens
Blaine	Gould	Norris	Sullivan
Blease	Greene	Nye	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Bratton	Harris	Overman	Thomas, Okla.
Brock	Harrison	Patterson	Townsend
Broussard	Hastings	Phipps	Trammell
Capper	Hatfield	Pine	Tydings
Caraway	Hawes	Pittman	Vandenberg
Connally	Hayden	Ransdell	Wagner
Copeland	Hebert	Reed	Walcott
Couzens	Howell	Robinson, Ark.	Walsh, Mass.
Cutting	Johnson	Robinson, Ind.	Walsh, Mont.
Dale	Jones	Schall	Waterman
Deneen	Kean	Sheppard	Watson
Dill	Kendrick	Shipstead	Wheeler

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present. The question is, Will the Senate advise and consent to the nomination?

Mr. HARRISON and Mr. McKELLAR 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. TRAMMELL (when Mr. FLETCHER's name was called). I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

Mr. ROBINSON of Arkansas (when Mr. GEORGE's name was called). The Senator from Georgia [Mr. GEORGE] is absent. If he were present, he would vote "nay."

Mr. GLENN (when his name was called). On this matter I have a special pair with the senior Senator from Florida [Mr. FLETCHER], who is unavoidably absent from the Chamber. I understand that if present he would vote "yea." If I were at liberty to vote, I should vote "nay."

Mr. BLACK (when Mr. HEFLIN's name was called). My colleague the senior Senator from Alabama [Mr. HEFLIN] is absent on important business. He is paired with the Senator from South Dakota [Mr. NORBECK]. If my colleague were present, he would vote "nay," and if the Senator from South Dakota were present I am informed that he would vote "yea."

Mr. LA FOLLETTE (when Mr. McMASTER's name was called). The junior Senator from South Dakota [Mr. McMASTER] is unavoidably absent. If present, he would vote "nay."

Mr. McNARY (when his name was called). On this question I have a pair with the senior Senator from South Carolina [Mr. SMITH]. If he were present, he would vote "yea." If I were at liberty to vote, I should vote "nay."

Mr. KEYES (when Mr. MOSES's name was called). My colleague [Mr. MOSES] is unavoidably absent. He is paired with the junior Senator from Oklahoma [Mr. THOMAS]. If present, my colleague would vote "yea."

Mr. PHIPPS (when his name was called). I have a pair with the Senator from Georgia [Mr. GEORGE], who is necessarily absent. If I were at liberty to vote, I should vote "yea."

Mr. STEIWER (when his name was called). On this question I have a pair with the junior Senator from Pennsylvania [Mr. GRUNDY], who is necessarily absent from the Chamber. I find that I can transfer my pair to the junior Senator from South Dakota [Mr. McMASTER], and I transfer the pair and will vote. I vote "nay."

Mr. THOMAS of Oklahoma (when his name was called). On this question I have a special pair with the senior Senator from New Hampshire [Mr. MOSES]. As stated, if present he would vote "yea." If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. HATFIELD. My colleague the senior Senator from West Virginia [Mr. GOFF] has a special pair with the junior Senator from Iowa [Mr. BROOKHART]. If my colleague were present, he would vote "yea," and I am informed that if the junior Senator from Iowa were present he would vote "nay."

Mr. FESS. I desire to announce that the junior Senator from Kentucky [Mr. ROBSION] is paired with the junior Senator from Utah [Mr. KING]. If the junior Senator from Kentucky were present and at liberty to vote, he would vote "nay," and the junior Senator from Utah would vote "yea."

The result was announced—yeas 39, nays 41, as follows:

YEAS—39

Allen	Gould	McCulloch	Steck
Baird	Greene	Metcalf	Stephens
Bingham	Hale	Oddie	Sullivan
Blease	Harrison	Overman	Swanson
Broussard	Hastings	Patterson	Thomas, Idaho
Dale	Hatfield	Ransdell	Townsend
Fess	Hebert	Reed	Walcott
Gillett	Jones	Shortridge	Waterman
Glass	Kean	Simmons	Watson
Goldsborough	Keyes	Smoot	

NAYS—41

Ashurst	Couzens	La Follette	Steiwer
Barkley	Cutting	McKellar	Trammell
Black	Deneen	Norris	Tydings
Blaine	Dill	Nye	Vandenberg
Borah	Frazier	Pine	Wagner
Bratton	Harris	Pittman	Walsh, Mass.
Brock	Hawes	Robinson, Ark.	Walsh, Mont.
Capper	Hayden	Robinson, Ind.	Wheeler
Caraway	Howell	Schall	
Connally	Johnson	Sheppard	
Copeland	Kendrick	Shipstead	

NOT VOTING—16

Brookhart	Goff	McMaster	Phipps
Fletcher	Grundy	McNary	Robsion, Ky.
George	Heflin	Moses	Smith
Glenn	King	Norbeck	Thomas, Okla.

So the Senate refused to advise and consent to the nomination.

Mr. GLASS. Mr. President, I ask to have inserted in the RECORD immediately following the vote on the nomination of Judge Parker an extract from a letter written by Oswald Garrison Villard.

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

> MY DEAR SENATOR: I have your letter in regard to the revolt of various Senators, yourself included, against the nomination of Judge John J. Parker as Associate Justice of the Supreme Court. You say that it should improve my opinion of the Senate that so many of its Members are willing to look upon this question from the national point of view and are ready to refuse a seat on the highest bench to a man who has publicly evidenced his readiness to deny to an entire group of our fellow Americans participation in elections and in the administration of the country. Well, I can only reply that I am happy, of course, that more than 17 Senators are already on record as opposing the confirmation of Judge Parker because of his views on the colored race. But I should frankly take greater pride in this showing if it were not for the fact that many of these Senators are up for reelection next fall and that they come from States where the negro vote is now so large that they fear the loss of the election if the colored people should take it into their heads to rise in rebellion against the Republican Party. In other words, I shall be more impressed if men like BORAH, of Idaho, and NYE, of North Dakota, in which States there are few negroes, oppose confirmation.
>
> That Judge Parker should be defeated admits of no question. There are constantly coming before the Supreme Court of the United States questions vitally affecting the liberty and the pursuit of happiness of our colored Americans. The city of Richmond, for instance, recently enacted an ordinance segregating the negroes residentially, despite the fact that the Supreme Court of the United States has repeatedly held such ordinances unconstitutional and invalid. Other equally important decisions have been in regard to the right of negroes to participate in

primaries and of the political parties to restrict their membership on the basis of color. There are now several important cases on the way up to the Supreme Court which will settle the question whether private covenants arrived at by property owners binding themselves for a period of years, or in perpetuity, not to sell their property to negroes will or will not be upheld as constitutional. Such cases will ere long come before Judge Parker if he is confirmed. When Judge Parker stated that the colored people of North Carolina did not wish to participate in elections and were ready to be eliminated from politics he uttered a falsehood. When he committed the Republican Party in that State to the lily-white policy he led that party in a complete break with the traditions of its founders. He was certainly traitorous to the memory of Abraham Lincoln and what Lincoln and his war-time associates achieved. How could he conscientiously take the oath that would be administered to him by Chief Justice Hughes to support and uphold the Constitution when he is already on record, as a gubernatorial candidate, in favor of nullifying it in the case of negroes?

This issue is so vital that it would be a disgrace to the Senate if there were not men in plenty to rise up and protest against Judge Parker's nomination. Beside it the question of Judge Parker's upholding the so-called "yellow dog" contract is of small moment.

* * * * * * *

I repeat that every Senator who believes in the Constitution and in simple, elemental justice to every American citizen irrespective of race, creed, or color ought to vote against Judge Parker. * * * Personally, I am not sure that the colored people are united enough to make quite certain the punishment at the polls which the Senators from the border States and those having large masses of colored voters fear. But, more important by far than the willingness of some Senators to bolt in fear of punishment, is the fact, now established, that the Senate hereafter will take a different attitude toward nominations for the Supreme Court than the purely negative one it has held to heretofore, and the truth that the negroes for the first time since emancipation have demonstrated to the entire country that they propose to use their political power hereafter in safeguarding their rights. If they succeed in defeating Judge Parker, it will be an epoch in the history of the race.

Yours very truly,

OSWALD GARRISON VILLARD.

Mr. WALSH of Massachusetts. Mr. President, I make a request similar to that made by the Senator from Virginia, namely, that there be printed in the RECORD following the vote rejecting the nomination of Judge Parker an editorial printed in America on May 3 entitled "The New Supreme Court."

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

THE NEW SUPREME COURT

While the responsibilities of every President of the United States are grave, those which President Hoover faces with reference to the Supreme Court are unusually weighty and solemn. The President has already made two appointments to that bench. Considering the age and health of the older occupants, it is not unreasonable to suppose that other appointments will fall to the President. Mr. Hoover would almost certainly end a second term with a Supreme Bench of his own appointment.

We say that this is an unusually weighty and solemn responsibility, even omitting all reference to the possibility of a second term. Within the next few years problems which involve considerations far deeper than legal formulas and curial technicalities will be brought before the Supreme Court for such solution as may be there found. It is obvious that cases which embrace human as contrasted with corporation or property rights can not be satisfactorily reviewed in the feeble light afforded by precedents adopted at a time when social needs and social burdens differed widely from those of our day. All of us fall too readily into the rut of precedent as an easy escape from the brain-racking task of examining principles, and courts form no exception.

One hundred years ago ours was a country of rural communities. Its problems were those which naturally arise in such an environment. In the cities labor had begun to fight for its right to organize, usually without much success, but great cities were few and organized capital was but a mewling infant. To-day we are a Nation of cities, marked from coast to coast by factories and smokestacks. Capital has assumed proportions so gigantic that even half a century ago students could clearly foresee the impending conflict between capital and labor, and 20 years ago Wilson could tell his classes at Princeton that it would be fought on wider fields than those of the War between the States. Capital argued so well in its own cause that its pretensions were gradually accepted, and even men who were really better informed wrote and argued as though the highest and most sacred of all rights were the right to hold property. That fatal error continues to infect much of our social thinking and planning and is reflected in the decisions of our courts.

We make no plea for a packing of the Supreme Court with partisans of any school of thought. What we desire is men who understand and will fearlessly apply the dictates of essential justice. They should be jurists of distinction, whose rulings show that they are able to recognize the larger claims of those rights that are distinctively human. It was for the safeguarding of these rights that our first State paper was drawn, in 1776, and the framing of the Constitution was but an attempt to find a ready and easy method of protecting them. There is not the slightest reason to suppose that the rights of organized capital will be jeopardized by the rulings of the Federal courts as at present constituted. There is every reason to believe that by the inclusion of jurists whose philosophy presents a contrast the Federal courts, and especially the Supreme Court, will gain new respect and augmented authority among the people at large by making themselves undaunted protectors of rights wherever they exist.

Surely it is poor praise for a prospective member of the Supreme Court when his friends are forced to attribute his social philosophy to a legal precedent rather than to thinking and conviction. It is not easy to dissent from President Green, of the American Federation of Labor, who writes that "a mere dogmatic adherence to a judicial precedent established in a case decided during the World War" is not evidence that a man is fit to sit on the Supreme Bench. Not only labor, but the country, may rightly demand that the courts take into consideration human relations in industry and that they recognize and protect the rights of individuals and of communities menaced by the growth of organized capital. Otherwise government is not the protector of human rights, but their destroyer.

REPORTS OF NOMINATIONS

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

Mr. DILL, from the Committee on Patents, reported the nomination of Fred Merriam Hopkins, of Michigan, to be Assistant Commissioner of Patents, which was placed on the Executive Calendar.

Mr. BROUSSARD, from the Committee on Patents, reported the nomination of Paul Preston Pierce, of Maryland, to be an examiner in chief in the Patent Office, which was placed on the Executive Calendar.

Mr. BORAH, from the Committee on Foreign Relations, reported the nominations of sundry officers in the Diplomatic and Foreign Service, which were placed on the Executive Calendar.

Mr. HEBERT. Mr. President, from the Committee on Patents I report favorably the nomination of Frank Petrus Edinburg, of Kansas, an employee of the Patent Office, to be an examiner in chief. It was my wish to have consideration of the nomination to-day, but, I presume, owing to the desire to proceed with legislative business it will have to go to the calendar.

The VICE PRESIDENT. The nomination will be placed on the Executive Calendar.

W. BATEMAN CULLEN

Mr. PHIPPS. Mr. President, on April 28 the Senate confirmed the appointment of W. Bateman Cullen to be postmaster at Clayton, Del. I now ask that the vote by which the confirmation was had be reconsidered and that the nomination be referred back to the committee without prejudice.

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

Mr. McNARY. Mr. President, I ask that we now proceed to the consideration of the Executive Calendar.

The VICE PRESIDENT. The first business on the Executive Calendar will be announced.

THE JUDICARY

The Chief Clerk read the nomination of Robert M. Vail to be United States marshal, middle district of Pennsylvania.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

COAST GUARD

The Chief Clerk proceeded to read sundry nominations for appointments in the Coast Guard.

Mr. LA FOLLETTE. Mr. President, in order to expedite business, I ask that the Coast Guard nominations be confirmed en bloc.

The VICE PRESIDENT. Is there objection? The Chair hears none. The nominations are confirmed, and the President will be notified.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. PHIPPS. I ask that the nominations of postmasters be confirmed en bloc and the President notified.

The VICE PRESIDENT. Without objection, the nominations are confirmed, and the President will be notified.

IN THE ARMY

The Chief Clerk proceeded to read sundry nominations for appointments and promotions in the Army.

Mr. ROBINSON of Arkansas. As I understand it, these are what are usually termed "routine nominations"?

Mr. BLACK. These are routine nominations, which have been passed on by the committee.

The VICE PRESIDENT. Without objection, the nominations are confirmed, and the President will be notified.

IN THE NAVY

The Chief Clerk proceeded to read sundry nominations for promotions in the Navy.

Mr. HALE. I ask that the nominations be confirmed en bloc and the President notified.

The VICE PRESIDENT. Without objection, the nominations are confirmed, and the President will be notified.

LEGISLATIVE SESSION

Mr. McNARY. Mr. President, I move that the Senate now proceed to the consideration of legislative business.

The motion was agreed to; and the Senate proceeded to the consideration of legislative business.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is Senate bill 3060.

RELIEF OF UNEMPLOYMENT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3060) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

PETITION

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

REPORTS OF COMMITTEES

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4169. A bill to add certain lands to the Zion National Park in the State of Utah, and for other purposes (Rept. No. 620); and

S. 4170. A bill to provide for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes (Rept. No. 621).

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 270) authorizing an appropriation to defray the expenses of the participation of the Government in the Sixth Pan American Child Congress, to be held at Lima, Peru, July, 1930, reported it without amendment and submitted a report (No. 622) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 4196) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River in Craighead County, Ark., reported it without amendment and submitted a report (No. 624) thereon.

Mr. FRAZIER, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 1234) to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels, reported it with an amendment and submitted a report (No. 625) thereon.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day, May 7, 1930, that committee presented to the President of the United States the enrolled bill (S. 2589) authorizing the attendance of the Marine Band at the Confederate Veteran's Reunion, to be held at Biloxi, Miss.

BILLS INTRODUCED

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

By Mr. HOWELL:

A bill (S. 4375) for the relief of John L. Summers, disbursing clerk, Treasury Department, and for other purposes (with an accompanying paper);

A bill (S. 4376) for the relief of Dr. C. A. Falk and the St. Joseph Hospital, both of Eureka, Calif. (with accompanying papers); and

A bill (S. 4377) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death; to the Committee on Claims.

By Mr. VANDENBERG:

A bill (S. 4378) granting an increase of pension to Elizabeth Leonard (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4379) to amend the Alaska game law; to the Committee on Agriculture and Forestry.

A bill (S. 4380) authorizing an appropriation for the construction of a marine hospital at Portland, Oreg.; to the Committee on Naval Affairs.

By Mr. COPELAND:

A bill (S. 4381) granting an increase of pension to Catherine Tully; to the Committee on Pensions.

A bill (S. 4382) for the relief of William Richard Sanford; to the Committee on Claims.

A bill (S. 4383) to authorize the appointment and retirement of Evelyn Briggs Baldwin in the grade of captain in the Navy in recognition of his patriotic and scientific services, and for other purposes; to the Committee on Naval Affairs.

By Mr. BARKLEY:

A bill (S. 4384) to provide for the erection of a suitable monument to the memory of the first permanent settlement of the West at Harrodsburg, Ky.; to the Committee on the Library.

By Mr. DILL:

A bill (S. 4385) granting an increase of pension to James G. Carmack; to the Committee on Pensions.

By Mr. REED:

A bill (S. 4386) to authorize credit in the disbursing accounts of certain officers of the Army of the United States (with accompanying papers); to the Committee on Claims.

By Mr. ROBINSON of Arkansas:

A bill (S. 4387) to further protect interstate and foreign commerce against bribery and other corrupt trade practices; to the Committee on the Judiciary.

By Mr. BRATTON (for Mr. GEORGE):

A bill (S. 4388) to aid the several States and Territories and the District of Columbia in combating illiteracy, and for other purposes; to the Committee on Education and Labor.

By Mr. CAPPER:

A bill (S. 4389) to authorize the use of certain land owned by the United States in the District of Columbia for street purposes; to the Committee on the District of Columbia.

By Mr. PHIPPS:

A bill (S. 4390) granting the consent of Congress to compacts or agreements between the States of Colorado, New Mexico, Utah, and Wyoming, with respect to the division and apportionment of the waters of the Colorado River and all tributary streams above Lee Ferry; to the Committee on Irrigation and Reclamation.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on the Library:

H. R. 10209. An act authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell; and

H. R. 10579. An act to provide for the erection of a marker or tablet to the memory of Col. Benjamin Hawkins at Roberta, Ga., or some other place in Crawford County, Ga.

AMENDMENT OF WORLD WAR VETERANS' ACT

Mr. WALSH of Montana submitted an amendment intended to be proposed by him to the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. TRAMMELL submitted two amendments intended to be proposed by him to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were referred to the Committee on Commerce and ordered to be printed.

Mr. TRAMMELL (for Mr. FLETCHER) submitted an amendment intended to be proposed by Mr. FLETCHER to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

PROPOSED PHILIPPINE INDEPENDENCE

Mr. HAWES submitted an amendment intended to be proposed by him to the bill (S. 3822) to provide for the withdrawal of the sovereignty of the United States over the Philippine Islands and for the recognition of their independence; to provide for notification thereof to foreign governments; to provide for the assumption by the Philippine government of obligations under the treaty with Spain; to define trade and other relations between the United States and the Philippine Islands on the basis of a progressive scale of tariff duties preparatory to complete independence; to provide for the calling of a convention to frame a constitution for the government of the Philippine Islands; to provide for certain mandatory provisions of the

proposed constitution; to provide for the submission of the constitution to the Filipino people and its submission to the Congress of the United States for approval; to provide for the adjustment of property rights between the United States and the Philippine Islands; to provide for the acquisition of land by the United States for coaling and naval stations in the Philippine Islands; to continue in force certain statutes until independence has been granted, and for other purposes, which was referred to the Committee on Territories and Insular Affairs and ordered to be printed.

AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL

Mr. BLAINE submitted an amendment intended to be proposed by him to House bill 7955, the War Department appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 22, after line 8, to insert:

"*Provided*, That hereafter, except in event of emergency, no money appropriated by this or any other act for the transportation of the Army, Navy, Marine Corps, and/or their reserve services, including the National Guard, shall be available for payment for the transportation of parties of 10 or more members for distances not exceeding 200 miles unless bids shall have been previously requested of all carriers, including motor bus and electrical railways in the vicinity of the place of travel origin with service either direct or through connecting carriers to the vicinity of travel destination and the bid accepted making the lowest net charge for such transportation: *Provided further*, That the maximum fare paid shall not exceed the through published fares or legal combination of intermediate selling and/or basing fares or lower special fares such as round trip or certificate plan for like transportation performed for the public at large when the number of persons transported complies with the requirements of the tariff effective at the time of travel: *And provided further*, That hereafter troops of the United States shall be exclusively transported for distances exceeding 200 miles except in event of an emergency, for either the whole or part of the distance over land-grant railroads affording available routes at the lowest net fares and charges, determined from through published fares or combination of intermediate selling and/or basing fares, unless the carriers comprising other competitive routes shall agree to transport such troops at the lowest net fares and charges applicable over such land-grant railroads and unless it be practicable to use Government-owned facilities for such transportation.

GEN. ROBERT E. LEE—ADDRESS BY HON. WILLIAM CABELL BRUCE

Mr. CARAWAY. Mr. President, patriotic ladies of the Southern States have purchased Stratford, the home of the Lees, the most illustrious family of this continent, distinguished in peace and in war. In aid of the movement to raise funds to pay for Stratford and to restore it, former Senator William Cabell Bruce, of Maryland, on the evening of May 5 made a most interesting speech. I ask unanimous consent to have that speech printed in the CONGRESSIONAL RECORD.

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

Mrs. Gibson, ladies, and gentlemen, in addition to the reasons, common to us all, there are personal reasons why this occasion should be a highly interesting one to me.

I was born and bred in southern Virginia not far from the spot where General Lee sheathed his sword forever, and General Grant exhibited a degree of magnanimity that has conferred upon his name as much honor as any of his remarkable military achievements.

My father was a captain in the Confederate service. At the beginning of the Civil War he organized an artillery company, and few places are more deeply impressed upon my memory than the field on his plantation where this company engaged in artillery practice before it became a part of the Confederate Army. I have often heard him say that when he reported for service to General Lee, at his headquarters on the South Atlantic seaboard, it seemed to him that he had never before seen such a handsome and impressive figure. So far as I can recall, I did not have an able-bodied relation who was not either an officer or private in the Confederate ranks. Perhaps the earliest of my childish recollections is that of an open army wagon loaded down with great loaves of bread on its way through the streets of Richmond to the Confederate battle front. I remember, as if it were yesterday, the tribute of commingled sorrow, reverence, and love that General Lee's death elicited from everyone in my boyhood home who was mature enough fully to realize what the passing of his great spirit meant.

Nor have I forgotten that the night that the news of General Lee's death reached us the sky was lit up by a superb display of the aurora borealis. Perhaps that was God's way of glorifying the entrance of General Lee into the Kingdom of Heaven, which, from his earliest years to his last hour, had been to him such a vivid and ever-present reality.

Some years later, I attended a private school maintained by Colonel and Mrs. Thomas H. Carter, at Pampatike, their home in King William County, Va. Of Colonel Carter and his lovely wife, I can only say that, as types of all that manhood and womanhood should be, I would stake the whole worth of the old Southern social order upon them without a moment's hesitation. He was a cherished kinsman of General Lee, whose mother, you will remember, was Annie Hill Carter, the daughter of Charles Carter, of Shirley, on the James River, and he was one of the most gallant and efficient officers in the artillery service of the Confederacy.

Worn out by the incessant attentions that his fame brought him at Richmond, it was to Pampatike that General Lee repaired, shortly after the close of the Civil War, on his celebrated horse Traveller, which had borne him throughout that struggle, to spend some days of restful happiness with Colonel and Mrs. Carter.

They had three young children at that time, a son and two daughters, all of whom, as children were wont to do, soon became infatuated with General Lee; and it was to Pampatike, too, later on, that Robert E. Lee, jr., the youngest son of General Lee, went for a wife when he married Juliet Carter, one of the two daughters of Colonel Carter, whom I have just mentioned.

It makes us all, I am sure, feel nearer to General Lee when I recall the fact that Baltimore entered, in one way or another, into his life, also. Before the Civil War he was, as one of the Engineer officers of our Army, assigned to the task of supervising the construction of Fort Carroll, in the Patapsco, and, for some three years, while engaged in this task, he resided in a house on Madison Street, three doors above Biddle.

His sister, Anne, married a Baltimorean, William Marshall, who was an earnest Unionist during the War. Indeed, his son became an officer in the Union Army. Situated as Mrs. Marshall was, it is not surprising that she should have been subject, at times, to conflicting emotions. She felt that her husband and son, and the cause in which they were enlisted, had the first claim upon her sympathies, but, nevertheless, she is said to have responded, on one occasion, to the call of her brother's blood and her own admiration for him sufficiently to affirm, "After all, they will never whip Robert."

Both before and after the Civil War General Lee became closely enough associated with Baltimore to form many friendships among its people. One of his riding equipments was a present from Baltimore ladies. In a letter to his daughter Agnes, written in 1868, when she happened to be in Baltimore, he said: "You must remember me to all my friends—the Taggarts, Glenns, McKims, Marshalls, etc." In another letter, written to his wife in the succeeding year, he tells her as an item of interest to her that he had just met their friends, Mr. and Mrs. Charles Ridgely, of Hampton, at the White Sulphur Springs.

Rarely in his life was he ever accorded such a series of ovations as he received in Baltimore after the Civil War, when he visited our city in the interest of the Valley Railroad Co. Upon its becoming known that he was attending a Sunday morning service at St. Paul's Church, on Charles Street, a great concourse of human beings gathered in the streets about that church and waited patiently and silently until he issued from its portals. Then all heads were bared and kept uncovered until he passed out of sight.

And how can I permit this occasion to go by without referring to the gallant body of Marylanders who shared the fortunes of the Confederacy in hours of both victory and disaster and stand out from the canvas of the Civil War even more prominently than they would otherwise have done, because the State of Maryland never seceded from the Union, and their devotion to the Confederate cause consequently could be nothing but the pure, unselfish, voluntary offering of their own brave, zealous hearts? There were few more admirable officers in the Confederate service from Generals Arnold, Elzey, and Bradley T. Johnson, both men of Maryland birth. And what Baltimorean who is fortunate enough to have known such men as Harry Gilmor, Stuart Symington, McHenry Howard, Myer Block, Fielder Slingluff, and John Gill can doubt that the great majority of the individuals who found their way into the Confederate service from Maryland were representative of all that was best in her martial spirit?

And I say without hesitation that, among all the Confederate soldiers who left this ancient Commonwealth of ours to risk their lives on the battle field in behalf of a cause that they cherished more deeply than life itself, there was no braver paladin, no more generous or chivalrous preux chevalier than our aged friend and fellow townsman George C. Jenkins who, happily for us all, has lived long enough to lend to our Stratford movement the invaluable support of his honored name.

I lack the time this evening, of course, to speak fully of the military genius of General Lee. His supreme task was to defend Richmond, the capital of the Confederacy. This, with instinctive sagacity, he saw that he could not successfully do except by combined defensive and offensive operations; and it is hard for the military critic to say in which of these two fields of activity his leadership most excelled. When on the offensive his onset was so impetuous and unfaltering as to lead one of his lieutenants, Longstreet, to say that his failing as a general was "headlong combativeness." On the other hand, when on the defensive he was so wary and circumspect as sometimes to be charged with excess of caution.

What he was as an aggressive commander at his best Chancellorsville will testify; what he was as a defensive commander at his best Fredericksburg and the bloody terrain between Spotsylvania Courthouse and Petersburg. Suffice it to say that, before he was subdued by overwhelming numbers and resources, the brave and splendidly equipped Army of the Potomac had to undergo five changes of leadership and finally pass under the command of an able and resolute general who could not himself vanquish him except by adopting the settled policy of exchanging two lives for one.

But why pursue this line of observation further? To realize what General Lee was as a great military captain it is not necessary for us to turn to the partial estimates of southern writers or orators. What the Army of Northern Virginia became under his fashioning hand we have been told in highly graphic words by Swinton, the Federal author of the History of the Army of the Potomac: "Nor," he says, "can there fail to arise the image of that other army of the Potomac, and—who that once looked upon it can ever forget it?—that array of bright uniforms and bright muskets—that body of incomparable infantry, the Army of Northern Virginia, which for four years carried the revolt on its bayonets, opposing a constant front to the mighty concentration of power brought against it; which, receiving terrible blows, did not fail to give the like and which, vital in all its parts, died only with its annihilation."

Theodore Roosevelt, who was no friend of Lee's cause, affirms, in his Life of Thomas H. Benton, that Lee will undoubtedly rank as, without any exception, the greatest of all the great captains that the English-speaking people have brought forth. And only recently Major General Sir Frederick Maurice, the distinguished English soldier, in his book on Lee, the Soldier, has declared that to the names of Alexander the Great, Hannibal, Cæsar, Gustavus, Turenne, Eugène, and Frederick the Great, whom Napoleon deemed the most instructive masters of the military art, the name of Robert Edward Lee must be added.

When General Lee said to the soldiers, who gathered about him at Appomattox, after the surrender, "Men, we have fought through the war together. I have done my best for you," they heaped upon him the impassioned tributes of love and confidence that they did, because, knowing, as no one else could know, the direful odds against which he had contended, they felt in their heart of hearts that his best could not have been bettered by anyone, be he who he might.

One of the most striking proofs of Lee's genius for war is found in the fact that he was always regarded by his men with feelings little short of adoration. Thousands of them, as Colonel Marshall, his accomplished military secretary, has told us, adhered enthusiastically to the southern cause, not so much because it was the southern cause as because it was General Lee's.

Great as was General Lee as a soldier, he was equally great as a man. "He," Colonel Marshall testifies, "brought to the narration of his achievements a devotion to truth and an utter forgetfulness of self that made me lose my admiration of the great soldier in my reverence for the excellence of the man."

Of his social and moral traits, it is difficult to speak too highly. No one, it may be remarked, has certified to them in more striking terms than those two able and accomplished men, Charles Francis Adams and Gamaliel Bradford, both New Englanders.

His features were high-bred and noble. The general effect of his entire physique and carriage was such as to clothe him with every attribute of manly dignity and beauty. When on horseback he was, it has been said, the very picture of grace and power.

Col. William Preston Johnston, who was a member of the faculty of Washington and Lee when General Lee was its president, tells us that no matter how long or fatiguing a faculty meeting might be, he always preserved an attitude in which dignity, decorum, and grace were united. There was a certain reserve about his nature, but none that was not entirely consistent with the strictest measure of consideration for the rights of others, even the humblest, or with any demands, however notable, of human loving kindness or tenderness, or with the play of keen, humorous instincts. To his invalid wife he was a devoted husband, to his daughters a second loving mother, and to his sons an ever-present help in hours of distress or anxiety. What he meant to friendship has been attested by one of his friends, the illustrious southern commander, Joseph E. Johnston, in singularly beautiful words: "We had," General Johnston said of him after his death, "the same associates who thought, as I did, that no other youth or man so united the qualities that win warm friendship and command respect, for he was full of sympathy and kindness, genial, and fond of gay conversation, and even of fun, that made him the most agreeable of companions, while his correctness of demeanor and language, and attention to all duties, both personal and official, and a dignity, as much a part of himself as the elegance of his person, gave him a superiority that everyone acknowledged in his heart."

Robert E. Lee, jr., mentions with pride in his delightful recollections of his father the fact that when General Lee lived in Baltimore he once heard two ladies agree that everybody and everything—his family, his friends, his horse, his dog—loved General Lee.

No wonder that his horse loved him, for in a letter to his son Robert he wrote that he had just returned home from the Mexican War by way of the Mississippi River instead of a shorter route because he wished to spare his chestnut, Grace Darling, who had undergone much suffering in his service, as much annoyance and fatigue as possible. When he heard his whistle, Traveller, no matter how excited or frisky, wheeled in his tracks and came running to him.

The penchant of General Lee for children has been the subject of innumerable pretty stories by innumerable fond mothers.

He took the keenest interest in everything that related to the love affairs of his kinspeople, friends, and acquaintances. His relations to women, young and old, was marked by that attitude of chivalrous deference which, despite many profound social changes in our time, still betokens, as nothing else betokens, the character of a true gentleman. Many touching anecdotes evidence his quick sympathy with the sick and the miserable.

His nature was entirely free from the taint of fanaticism or ascetic austerity; yet, above everything else, his whole life, in peace and war, was ordered by a profound religious faith which even in his casual letters finds expression at times in those rich cadences which belong to the language of religious feeling alone.

Writing once to his daughter-in-law, the wife of his son Fitzhugh, who had been recently wounded, he requests her to ask him to join them in supplication that God might always cover him with the shadow of His almighty arm. Writing on another occasion to his wife from the battle field about a visit that he had just received from his nephews—Fitz, the famous Confederate cavalry officer, John, and Henry—he says: "As soon as I was left alone I committed them in a fervent prayer to the care and guidance of our Heavenly Father."

But even in his relations to the safety of his sons he never forgot the letter or the spirit of his own noble utterances: "Duty is the sublimest word in the language"; "Human virtue should equal human calamity." When his son Robert approached him on the terrible battle field of Sharpsburg and asked: "General, are you going to send us in again?" "Yes, my son," he replied with a smile, "you must all do what you can to help drive these people back."

All together, it would be hard to conceive a life that moved on a higher plane of duty or was kept more richly refreshed by all the genial currents of human affection and benevolence. Not even the faintest stain has been left on his fair fame by scandal. Indeed, scandal has never even attempted to stain his name. He abhorred debt and was scrupulously honorable and upright in all his commerce with his fellow creatures. He was so insensible to danger that more than once on the battle field his soldiers had to force him back from situations involving his precious life in deadly peril. He was irreproachably truthful.

After reading much that has been said about him by friend and foe, and making due allowance for southern idolatry, I can not find that he had any shortcoming except, perhaps, that of occasionally falling asleep in church; and as to that, it is well to remember, as I once heard one of my father's friends declare, that a faithful parishioner can not evidence, in any more convincing manner, his implicit faith in the soundness of his pastor's doctrines than by slumbering while he is preaching.

Perhaps, the crowning virtue of General Lee was his magnanimity. He had one of those rare natures that are superior to either the elation of victory or the dejection of defeat. After his marvelous triumph at Chancellorsville, he wrote to his stricken lieutenant, Stonewall Jackson, that the victory was due to his skill and energy, and when he was rallying his broken legions at Gettysburg, he, with even nobler self-effacement, exclaimed to one of his excited officers: "Never mind, General, all this has been my fault."

The statement has been made by General Maurice, one of the closest students of Lee's career, that never in a public dispatch did he blame any one under his command. His comment in such cases, we are told by Colonel Marshall, was, that the responsibility for everything connected with his army was his. But never did this wonderful elevation of character attain to such a high level as during the years that followed the surrender at Appomattox.

Hardly had it taken place before General Lee was earnestly advising the southern people to submit patiently to the authority of the United States, and doing everything in his power, by speech and example, to heal the wounds and allay the passions of the Civil War, and to bring together the alienated sections of our common country into reestablished relations of unity and fraternity. Within two months of the surrender, he even applied to the Federal Government for the restoration of his civil rights; and whenever the occasion arose, he did what he could to persuade his comrades at arms, who thought of expatriation, to remain at home and help to restore the shattered fortunes of the South.

Actuated by these sentiments, he did not hesitate to decline an offer made to him by one of his English admirers of a country seat in England, and an annuity of £3,000; and how powerfully his whole bearing, after the Civil War, tended to foster real peace in the United States, no one better understood than General Grant.

"All the people, except a few political leaders in the South," he asserted, "will accept whatever he does as right, and will be guided to

a great extent by his example." Was there ever such a tribute paid to the moral ascendancy of a single individual?

When General Lee, putting aside the country seat in England and the handsome annuity which went along with it, and offer after offer from great business enterprises which sought to capitalize his fame by even larger salaries than that annuity, accepted the presidency of Washington and Lee at a compensation of $1,500 a year, and addressed himself for the remainder of his life to the task of educating not more by academic agencies than by his own inspiring character and conduct the youth of the war-worn and impoverished South, he rose, perhaps, to a loftier height than he had ever done upon the battle field.

And here again I say in speaking of General Lee as a man what I said when speaking of him as a soldier. In estimating exactly what he was we need not rely upon southern panegyric. Some of you I am sure have not forgotten that Lord Wolseley, the celebrated English soldier, once declared that he had met many of the great men of his time, but that Lee alone impressed him with the feeling that he was in the presence of a man cast in a grander mold and made of finer metal than all other men.

Manifestly, to think of General Lee at this day merely as a southern military chieftain is to belittle him; to give him a lower place in human history than that to which he is justly entitled. Since the Civil War the blood streams of all parts of our dear reunited country have twice patriotically mingled upon the battle field. North, South, East, and West are now knit together by closer ties of affection and mutual dependence than ever before in our history; and Gamaliel Bradford chose a happy and truthful title when he termed his charming book on Lee, "Lee, the American."

Of all the great men who were associated with the Civil War, Lee is the one whose fame most quickly became the cherished possession of every portion of the United States. The reasons for this are obvious. He was devotedly attached to the Union. He had no faith in the dogma of secession. He had given freedom to all his slaves. He did not resign his commission in the Federal Army until he found himself confronted with the alternatives of either resigning it or lifting his hand against his relations, his friends, and his acquaintances in his own native State; and when he resigned his act was attended by every token of sincerity and generous self-sacrifice that could accompany such an act; separation from cherished comrades; the loss of his home; the loss of his livelihood; the loss of his professional standing; the loss of his chances of professional promotion; to say nothing of the fact that he resigned after his stern sense of duty had proved equal even to the trial of declining the command of the Union Army. Then when he waged war he waged it with a degree of sedulous regard to the claims of humanity almost unexampled in the history of war. Moreover when war ceased so unreserved was his vow of renewed allegiance to the Union that on one occasion he is reported to have said to a lady whose heart cherished bitterness more readily than his: "Madam, don't bring up your sons to detest the United States Government. Recollect that we form one country now. Abandon all these local animosities and make your sons Americans."

Lee meant much to the South during the Civil War. It may be questioned whether he did not mean almost as much to the Union during the Spanish-American and World Wars.

In conclusion, may I not well ask whether any man, outside of the pale of religious enthusiasm, was ever worthier than this great and high-minded man to be deemed "a thing enskyed and sainted," to use one of Shakespeare's lovely phrases? And if there never was, why should not the people of Maryland, too, help to establish, with grateful hearts and generous hands, some shrine in perpetual memory of him, to which men and women, age after age, may go in the hope of acquiring at least some portion of his spirit? And what more appropriate shrine could there be than that ancient mansion at Stratford in which General Lee's eyes first reflected the light of day and which he was always so eager to purchase? It comes down to us from a remote era. It has a social and civic background equal to that of any house in our land. Not to mention General Lee himself, its roof has sheltered more celebrated individuals than any other roof, perhaps, in our country—Richard Henry Lee and Francis Lightfoot Lee, two of the signers of the Declaration of Independence; Dr. Arthur Lee, the diplomatic colleague of Benjamin Franklin; and Lighthorse Harry Lee, the father of General Lee and one of our most brilliant and daring Revolutionary officers. Its foundations are deeply and firmly laid; its walls are thick and solid; its architecture is strikingly original. Not far from its site is the wide and beautiful river which flows by the sacred tomb of Washington at Mount Vernon; round about it are the spaces, once given over to gardens, vineyards, orangeries, and lawns which could easily, with the proper expenditure of money and loving care, be made to bloom and bear and charm again.

Some years ago I took an active part in the movement which, happily, resulted in the establishment of the Jefferson Memorial Foundation at Monticello. I trust that we shall all live long enough to see Stratford consecrated, in a similar manner, to the renown of the famous soldier and stainless citizen, of whom the London Standard said, many years ago: "The fatherlands of Sidney and Bayard never produced a nobler soldier, gentleman, and Christian than Gen. Robert E. Lee."

THE SMALL COLLEGE IN HIGHER EDUCATION—ADDRESS BY FORMER REPRESENTATIVE B. G. LOWREY

Mr. STEPHENS. Mr. President, my successor in the House of Representatives was Hon. B. G. Lowrey. He was a Member of that body for eight years, during which time he made a splendid record as a statesman. He was ranking minority member of the Committee on Education in the House.

Doctor Lowrey has been recognized for many years as one of the leading educators of the South. He comes from a family which has done more for the cause of education than has any family of which I have any knowledge. Sixty years ago his father, Gen. M. P. Lowrey, established a college for girls at Blue Mountain, Miss. It was operated as a private institution until a few years ago at which time it was taken over by the Baptists of Mississippi. To-day it is recognized as one of the best schools for women in the entire country. Several of General Lowrey's sons, his daughter, and some of his grandchildren have devoted their lives to the cause of education. It would require a large volume to contain the history of the magnificent work done by them.

Recently Dr. B. G. Lowery delivered an interesting address in Chicago at the Liberal Arts Conference. His subject was The Small College in Higher Education in the South. I ask that it be printed in the RECORD.

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

The best statement that I have seen as to the service rendered by the small college is contained in an illustration given by that patriarch of educational advocates, Dr. A. E. Winship. He puts it something like this: A great hydroelectric plant like that at Niagara or Muscle Shoals can send out a current whose power will carry a train of 100 loaded cars over a steep mountain grade. Yet this is not the highest service done by the electric plant. Its full beneficent achievement is attained when the transformers and the small wires have carried the current into the villages, the hamlets, the shops, the factories, and the rural homes—to light the way for lone travelers on the village streets and country highways, to operate the little mechanical apparatus, to run the sewing machine and carpet sweeper for the tired and care-worn woman, and to keep the food in the refrigerator wholesome and palatable for the laboring man and his family. The small colleges are doing this universal distributing work in the field of education.

The splendid university with its many millions in equipment and endowment—a Yale, a Harvard, a Columbia, or a Princeton—is a mighty power plant in our country's educational system. These institutions start great currents of thought and investigation and of educational activity. But we must have the small colleges to carry the service down to the plain people and to the common activities of our country. And those who labor or who contribute money to the great cause of education should remember that the transformers and the wires need to be maintained as well as the power plants.

But let us lay aside the figure and discuss this matter for a few minutes in plain, literal speech.

It is possible for only a few of the young people of our great country to attend the large colleges and universities. Especially is this true in the States that are mostly rural and agricultural, and in those sections that lie far away from the centers of wealth, population, and learning. Hence we have many thousands of fine, sturdy, aspiring young people for whom the small college is the only opportunity, and who, as the Boston Transcript says, "Attend college because they really want to learn, and not particularly to distinguish themselves in the athletic fields and on the rivers." Dr. William Lyon Phelps, of Yale, says: "The small college does work that can not be done elsewhere, because it furnishes education to young men and women in the same locality who would grow up without it, for they can not attend a distant university." Again, speaking of these small colleges, Doctor Phelps says: "I regard their endowment an absolute necessity for the cause of education. I believe every dollar spent in assisting these small colleges to be a magnificent investment for the future manhood and womanhood and for the welfare of America."

Guy M. Walker, of New York, says: "It has been the large number of these small colleges, poor and struggling, scattered all over our country, that has produced the extraordinary diffusion of higher education through the American people." He then expresses the conviction that we need 1,000 of these small colleges, with $1,000,000 endowment each, scattered throughout the country.

Of course, when we use this oft-repeated expression "The small college," we are speaking in relative terms.

The college interests of our whole country are under an obligation just now to Dr. Albert Norman Ward, president of Western Maryland College, for the compact fund of information which he has given us in his valuable little pamphlet, Making Provision for the College of Liberal Arts, the Small College. If I properly construe the facts and figures which Doctor Ward has given us I should say that about 700 colleges are carrying nearly three-fourths of the 1,000,000 students now attend-

ing college in America. Hence, these institutions would have something like an average of 1,000 pupils. They would all be small compared to those larger institutions which carry from 6,000 pupils up to 40,000 each.

But I should judge that half of these 700 colleges have student bodies numbering nearer 500 than 1,000, which brings us to a group of colleges to which the term small would be still more strictly applied.

But, without any effort at definite specifications, I should like to make my plea for those public benefactors to which the Literary Digest refers as "The innumerable little colleges which exist at the cost of struggle, but are the salt of education." These schools are to be found in all parts of the country, but they are especially numerous and especially indispensable in those States of the South and West where both private and public finances depend almost entirely on agriculture, where agriculture for some years has languished almost to the point of collapse, and where there are very few men of millions to whose philanthropy appeal may be made for the support of needy institutions.

But this study will be entirely inadequate if we fail to observe at least two other direct and important relationships which these small colleges bear to the general scheme of American education:

First. They must be depended on to furnish the fit material for our schools of professional and technical training and for our great universities and graduate schools. We have come more and more to recognize the need of liberal education for the young man—or woman—who is to enter the school of law, of medicine, of theology, of engineering, of business administration, and so forth. Every small town and rural community needs intelligent men trained for these activities and there is an ever-increasing demand for such men and an ever-increasing number who seek such training. But for our "innumerable small colleges," where would these schools get their students for professional and technical training? And how could society be adequately supplied with these specially trained men? And, again, how could our great universities be supplied with that splendid body of graduate students through whom they are now rendering such signal service to the cause of higher education? Surely every professor in the universities will join William Lyon Phelps, of Yale, in declaring the endowment of these small colleges "an absolute necessity to the cause of education." If the graduate school wants more students and better students, it should aid in strengthening the small colleges; for even away down in the deep South, from which this speaker hails, there is scarcely a small college that is not sending students annually to the graduate schools of the North and the East.

Second. These small colleges are the hope and the dependence of the high schools and of popular education generally in many sections of this country. Permit the use of Mississippi as an illustration. Twenty-five years ago that State knew nothing in the way of a rural public school except the little "Schoolhouse by the road, a ragged beggar sunning." Then came the school-consolidation move. In every county of the State groups of these little one-or-two-teacher schools were consolidated. Districts issued bonds, erected good school buildings, and in many cases comfortable teachers' homes. Thus they established good thorough graded schools which in addition to their direct educational work served as helpful community centers. The State now has 1,000 of these consolidated schools and the little one-room schoolhouse with the one-teacher school is a rare sight in that State. So Mississippi will have perhaps fifty boys and girls graduating from high school in the year 1930 where twenty-five years ago she had one. This looks like a bright picture—and so it is; but it brings another very difficult educational problem: This increase in the number of high-school graduates means a corresponding increase in the number of boys and girls ready and anxious to enter college, and hence a corresponding demand for college facilities. It also means a very largely increased demand for standard college graduates to teach in these high schools. Unless the high school is standard it can not enter its graduates in a standard college; unless there is the requisite number of standard college graduates in this high school it can not be rated as standard; and unless the college is standard it can not furnish the teachers for these important high school positions. Therefore if we do not standardize our colleges there is a serious interference with our system of popular education—a missing cog that throws the whole machinery out of adjustment. These conditions do not obtain in Mississippi alone; other States have a similar situation. And this is the occasion of our urgent appeal to the wealth and philanthropy of the nation for the money to standardize and strengthen the small colleges.

Within recent years the associations of colleges have fixed standards as to endowment and equipment prerequisite to a standard rating—generally not less than $500,000 invested endowment. When this was first promulgated comparatively few of the southern colleges could meet even that small demand. But in fairness let it be said that many of these schools were carrying on nobly and doing very valuable work with no endowment at all. Immediately all these institutions were brought to face the proposition "endow or die," and all had to go at once upon their constituency in money-raising campaigns. This came, too, in the agricultural States of the South and West just when agriculture was languishing almost to the point of collapse and when conditions for raising money were just about the worst possible. Some of these colleges have raised funds sufficient to standardize them. Others have made good progress but have not yet reached the goal and are still in the struggle.

Doctor Ward points out in his pamphlet that at least 70 colleges in the United States have reached an endowment of $250,000 and amounts varying between that and $500,000. Here is a challenge. It occasionally happens that some one man gives to education in amounts from $5,000,000 up. Evidently there are as many as 25 of these 70 colleges that could now be carried over the top to standardization by a gift of $5,000,000 to the whole group. And $15,000,000 would evidently standardize all of the 70. And we have evidently 100 such institutions, all of which could be standardized by a donation amounting to $25,000,000. What widespread blessing some man might thus bestow and what widespread gratitude and honor he would thus bring to himself!

Finally, there is one other phase of this small college situation that should perhaps be mentioned. Most of these institutions are located in the country or the small towns and are patronized largely by people from the villages, the small towns, and the rural communities. O. H. Benson, who has done great service in country-life problems, states that in the last eight years $17,000,000,000 have been given for philanthropy, and practically every dollar has been to the advantage of the cities and to the disadvantage of the country and the country village. Practically all philanthropy, as he says, is so organized that farm people must go away from home to get the service of institutions, progress, universities, hospitals, and organized recreation. For eight years more than $2,000,000,000 a year has been available through philanthropy for education, social service, charities, and programs of cities. And practically none of it for anyone who will not go to cities to enjoy it and profit by it.

Surely when this situation is properly brought to public attention some men of millions and of large hearts will heed the cry and will meet this the most appealing need in our educational program.

THE BANK FOR INTERNATIONAL SETTLEMENTS—ADDRESS BY HON. MELVIN A. TRAYLOR, PRESIDENT OF THE FIRST NATIONAL BANK OF CHICAGO

Mr. HARRISON. Mr. President, I ask to have inserted in the RECORD an address delivered by the Hon. Melvin A. Traylor, president of the First National Bank of Chicago, who was one of two representatives of this Government sent abroad recently to set up the Bank for International Settlements. The address was made before the International Chamber of Commerce on April 28 of this year.

The VICE PRESIDENT. Is there objection?

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

Any prospectus of the Bank for International Settlements would be incomplete which did not review briefly the history of reparations negotiations covering the period from the armistice to the present time. Waiving consideration of the political aspects of the treaty of Versailles, it is now generally admitted that the economic features of the treaty, so far as they were definitive as to Germany's obligations, were entirely without the possibility of successful execution. In fact, the determination of the amount of the German indemnity was found utterly impossible at the time of the treaty, and that question was referred to the reparations commission appointed at the time, which was charged with the duty of making a careful investigation and report on the situation.

It was not until April 27, 1921, that the commission made its report, fixing the damages due from Germany at the total sum of 132,000,000,000 gold marks. By force of political circumstances Germany accepted this assessment on May 5, 1921. Her undertaking, however, to carry out this agreement was followed immediately by general disorganization of her economic life, resulting in the complete collapse of her currency and a consequent default in payments, which in turn was followed by the French occupation of the Ruhr. The situation had become so hopeless late in 1923 as to convince even the creditor powers that the question of reparations could never be settled exclusively in the field of politics. This decision was followed by the first agreement among the creditor powers to refer the entire subject to a committee of experts, to be as far removed from the influence of political life as possible.

Accordingly a group of economists and business men was assembled early in 1924 at Paris, which soon became known as the Dawes Commission, so named in honor of its chairman, Gen. Charles G. Dawes, of Chicago. Perhaps no clearer picture of the atmosphere in which this committee met, and the spirit in which they undertook their task can be found than is contained in their report wherein they said:

"We have approached our task as business men, anxious to obtain effective results. We have been concerned with the technical and not the political aspects of the problem presented to us. The aim of our plan is to take the question of what Germany can pay, out of the field of speculation and put it in the field of practical demonstration; to facilitate a final and comprehensive agreement upon all problems of reparations, and connected questions, as soon as circumstances make this possible."

Since our discussion is to concern itself primarily with the report of the Young committee and the Bank for International Settlements, it may be well here to quote from the report of the Young committee, whose task was not unlike that of the Dawes committee. The Young committee, quoting the above paragraph from the Dawes committee, said:

"It is in this spirit that the present committee have addressed themselves to the task of rounding off the work of their predecessors, which was advisedly left incomplete.

"We have attempted this completion by determining the number and amount of the annuities, and by providing for the conversion of the reparations debt from a political to a commercial obligation."

They further said:

"The Dawes report made no attempt to establish the causes leading up to the situation which its provisions sought to ameliorate. In adhering to this precedent, we have attempted to go further, and through the proposed creation of a machinery which we recommend, to set up an institution whose direction from the start shall be cooperative and international in character, whose members shall engage themselves to banish the atmosphere of war, to obliterate its animosities, its partisanships, its tendentious phrases, and to work together for a common end, in a spirit of mutual interest and good will."

Thus it will be seen that both the Dawes and the Young committees approached their task genuinely within the spirit of the mandate which brought them into being; that is, that the settlements they should recommend should be concluded wholly within the sphere of economic experience, divorced entirely from the passions and prejudices of political life.

How effectively these committees worked, and how sound was the program they evolved is clearly evident from the success which has attended their recommendations. It is true that the Dawes plan was incomplete in certain of its details, and in other respects not calculated in its operations wholly to satisfy the conditions of a final settlement. In fact, it was not considered by the committee, the creditors, or Germany as a final solution, but as the best—as it undoubtedly was—that could be evolved at the time. A short review of its provisions is essential as a background for the work of the Young committee, and the development of the Bank for International Settlements.

Under the terms of the Dawes plan, Germany agreed to pay by way of reparations a minimum annual sum of 2,500,000,000 marks by the end of the fifth year of the plan, or in 1929. To this sum might be added an additional amount based upon the operation of the so-called index of prosperity, set out in the plan. To secure payment of this annuity by Germany, the German railways were subject to a mortgage in favor of the creditors of 11,000,000,000 gold marks, German industries were likewise subject to a mortgage of 5,000,000,000 gold marks. In addition, German customs, including revenues from alcohol, tobacco, beer, and sugar, were pledged, together with a special transport tax. The Dawes plan also provided for the reorganization of the Reichsbank, the German bank of issue.

To effect the operation of the plan, there was imposed upon Germany what amounted in reality to what we understand as a creditors' committee receivership; that is, an agreed receivership outside of court. This committee, representing the creditors, included an agent general for reparation payments, who had entire charge of the enforcement of the provisions of the Dawes plan. Under the agent general was a railway commissioner in charge of the operations of the German railways; seven directors of the Reichsbank, represented by a bank commissioner with effective veto power in important directions; and a commissioner for the so-called controlled revenues. All these important positions were filled by foreigners, under the terms of the plan, and, in addition, the soldiers of certain of the creditor powers were to remain on German soil.

It requires no great stretch of the imagination to appreciate that such an organization—however skillful and diplomatic—could not long continue to conduct the important functions assigned to them in German economic life, on a basis compatible with the dignity and self-respect of a great nation of 60,000,000 people. We have only to consider what our own reaction under such circumstances would likely be to understand that Germany would become increasingly desirous of attaining at the earliest possible moment, freedom from these political controls, and the assumption again of her political and economic sovereignty and integrity.

The provisions of the Dawes plan were, however, unsatisfactory for other reasons, both to the creditor powers and to Germany. In the first place, the Dawes committee did not undertake to settle definitively the total sum which Germany should pay. This was unsatisfactory to both parties to the agreement. The plan necessarily further lodged arbitrary powers with the agent general for reparation payments with respect to the transfers of annuity payments from Germany to the creditors; and so long as this authority continued and so long as one of the duties of the agent general was the protection of the German currency and German economic life as a whole, the creditors were uncertain not only as to the total amount they would receive from Germany, but also as to the time of its payment. These conditions primarily, with collateral uncertainties, led to an agreement between the creditors and Germany in the fall of 1928 for the appointment of another committee of experts which should undertake the final liquidation of all matters concerned with reparations and kindred subjects of controversy.

This latter committee met in Paris in February, 1929, and were in continuous session until June 30, 1929, when their final report—now generally known as the Young plan, in honor of the chairman, Mr. Owen D. Young—was signed. As pointed out in the quotation from the Young committee's report, they approached their task in the spirit of the Dawes committee, and conceived their purpose to be the final settlement of reparations upon a basis of economic and commercial determinations. Their task, however, was not an easy one, as evidenced by the time required by the committee to reach their final conclusions. It is no longer a secret, I believe, that the committee early found that it was likely to be less difficult to reach an agreement upon the amount that Germany should pay than to set up the machinery necessary to effectuate the details of the plan. Naturally Germany's desire was to secure again her political and economic independence, which could only be accomplished by the complete liquidation of the political and economic controls provided in the Dawes plan, and by the withdrawal of foreign troops from her soil.

The first work of the committee, therefore, was to find a substitute for the agent general for reparation payments and his staff of commissioners and committees. This search led to the proposal for an international bank which should take over all of the work previously performed by the agent general and his organization, and not discarded in the general agreement representing the subsequent work of the committee. Before stating in detail the committee's proposal with reference to the bank it is necessary, in order to gain a clear picture of the bank's functions, to contrast the provisions of the Young plan in their more important features with those of the Dawes plan.

Whereas the Dawes plan left the total amount of annuities unsettled, the Young plan embodies a definitive amount which is set at an average annual sum for the first 37 years of approximately 2,050,000,000 marks; with annual payments for an additional 22 years at an average figure of approximately 1,600,000,000 marks. The annual amount to be paid was also divided into two categories—a so-called conditional amount and an unconditional amount. The latter item was fixed at 660,000,000 marks, Germany undertaking the payment of this sum without any condition of default whatever. Of the remaining, or conditional amount, a certain portion decreasing annually and terminating at the end of 10 years, may be satisfied by Germany with deliveries in kind; that is, by the sale of material, service, etc. Germany also enjoys further safeguards with respect to the conditional annuities such as postponement of transfer, which it is not necessary here to discuss. In addition, the new plan provides for the cancellation of both the railway mortgage of 11,000,000,000 marks, and the mortgage on German industries amounting to 5,000,000,000 marks. Provision is also made for the surrender of the control of the pledged German revenues as outlined in the Dawes plan; the office of Reichsbank commission is canceled.

Having, therefore, fixed definitely the amount that Germany should pay and the terms of its payment, and having provided machinery which should remove all political controls for the collection and distribution of annuities, it is obvious that to Germany the Young plan embodied, among others, these distinct advantages over the Dawes plan: A definite amount to be paid; relief from the pledge of security for payment; liquidation of political machinery; economic independence; and by collateral agreement a withdrawal of troops from German territory. By the terms of the plan the creditor governments also secured distinct advantages, which included not only fixed annuities with an unconditional amount well within the ability of Germany to pay without default, and decreasing amounts by way of deliveries in kind, terminating at the end of 10 years; but more important than all, perhaps, the right under the plan of anticipating a part of the annuities by the sale of German bonds in the general markets of the world. This privilege is what is generally known as mobilization or commercialization of German annuities.

With this background it seems we have effectually answered the persistent inquiries of "Why a Bank for International Settlements?" While it is true that economists and bankers interested in the international movement of credit and commerce have at various times since the war discussed the question of some sort of an international bank, it is doubtful if such an organization would have come into being at this time except for and only because of the situation encountered by the Young committee in the early days of their work at Paris. Personally I feel that it is perfectly safe to say that except for the problems involved in the collection and distribution of reparations there would not be at this time an international bank; and that therefore the bank should be accepted, as in reality I believe it to be, an integral and necessary part of the liquidation of the entire question of reparations and related subjects, and that it is in no sense a reflection of the desire of international bankers or politicial intriguers to involve the world, and especially the United States, in some kind of a mysterious financial

oligarchy, which is to work to the advantage of any group or any nation or to the detriment of any other group or nation.

If we are correct in assuming that we have answered the query as to "Why the bank?" now, what of the query as to "What is the bank and what will it do?"

It may be asked, "Why was it necessary to set up the elaborate machinery of an international bank for the purpose of effecting the collection and distribution of German annuities?" I have frequently been asked this question, and have had pointed out the availability of the many European financial institutions which might properly have undertaken the functions in connection with reparations which are to be performed by the Bank for International Settlements. To suggest such a solution is to ignore the fundamental natural human reactions of all parties and governments involved. The privilege of acting as agent or trustee for the creditors or Germany under the existing circumstances was not one that any of the parties could yield to another without a sacrifice of prestige and position which none would be willing to make.

It was, therefore, necessary to set up an instrumentality as far removed as possible from the atmosphere of all political and national influence, and I personally believe that the Young committee was extremely wise in its decision to lay upon the central banks, or banks of issue of the respective countries, the responsibility for the organization and management of the Bank for International Settlements. It is perfectly obvious, whether we will it so or not, that in effecting the payment of reparations and the liquidation of interallied debts, there is involved a definite problem of the international movement of large sums which can not be effected without consideration of the currency and exchange position of the various countries involved. No group in the world is so familiar with the subject as are the responsible officers of the various banks of issue in the respective countries; and since the Bank for International Settlements is to receive and disburse German annuities it is especially fitting that it should be managed under the direction of the governors of the banks of issue in the countries affected.

The plan, therefore, provided that the governors of the central banks of the six participating countries and representatives from the United States which was represented unofficially and by invitation both on the Dawes and Young committees should appoint a committee for the organization of the bank. This committee met at Baden-Baden, Germany, on October 3, 1929, and finally concluded their work at The Hague, January 20, 1930.

What of their work? After all, theirs was the responsibility for providing the charter and laws under which the bank may operate.

It is well to keep in mind that the Young plan outlined in rather complete detail the more important features of the bank's organization, such as the capitalization; the board of directors, their composition and manner of election; certain functions of the bank with respect to the handling of annuities; and other provisions. But it was the organization committee's responsibility to bring the bank into existence and to chart its course in such manner as to safeguard not only the future of the bank but also the integrity of existing financial institutions, and, further, protect the interests and vested rights of all those interested in international finance, commerce, and industry.

Briefly, therefore, the bank is to have a capitalization of an equivalent of $100,000,000. It is to be located at Basle, Switzerland, and the capitalization will, therefore, be expressed in Swiss francs; in shares of a value of 2,500 francs, or, in round figures, $500. The stock of the bank has been underwritten in equal proportions by the central banks of issue of Germany, Belgium, France, England, and Italy; and by a consortium of banks in Japan, whose laws forbid the Bank of Japan to engage in such underwriting; and by a syndicate of banks representing the United States, our Government having declined to permit the Federal Reserve Bank of New York, which, under the terms of the Young plan, is identified as the bank of issue in the United States, to participate in the underwriting.

According to the terms of the Young plan, 56 per cent of the total capitalization must be subscribed by the seven participating countries. The remaining 44 per cent of the stock may be subscribed by other nations desiring to participate in the bank, and who are able to meet the provisions of the laws of the bank with respect to qualifications; they must have either a gold or gold-exchange currency. According also to the terms of the Young plan, only 25 per cent of the subscribed stock will be paid in at the time of the organization of the bank. Therefore the bank will begin operations as soon as the seven countries have paid in $14,000,000, which is 25 per cent of their subscribed capital of $56,000,000. If at the end of the term of two years the remaining 44 per cent of the stock which has been underwritten by the seven countries is not sold to other countries, the underwriting group will subscribe and pay in 25 per cent of any remainder not so distributed. Hence at the end of two years the paid-in capital of the bank, if no further calls are made, will be, in round figures, $25,000,000.

The stock is entitled to 6 per cent cumulative dividends, and after certain reserves are set up to a further participation in earnings not to exceed an additional 6 per cent. The stock of the bank has no voting rights. The right of voting, irrespective of what distribution may be made of the stock, remains at all times in the underwriting groups, which means the central banks of issue of all countries save the United States. It is interesting to note that, although the American underwriting group has the right to vote, the right of veto is lodged with the Federal Reserve Bank of New York on any question involving the interests of the United States. Thus it will be seen that the countries responsible for bringing the bank into existence will continue indefinitely to exercise control of the bank through the board of directors, which is to consist in the first instance of two directors from each of the seven countries, with an extra director each allotted to Germany and France during the period of reparation payments, or a total board of 16. Of these directors, one from each country shall be the governor of the central bank of issue, or his substitute, and the other his appointee, except in the case of the United States, where the directors shall be men selected by the underwriting group and not objected to by the Federal Reserve Bank of New York.

When, as, and if the remaining 44 per cent of the capital stock is taken by other countries desiring to participate in the bank, nine additional directors shall be elected by the board of directors from lists of nominees proposed by the respective countries. It is natural to assume that these additional directors will be of the same type and caliber as the governors of the central banks and their nominees. Thus will be brought together perhaps the most outstanding group of financial and business men on the board of any banking institution in the world—a board of directors, you may well say, in experience and ability far out of proportion to the relative size in assets of the institution which they are to manage.

What of the bank's functions, and what is it likely to do?

A great deal has been written and spoken on these points, and if one may judge by some of the comments, they have been made without an accurate knowledge of the facts. In the first place, it is only natural that the principal and primary function of the bank is that of acting as agent and trustee for the creditor governments in the collection of German annuities. Reduced to its simplest form, the German Government executes a certificate of indebtedness covering its entire undertaking to pay annuities, attached to which are coupons covering each annual payment, and divided as to the conditional and unconditional amounts. This certificate of indebtedness, which is nothing more nor less than the note or bond of the German Government, is lodged with the Bank for International Settlements, which undertakes according to the terms of a trust agreement entered into by the creditor governments and the bank, to collect and distribute the payments to be made by Germany in exactly the same manner that any financial institution in America would undertake a similar duty. There is absolutely nothing mysterious or unusual, therefore, in the primary function of the bank. For its service as trustee for the creditors, an agreement as to compensation was reached which those familiar with the subject feel certain will enable the bank to earn its fixed charges and dividend requirements.

In addition to acting as trustee for the interested parties, the bank also will act as agent for the creditors in connection with the issuance of the so-called reparation bonds, the function of the bank in this particular being limited to advice to the creditor governments on the question of appropriateness as to the time of issue of such bonds and the markets in which such bonds may be sold. The bank also will supervise the preparation of the bonds, and, as agent of the creditors, the negotiation of their sale, to underwriting groups. The bank will not be an underwriting participant, and will have no financial interest in, or make any profit from, such transactions save a flat fee for the work it performs, which is to be agreed upon at the time of each transaction. The bank, therefore, is not, as has been charged, an institution for the issue of any kind of securities which may be offered in the markets of the world to the detriment of any country. Aside from its reparation functions, what will the bank do?

It is perhaps well to note, first, what it may not do. Most important of all, it may not issue its own notes payable at sight or to bearer; that is, it will not attempt to introduce an international currency into the world. Consequently, it has no power to inflate or contract the world's available credit. It may not accept bills of exchange nor other credit instruments which might lead to inflation. It may not make advances to governments, thereby removing any possibility of its facilities being abused for the purpose of assisting governments to balance budgets, or for any other purpose. It may not open current accounts in the names of governments, thus preventing the extension of credit to governments by way of overdrafts. It may not acquire a predominant interest in any business concern, again eliminating the possibility of the use of the funds of the bank in any manner which might operate to the advantage of one country and the disadvantage of another. And, finally, it can not own real estate except for its immediate and private use

A careful study of these prohibitions will definitely reveal that the bank may not carry on operations in any field to the detriment of the stability of international commerce and finance; however, such a study does not seem appropriate or necessary here.

What, therefore, may the bank do other than to perform the functions of a trustee?

First of all, it must be operated in conformity with the policies of the central banks of issue concerned. It is limited in its investments to

such securities as are ordinarily available for purchase or discount by central banks of issue. These are described in more detail and are even more restricted than the securities available for purchase by our Federal reserve banks. It is further restricted as to the amount of obligations which it may purchase in the currencies of any one country. It may borrow from one central bank, and it may lend to another central bank, always within such restrictions as may be imposed by the board of directors. Considering the size of the bank in relation to the principal central banks of the world, it is not to be supposed that this function will be availed of frequently, or in any considerable degree. Although it may buy and sell gold, it does not seem likely that the bank will ever find any excuse for dealing in or holding any large amounts of the precious metal, for it does not have the right of issuing its own currency, its earning assets will be limited, its liabilities will be represented largely by demand deposits, and, moreover, gold itself is a nonearning and dead asset.

Under certain restrictions which I shall mention later, it may open accounts with central banks and bankers in other countries, who may in turn open accounts with the International Bank, and it may operate a gold settlement fund under rules and regulations to be approved by its board of directors. In my opinion, this last function offers the only field in which the bank is likely at any time soon, to undertake an important operation outside the sphere of reparations.

Those who are familiar with the operation of the so-called Federal reserve gold settlement fund will readily understand the effect of the operation of such a fund by the Bank for International Settlements. Whether its activity in that direction will benefit international commerce and finance may be a debatable question. Some have expressed doubt, even actual fear, of such an undertaking. It is generally admitted, I believe, that the successful functioning of a gold settlement fund would reduce the gold points—that is, would tend to stabilize the fluctuation in international exchanges. This would seem to be a desirable attainment, beneficial to all who are interested in world trade and world finance.

These in brief are some of the more important functions of the bank, aside from its reparations activities. But these, and all other activities of the bank are subject not only to the discretion of the board of directors but also to the veto clause upon the operations of the bank, which is lodged with the central banks of the countries concerned. This section of the statutes of the bank is of such significant and broad application that I believe it well to quote it here:

ARTICLE 20

"The operations of the bank shall be in conformity with the monetary policy of the central banks of the countries concerned.

"Before any financial operation is carried out by or on behalf of the bank on a given market or in a given currency the board shall afford to the central bank or central banks directly concerned an opportunity to dissent. In the event of disapproval being expressed within such reasonable time as the board shall specify, the proposed operation shall not take place. A central bank may make its concurrence subject to conditions and may limit its assent to a specific operation, or enter into a general arrangement permitting the bank to carry on its operations within such limits as to time, character, and amount as may be specified. This article shall not, however, be read as requiring the assent of any central bank to the withdrawal from its market of funds to the introduction of which no objection had been raised by it.

"Any governor of a central bank or his alternate or any other director specially authorized by the central bank of the country of which he is a national to act on its behalf in this matter shall, if he is present at the meeting of the board and does not vote against any such proposed operation, be deemed to have given the valid assent of the central bank in question.

"If the representative of the central bank in question is absent, or if a central bank is not directly represented on the board, steps shall be taken to afford the central bank or banks concerned an opportunity to express dissent."

Thus it will be seen that, no matter what may be the conclusion of the board with respect to any transaction to be effected in any country, such an operation can not be carried out if the central bank of the country affected signifies its objection. This is of especial importance at this time when it is being alleged that America is to be flooded with succeeding issues of German obligations in amounts so large as to threaten our credit structure, deplete our gold reserves, and otherwise destroy our economic prosperity. Assuming that it would be the disposition of the majority of the board of directors of the bank to carry on such operations, which assumption would not be warranted by the facts, we would have to assume, further, that the governor of the Federal Reserve Bank of New York would not object to such a program before we can believe that such a procedure is even within the realm of possibility. If the expressed language of the statutes means anything, and if the covenant of the world's leading governments who have ratified these provisions of the statutes is more than a scrap of paper, if the governor of the Federal Reserve Bank of New York should object to such a transaction or any other transaction, "then the proposed operation shall not take place." Probably never before in the history of international agreements has there been written such an all-inclusive veto power as is reserved to each and every participant in the international bank.

Therefore it seems to me that whatever may be the disposition or conclusion of the board in the years that lie ahead with respect to the functions or fields of operation of the bank, so long as article 20 of the statutes is preserved—and this section can only be amended by unanimous covenant between the contracting powers and Switzerland, which has chartered the bank—there can be no danger or threat of danger to the economic integrity or financial stability of any of the countries concerned because of any activity of the International Bank, which activity so far as it is applicable to such country may be by that country vetoed at any time.

I am making no attempt here to invade the realm of speculative possibility which has afforded the proponents and opponents alike of the bank a fertile field for prophecy as to what the bank may or may not do. I have endeavored to limit my statements to the development of the bank within the terms of the charter and statutes. I hope I have shown that the bank is not an international financial octopus, threatening the economy of any country, or of all the world; that by the nature of its organization and management it is not a part of or an adjunct to any other international group or association; that in fact it is at best a relatively small bank created by bankers to perform primarily a specific banking function, with powers lodged in its directorate for its development from time to time along well-defined and sound financial lines, and always subject to reservations and restrictions not imposed upon any other financial institution in the world. That the bank will in its growth and development become an important factor in our international life and secure for itself an abiding place in the hearts and affections of the peoples of the world I have a genuine faith.

I believe that if nothing more comes from its organization than the provision for a meeting place for the governors of the banks of issue of the principal countries in the world on whose shoulders rest the responsibility for the maintenance of sound financial structures within their own borders, and for the stability and free movement of the credit of the world, there will have been given to the world a guarantee which it has not had before—an assurance that the best intelligence in the world of finance and credit is being directed cooperatively toward the best interests of all concerned.

If I learned anything—and I learned much—from my association with the members of the committee for the organization of the bank, it was this: That whatever may be the differences in customs and practices; whatever may be the particular national viewpoint or the momentary national interest on subjects of banking, finance, and business, on underlying principles of economics, there is no difference in the viewpoint, or the conviction of an intelligent business man, no matter from what part of the globe he comes. And I shall always carry with me a conviction that each member of our committee was as sincere in his desire to accomplish for the whole the utmost good as was any other member; and that an intimate knowledge upon the part of the people of each nation of the problems and viewpoints of the people of other nations is a condition precedent to understandings and agreements between all peoples which shall have for their purpose the ultimate benefit and advancement of every one, everywhere. Without such understanding and appreciation of the elemental human reactions, international peace and good will is a dream impossible of realization. The international bank, through its board and its committees, is a forum for the development of such understanding.

REVISION OF THE TARIFF—CONFERENCE REPORT

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of the conference report on House bill 2667, to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

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

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. At what point will it be in order to make a point of order against the conference report?

The VICE PRESIDENT. After the motion to take it up has been agreed to.

Mr. HARRISON. Mr. President, of course I understand that the motion of the Senator from Utah is a preferential motion.

The VICE PRESIDENT. It is.

Mr. HARRISON. And that the Senator can make his motion. May I ask, What has the Senator in mind with reference to this matter?

Mr. SMOOT. Mr. President, the program I would like to carry out is as follows: The conferees have agreed upon all items with the exception of the amendments relating to silver; lumber; cement; the debenture; reorganization of the Tariff Commission; the McMaster amendment, providing that all information before the Tariff Commission be accessible to Senators; the cost of production investigation; and the flexible provision. Those eight amendments have not been agreed to in

conference. All the other amendments to the bill have been agreed to by the conferees, and I intended, and do intend, to ask, after the motion for the consideration of the conference report is agreed to, if it be agreed to, that all amendments concurred in by the House and by the conferees be agreed to by the Senate, and then I shall move that the Senate insist upon its amendments on the other eight items, and request a further conference with the House.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. SMOOT. I yield.

Mr. ROBINSON of Arkansas. Does the Senator from Utah intend to make the usual motion, to move to agree to the conference report?

Mr. SMOOT. Yes; that would be the substance of it.

Mr. ROBINSON of Arkansas. But the conference report does not embrace an adjustment on eight items.

Mr. SMOOT. That is correct.

Mr. SIMMONS. Mr. President, there were eight items upon which the conferees could not agree. It was agreed that those items should be submitted to the House for instructions to their conferees. I want to ask the Senator from Utah, since the House has acted, why can not the conferees meet again and see whether they can not come to an agreement upon these eight items? If we could do that, we might avoid two discussions of this report, and when we voted we would vote upon the whole conference report.

Mr. ROBINSON of Arkansas. Mr. President, may I say to the Senator from North Carolina that it is my understanding that there are certain items which, it has been understood for some time, will be brought back to the Senate.

Mr. SMOOT. I promised that, and that is what I am doing now; I am bringing them back.

Mr. SIMMONS. What I am desirous of doing is this: Those items are back from the House now, and we will see how many of them we may agree upon. Then there will be two which the conferees can not act upon until the report comes back. When it comes back to the Senate, let the Senate act, and then let the matter go back to the conferees for their action, so that when we discuss the conference bill we will discuss it with reference to all these items.

The conference bill might present a certain appeal if it had in it certain of these items which are disagreed to, which it does not present now. It might invoke opposition, if it had those in it, which it will not invoke now. I think we ought to try to see if we can not thresh the measure out in conference between the two Houses before we are called upon to vote upon the whole bill. Substantially we are called upon now to vote upon the whole bill with these items left out. After we have acted upon those items, it will come back here again and we will discuss the whole measure again.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from North Carolina a question?

Mr. SIMMONS. Certainly.

Mr. ROBINSON of Arkansas. Is it the Senator's opinion that some of the eight items might be worked out in conference?

Mr. SIMMONS. That is exactly what I meant to say.

Mr. ROBINSON of Arkansas. And might not require a separate vote in the Senate?

Mr. SIMMONS. That is it exactly. After the report comes back to the Senate on these fundamental items and we have instructed our conferees on them, then it is ample time to consider the report which is now presented.

Mr. LA FOLLETTE. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Wisconsin will state the point of order.

Mr. LA FOLLETTE. The Senate is not in order. There is so much confusion in the Chamber that Senators are utterly unable to hear what is going on.

The VICE PRESIDENT (rapping for order). The Senate will please be in order.

Mr. SIMMONS. What I am insisting upon is that we shall agree upon all items upon which it is possible to agree before we have any discussion upon the conference report. My own judgment is that a large number of those items, probably all except two, we may settle in conference.

Mr. SMOOT. We have already tried that. We had all eight items in conference and we could not agree upon them.

Mr. SIMMONS. We had them up, but the conferees on the part of the House wished to take the views of the House upon those eight items. They have taken the views of the House upon them. Now the items come back to the conferees and it is possible that we can agree upon six of them, leaving only two that will have to be brought back to the Senate. Instead of having two discussions of the matter, I simply desire to have just the one.

Mr. SMOOT. What I want to do is this: If we can agree upon the report covering all the items with the exception of the eight which I have mentioned, then I shall move that the Senate insist upon those eight amendments and ask a further conference with the House, and that conference no doubt will be granted. We have discussed those items already in conference. I promised the Senate that I should never yield upon two of those items until they were brought back to the Senate.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I yield.

Mr. DILL. Suppose the Senator's motion fails and the Senate refuses to agree to the report which has been submitted, what then will be the situation?

Mr. SMOOT. Does the Senator mean that part in which the House agreed to all but the eight items?

Mr. DILL. Yes.

Mr. SMOOT. The bill would be defeated.

Mr. DILL. The bill would be defeated?

Mr. SMOOT. I think so.

Mr. DILL. Would it not all go back to conference again?

Mr. SMOOT. Perhaps it would and perhaps it would not. I do not know whether we could appoint conferees if a majority of the Senate were against it.

Mr. BARKLEY. Mr. President——

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

Mr. SMOOT. I yield.

Mr. BARKLEY. The vote on the entire bill may depend upon two or three Senate provisions. What is the object in rushing it in here and seeking to get an agreement on what the conferees have been able to agree upon up to this time, when the whole thing may depend upon the action of the Senate on two or three items in the bill which are to be considered hereafter?

Mr. SMOOT. The Senate and the House are not in disagreement on all the other items. The House has agreed to them, and now I have asked the Senate to agree to them.

Mr. BARKLEY. The Senate conferees and the House conferees are not in agreement.

Mr. SMOOT. They are on all items except the eight to which I have referred.

Mr. BARKLEY. In view of the importance of the amendments not yet agreed to by the conferees, on some of which there must be a separate vote in the Senate, and in view of the fact that there may be Senators whose vote on the bill as a whole will depend on the final action upon those amendments, what is the object in undertaking to have us agree to the items where there has been an agreement when the vote on the measure as an entirety may depend upon the vote on two or three items which have not yet been agreed to?

Mr. SMOOT. We will cross that bridge when we get to it. There is no disagreement between the conferees of the two Houses on all the items with the exception of the eight to which I have called attention. There is no disagreement otherwise than on those items.

Mr. BARKLEY. There can be no tariff bill passed until there is an agreement between the two Houses on the items now in disagreement.

Mr. SMOOT. That is true.

Mr. BARKLEY. Why not dispose of them at least in so far as it is possible to do so before taking up the bill as a whole?

Mr. SMOOT. Because of the fact that the House has disagreed to them and a further conference on those items will be asked.

Mr. BARKLEY. It may have been a wise piece of strategic maneuvering to get the House to vote on them first. It could only have been done by unanimous consent, and it was done in that way. The plan has been carried out in part by the House going on record and therefore putting the Senate in the attitude of being compelled to go along with the House or of undertaking to obstruct the passage of the bill. It strikes me we ought to make some effort to get together upon the obstruction to the passage of the tariff bill before undertaking to consider that part of it which is incorporated in the partial report now submitted to us.

Mr. SMOOT. What I am asking is that the Senate agree to the items which have already been agreed to by the House. So far as those items are concerned, they have been agreed to by the conferees on the part of the Senate and the House, and they have also been agreed to by the House.

Mr. BARKLEY. Suppose the Senate disagrees to the conference report which has been voted on by the House, in so far as it is complete; then later suppose the Senate and the House

could not reach an agreement on the two large items which are in dispute, what would be the parliamentary situation then?

Mr. SMOOT. The bill would fail. We have to agree in some way or other before the bill passes.

Mr. BARKLEY. So that Members of the Senate then will be confronted with a situation where their vote upon the two items will determine whether or not there will be any tariff bill, and that is to be held over their heads as a sort of sword of Damocles by which they are to be induced to vote one way or the other, not on the merits of the bill but on the mere possibility of securing or not securing legislation.

Mr. SMOOT. That has to be done in the House and it has to be done in the Senate, whether it is done now or later. If the Senate votes against it, that settles it. It has to be voted upon, and what I think and what the conferees thought ought to be done is to agree upon all the items upon which the two Houses could agree. We could not agree upon the other eight items.

Mr. BARKLEY. It is entirely possible that a vote upon the conference report now by certain Senators interested in certain matters in the bill would be determined by the fate of that portion of the bill not yet agreed upon.

Mr. SMOOT. If they vote against it, that settles the whole question.

Mr. BARKLEY. It may and may not settle it.

Mr. WALSH of Montana. Mr. President——

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

Mr. SMOOT. I yield.

Mr. WALSH of Montana. I presume probably this is the same idea that has been advanced by the Senator from Kentucky, although I would like to put it in a little different way. I can see no purpose whatever in the Senator from Utah offering now the motion to agree to the conference report so far as the conferees of the two Houses are in agreement.

Mr. SMOOT. That is the usual way it is done.

Mr. WALSH of Montana. Yes; but it can be very readily understood that one would vote against that part of the report now, while if the Senate and the House agreed upon other items still in dispute he would be disposed to vote for it. I am in exactly that situation myself. If, for instance, the debenture and the flexible provisions as they were fixed in the Senate should be agreed upon by both Houses, I might vote for the conference report. If they are not, I shall vote against it. If they are excluded from consideration I shall be obliged to vote against the report. In other words, it is perfectly obvious that every man who votes upon a partial report votes without taking the whole measure into consideration.

I inquire of the Senator whether, in conformity with his pledge made to the Senate, the thing to do is to submit not the question of whether the partial report shall be adopted but whether the Senate shall insist upon those amendments?

Mr. SMOOT. The program I have mapped out would bring exactly the result the Senator wants.

Mr. WALSH of Montana. No; if the Senator will pardon me, he wants an expression from the Senate upon those items which are in agreement between the conferees, and of course that would entirely exclude consideration of the items that remain in disagreement.

Mr. SMOOT. It has been done in relation to every appropriation bill, I think, that has come up wherever there is a disagreement of any kind. The Senator remembers the Interior Department appropriation bill which was sent back to the House four times.

Mr. WALSH of Montana. Yes; I realize that that is the case, because as a general rule the Senate as a whole is not particularly interested in some particular items; but these are key items which are in dispute. They are so much in dispute that the Senator from Utah in charge of the bill pledged his word to the Senate that he would not change the attitude of the Senate with respect to that matter in the committee. That is a rare thing, and it is not done ordinarily; it does not ordinarily occur in connection with an ordinary appropriation bill or any other bill for that matter.

Mr. SMOOT. Oh, yes; they have that chance now. If the report now is agreed to and a request made for a further conference with the House to consider those eight items, I would not feel justified in agreeing to those eight items until I came here and had an expression of this body on the items.

Mr. WALSH of Montana. The strategy of this thing is perfectly apparent. Of course, individual Senators have particular items in the bill in which they are particularly interested. If we put up the bill without the controverted items in it, each one will be disposed to vote for the partial report now, and then when the other items come up they will be disposed, by reason of the vote before, to vote in such a way as will pass the bill; whereas now those who attach the greatest measure of importance to the disputed items will be obliged to vote against the partial report, whatever they may think about that particular part of it.

Mr. SMOOT. I can not see that at all.

Mr. WALSH of Montana. In order to get the right expression from the Senate with respect to this matter, and, as it seems to me, to carry out in good faith the pledge of the Senator, the thing to do is to take the attitude of the Senate now with respect to the disputed items.

Mr. BARKLEY. Will not the Senate have burned its bridges behind it if it votes now on this report as a partial report?

Mr. SMOOT. Not at all. This is done all the time here, and I can not see that a Senator would lose anything at all by it.

Mr. BARKLEY. We sometimes do things in the Senate that have not been done before.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

Mr. SMOOT. Certainly.

Mr. ROBINSON of Arkansas. May I make a suggestion to the Senator from Utah, as usual in the interest of facilitating the business of the Senate? I am satisfied that the motion he is making will be debated a very long time, and until some adjustment is reached at least respecting some of the excepted items. If the Senator wants to bring about a speedy conclusion of the already prolonged discussion respecting the tariff bill, the way to do it will be as suggested by the Senator from North Carolina [Mr. SIMMONS], namely, to take the sense of the Senate on the excepted items. I think he said there are eight of them. When that has been done, in all probability it will be easy to dispose of the motion which the Senator has now made or threatens to make.

Mr. SMOOT. My motion will be to that effect.

Mr. ROBINSON of Arkansas. I understand the Senator is pursuing the course that he usually pursues when a partial report is made, and that is to move an agreement to the conference report and then take up the other items; but it is made perfectly clear to the Senator from Utah by the Senator from Montana [Mr. WALSH] that the real gist of this controversy is in the excepted items, and that many Senators would be influenced in their votes respecting the final determination of the issue by the manner in which the excepted items are disposed of.

Now may I ask the Senator——

Mr. SMOOT. The Senate could vote against the conference report.

Mr. ROBINSON of Arkansas. I know what we have a right to do. We have a right to debate for 30 or 60 days the motion of the Senator from Utah to agree to the conference report, and then, if we defeat that motion, the bill is back in conference where it will probably be, if the Senator persists in the motion. I am wondering why the Senator objects to taking up the excepted items and reaching a conclusion concerning them before attempting to pass on the conference report?

Mr. SMOOT. I take it that the Senate has already reached a conclusion on those items; every one of them was put in the bill by vote of the Senate.

Mr. ROBINSON of Arkansas. That is certainly true; that is true of the hundreds of amendments that are already in the conference report, and that would be disposed of by the motion which the Senator has made. It is understood that at least two of the items have been reserved by the Senator for an expression of the Senate's opinion concerning them, and the other six constitute hotly disputed questions. I am wondering why the Senator does not accept the suggestion in the interest of facilitating the business of the Senate and getting a final conclusion of this bill, which has already been here so long that the memory of man runneth not to the contrary.

Mr. SMOOT. I am anxious only to hasten the conclusion of the legislation.

Mr. ROBINSON of Arkansas. The motion made by the Senator will not hasten the conclusion of the legislation; I am convinced of that.

Mr. SIMMONS. It will not; it will prolong it.

Mr. ROBINSON of Arkansas. If I may point it out to the Senator, the discussion on the motion he has made will be greatly prolonged by reason of the fact that behind it are these exceptions, the action on which will really determine the attitude of many Senators on the bill as a whole.

Mr. SIMMONS. Mr. President, many Senators do not desire to vote on the question of agreeing to those items until they know what action will be taken on the items which have been reserved.

We have not as yet reached an impasse in the conference. We were confronted by a rather stubborn disagreement in regard to eight propositions, and only eight propositions, but,

as the Senator from Arkansas has pointed out, they are the vital things in the bill.

The House had never voted upon those items separately; the House had never had any discussion upon those questions separately; and there was a demand for a separate vote and for discussion upon them. So they went back to the House for that purpose. The House has now acted; and there is not any trouble about the conferees getting together this afternoon and endeavoring to come to an agreement upon all of the items, except the two which have been reserved and which are so fundamental that the Senator promised to bring them back to the Senate before he would yield. We can advance that far. We have not reached an impasse. The question before the Senate will then be whether we shall stand by or recede from the two fundamental propositions; but do not let us in the meantime get into a general discussion as to the merits and the demerits of the bill. If the question is presented as proposed in the motion of the Senator from Utah we will have to discuss, and we will discuss at great length, I suggest to the Senator, the question of whether we will agree to the other amendments until we know what is going to be done as to the reserved items. I do not want to delay; I want to help the Senator to get through with this bill as quickly as possible, and I think he can call the conferees together and we can make progress.

Mr. SMOOT. Mr. President, after the House had voted upon these items it did not send the bill over here and ask for a conference at all. The House voted, but took no other action at all; and in order to secure action, the Senate must act, and that is what I am trying to do.

Mr. SIMMONS. My understanding does not agree with that of the Senator. My understanding is that the House acted upon the eight items, leaving the bill right where it was when it left the conference.

Mr. SMOOT. The Senator is mistaken. Mr. Beaman tells me that there was no action taken by the House other than voting on certain items.

Mr. HARRISON, Mr. COPELAND, and Mr. SWANSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah yield; and if so, to whom?

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

Mr. HARRISON. Mr. President, why can not the Senator carry out his pledge to the Senate and move that the Senate insist upon its amendments still in disagreement and ask for a further conference—that will send the items back to conference—and withhold his partial report, because the Senator can see that if he insists on the adoption of the partial report it will be here for six weeks or longer, for there are some of us who are not going to stand for a vote, if we can prevent it, until the other items shall have been agreed upon.

Mr. SIMMONS. And we will not make any headway by agreeing to a partial report.

Mr. SMOOT. Mr. President, I want the Senate distinctly to understand that I have no pride whatever as to how this bill should get back into conference. If the Senate prefers that I should proceed in that way, I will move now that the Senate insist upon its amendments still in disagreement, and ask for a further conference with the House. I am perfectly willing to do that, but I desired to secure some action, and I thought the method of procedure suggested was the proper way in which to secure it.

Mr. SIMMONS. I think the Senator now is suggesting a proper course.

Mr. SHORTRIDGE, Mr. COPELAND, and Mr. SWANSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah yield; and if so, to whom?

Mr. SMOOT. I yield to the Senator from California.

Mr. SHORTRIDGE. I wish to address a question to the Senator from North Carolina, who was one of the conferees. We understand that there remain some eight items in the bill still in disagreement?

Mr. SIMMONS. That is correct.

Mr. SHORTRIDGE. As to which the conferees can not or did not agree?

Mr. SIMMONS. As to which they have not agreed up to this time.

Mr. SHORTRIDGE. As to which they have not agreed, and as to two of them at least we were committed to bring them back to the Senate for further consideration.

Mr. SIMMONS. There is no reason why the conferees can not come to an agreement as to the others.

Mr. SHORTRIDGE. I am now about to come to my question. There are, then, at least six items as to which I infer the Senator thinks the conferees might——

Mr. SIMMONS. May.

Mr. SHORTRIDGE. Or may, without further instructions from the Senate, reach an agreement?

Mr. SIMMONS. That is true.

Mr. SHORTRIDGE. Which means, of course, that we would have to agree with the conferees on the part of the House.

Mr. SIMMONS. No; it would not mean that at all.

Mr. SHORTRIDGE. The House has spoken upon the subject.

Mr. SIMMONS. The Senate has also spoken.

Mr. SHORTRIDGE. I know, but as to the six amendments in question——

Mr. SIMMONS. On the six amendments in question both Houses have acted, and they are matters of controversy in the conference committee. I think the conferees probably might be or may be able to adjust those difficult problems.

Mr. SHORTRIDGE. But the House has not agreed to a further conference as to those six items; the House has spoken; and my immediate question is, merely to be advised, whether we can now go into a conference and agree to what the House has done?

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I yield, if I have the right to do so.

The VICE PRESIDENT. The Senator from Utah has the floor. Does he yield to the Senator from Arkansas to ask a question?

Mr. SMOOT. Yes.

Mr. ROBINSON of Arkansas. The Senator from California says that the House has not asked for a further conference. That is true, as I understand, but it has not as yet refused a conference. It is just as competent for the Senate to ask for a conference as it is for the House, and if either body refuses a conference it will bring about a very extraordinary and surprising condition.

Mr. COPELAND and Mr. SWANSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah yield, and if so, to whom?

Mr. SMOOT. I yield first to the Senator from New York, because he has been on his feet for some time.

Mr. COPELAND. Mr. President, I want to know, if the Senate insists upon its position, what does the Senator take that to mean—that we are insisting only upon the eight items which are in dispute?

Mr. SMOOT. That is a question, I will say to the Senator; that is one of the things that has bothered me.

Mr. COPELAND. It bothers me, too. There is in section 651 a repeal of the statute about the importation of cigars. That question has become a very live one in my State, as it has in Florida and other States. I want to know if this bill shall be referred back to the conference committee will the conference committee feel free to discuss this item and any other in the bill except the six disputed items?

Mr. SMOOT. No; that could not be done. The only way to accomplish that result would be to defeat the conference report as a whole. There is no dispute on the item referred to between the House and the Senate; and that item could not be again opened up by the conferees.

Mr. COPELAND. Mr. President, I want——

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Let one Senator at a time speak.

Mr. SIMMONS. Mr. President, it is not proposed, I will say to the Senator from New York, to open up the controversy as to any of the items upon which the conferees have agreed.

Mr. COPELAND. Does it mean, then, that the question is closed; that the Senate has no further right to insist upon the position it has taken in a matter such as I have mentioned?

Mr. SMOOT. The Senate can vote against the report; that is all.

Mr. COPELAND. And is there no chance to secure a modification?

Mr. SIMMONS. None; the conferees are foreclosed as to those particular items, and only the eight items are left for further consideration.

The VICE PRESIDENT. It is impossible to hear with so many Senators talking at the same time. Will the Senate be in order? To whom does the Senator from Utah yield?

Mr. SMOOT. I yield further to the Senator from New York.

Mr. COPELAND. I want to be clear, if I may, in regard to this matter.

Mr. SMOOT. I will say to the Senator now that the items which have been agreed to can not be reopened.

Mr. COPELAND. Opportunity is ended, then, so far as they are concerned?

Mr. SMOOT. Yes. Mr. President, what I am going to do now is to move that the Senate insist upon its amendments still in disagreement, ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate. That seems to be all we can do.

Mr. ROBINSON of Arkansas. That, I think, is what should be done.

Mr. SMOOT. I move that the Senate insist upon its amendments still in disagreement, ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah that the Senate further insist upon its amendments upon which the conferees of the House and the Senate have not agreed, and ask for a further conference, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to.

The VICE PRESIDENT. The Chair appoints the same conferees on the part of the Senate as have heretofore been appointed—Mr. SMOOT, Mr. WATSON, Mr. SHORTRIDGE, Mr. SIMMONS, and Mr. HARRISON.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. McNARY obtained the floor.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Washington?

Mr. McNARY. I yield.

Mr. JONES. I do not want to take the time of the Senator from Oregon, but I desire to present a conference report and move its adoption.

Mr. McNARY. If the Senator will withhold the report for a few moments I am anxious to have a determination reached as to the course the Senate shall pursue during the afternoon.

Mr. JONES. Will not the Senator allow me to have the conference report laid before the Senate for consideration this afternoon; it is privileged.

Mr. McNARY. Very well.

Mr. JONES. I present the conference report on the Interior Department appropriation bill and move its adoption.

The VICE PRESIDENT. Does the Senator from Oregon yield for that purpose?

Mr. McNARY. I yield.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R 6564) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 7, 89, 95, 106, 107, and 126.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 76, 77, 78, 79, 83, 84, 85, 86, 87, 91, 92, 93, 94, 96, 99, 100, 103, 104, 105, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, and 124, and agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "For two hundred and fifty pupils, $76,250"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagrement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,250"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,093,250"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That this appropriation shall not be subject to the limitation in section 1 of the act of May 25, 1918 (U. S. C., title 25, sec. 297), limiting the expenditure of money to educate children of less than one-fourth Indian blood: *Provided further*, That not to exceed $1,800 of this appropriation may be expended in the printing and issuance of a paper devoted to Indian education, which paper shall be printed at an Indian school: *And provided further*"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: On page 59 of the bill, line 12, strike out "$256,700" and insert in lieu thereof "$266,700"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,297,538.46"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "thirty"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: " : *Provided further*, That the Secretary of the Interior is authorized to sell at not less than the appraised valuation transmission lines, substations, and so forth, no longer needed for construction, operation, and maintenance of the project"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,789,800"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment insert, after the word "monuments," the following: "evidence of title thereto to be satisfactory to the Secretary of the Interior"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 98 and 102.

W. L. JONES,
REED SMOOT,
L. C. PHIPPS,
WM. J. HARRIS,
KENNETH McKELLAR,
Managers on the part of the Senate.

LOUIS C. CRAMTON,
FRANK MURPHY,
EDWARD T. TAYLOR,
Managers on the part of the House.

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

Mr. ROBINSON of Arkansas. Mr. President, I inquire of the Senator in charge of the conference report whether it represents a complete agreement?

Mr. JONES. There is one amendment which the House conferees have to take back to the House; but otherwise it is a complete agreement. Of course, the conference report shows the one item which is still in disagreement.

Mr. ROBINSON of Arkansas. It is a complete agreement with the exception of one item?

Mr. JONES. It is.

Mr. ROBINSON of Arkansas. I think the Senator should make a statement briefly explaining the conference report.

Mr. JONES. I shall do so, briefly.

Mr. President, this is in fact a complete agreement upon the part of the conferees; but there is one item with reference to a reclamation project in the State of Washington as to which, while the conferees agreed, under the rules of the House we have to report a disagreement. They will take the matter back to the House, and the House conferees will recommend its adoption there. That is the sense in which it is not a complete agreement. Then that involves a change in a total.

Those are the only two items upon which there is no agreement, according to the conference report. As a matter of fact, it is a full report, but with those two items having to go back to the House under their rules.

There was much interest, of course, in the item for food and clothing for the Indians. A supplemental estimate of $665,000 was sent down, and that has been agreed to by the House conferees.

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

Mr. JONES. I yield.

Mr. BRATTON. I have not had occasion to examine the conference report. I inquire of the Senator whether the amendment affecting some national monuments in New Mexico was accepted by the House?

Mr. JONES. The House receded from that amendment.

Mr. COPELAND. Mr. President, do I understand that the Indian children are going to be fed and clothed?

Mr. JONES. They are. We added $665,000 along that line.

Mr. COPELAND. I congratulate the Senator.

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

The report was agreed to.

INTERNATIONAL PETROLEUM EXPOSITION

Mr. BORAH. From the Committee on Foreign Relations I report back favorably House Joint Resolution 244, authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to be held October 4 to October 11, 1930, inclusive; and I call the attention of the Senator from Oklahoma [Mr. THOMAS] to it.

The PRESIDING OFFICER. Without objection, the report will be received.

Mr. THOMAS of Oklahoma. Mr. President, this joint resolution follows the form of joint resolutions heretofore passed each year. I think there can be no objection to it; so I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

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

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

THE CALENDAR

Mr. McNARY. Mr. President, it is my desire to adopt for this afternoon a program that will meet the convenience of the Senator from New York.

Mr. ROBINSON of Arkansas. Mr. President, we can not hear the Senator.

Mr. McNARY. The unfinished business has been laid before the Senate, and the Senator from New York, of course, desires to address the Senate upon his proposal. I was going to suggest, if it will suit his convenience better to start to-morrow at 12 o'clock, that I shall be glad to ask unanimous consent to take up the Calendar under Rule VIII for the consideration of unobjected bills. If there is objection to any bill, it will go over.

Mr. SHORTRIDGE. Beginning where?

Mr. JONES. Mr. President, I suggest to the Senator that I desire to take up the military appropriation bill to-morrow. I do not think it will take very long. I wanted the Senator from New York to understand that.

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

Mr. GILLETT. I object.

Mr. McNARY. I am not asking to proceed under Rule VIII; only with unobjected bills.

Mr. GILLETT. I do not think it is fair to Senators who are not present, and who might wish to object, who had no suspicion that bills on the calendar were coming up at this time, to take them up without any opportunity on their part to object.

Mr. McNARY. I intended to suggest the absence of a quorum if matters were in question, or if objection were made.

Mr. SHORTRIDGE. Mr. President, may I inquire of the Senator from Oregon where it is proposed to resume the consideration of the calendar?

Mr. McNARY. May I not suggest the absence of a quorum?

Mr. GILLETT. If that is done, Senators will come in and answer to their names and go right out. Nobody has any suspicion that the calendar is to be taken up this afternoon.

Mr. McNARY. It is frequent practice to take up the calendar in this way.

Mr. GILLETT. I do not think it is fair to Members.

Mr. McNARY. It is fair if we have a roll call.

Mr. GILLETT. A roll call does not really give any idea of what is proposed to be done.

Mr. McNARY. Mr. President, the rule of the Senate has always been to proceed in this way. We usually find Senators alert, willing, and anxious to attend to business; and if unanimous consent is requested, and a roll call is had, I know that all will be here who desire to attend the session. If, however, the Senator from Massachusetts desires to persist in his objection, of course, we will not have the calendar under consideration. Probably, to comply with his request, a week's notice should be given.

Mr. JONES. Mr. President, I suggest that we might have a quorum call, and then I have no doubt the Senate will be fully advised.

Mr. ROBINSON of Arkansas. Mr. President, I demand the regular order, whatever that may be, and whatever it may bring.

Mr. JONES. I suggest the absence of a quorum. Then I think we can get an agreement along the lines proposed by the Senator from Oregon.

The PRESIDING OFFICER. The regular order is the suggestion of the absence of a quorum. The clerk will call the roll.

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

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

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

Mr. McNARY. Mr. President, I am going to propound the unanimous-consent agreement that I had previously suggested; that we proceed with the consideration of bills on the Calendar under Rule VIII, applicable only to unobjected bills, commencing with Order of Business No. 445.

Mr. DILL. Mr. President, I understand that under that proposal no Senator can move to take up a bill that is objected to?

Mr. McNARY. That is it.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Oregon? The Chair hears none.

VALIDATION OF TITLE TO CERTAIN INDIAN LANDS

The first business on the calendar under the unanimous-consent agreement was the bill (H. R. 5283) to declare valid the title to certain Indian lands.

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

YANKTON SIOUX TRIBE OF INDIANS, SOUTH DAKOTA

The joint resolution (H. J. Res. 188) authorizing the use of tribal funds belonging to the Yankton Sioux Tribe of Indians in South Dakota to pay expenses and compensation of the members of the tribal business committee for services in connection with their pipestone claim was considered as in Committee of the Whole.

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

EDUCATION, MEDICAL ATTENTION, ETC., OF INDIANS

The bill (S. 3581) authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to enter into a contract or contracts with any State having legal authority so to do for the education, medical attention, and relief of distress of Indians in such State through the qualified agencies of such State, and to expend under such contract or contracts moneys appropriated by Congress for the education, medical attention, and relief of distress of Indians in such State.

SEC. 2. That the Secretary of the Interior in making any contract herein authorized with any State may permit such State to utilize, for the purposes of this act, existing school buildings, hospitals, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

SEC. 3. That the Secretary of the Interior is hereby authorized to perform 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 effect.

SEC. 4. That the Secretary of the Interior shall report to Congress on or before the first Monday in December of each year any contract or contracts made under the provisions of this act, and the moneys expended thereunder.

Mr. HAYDEN. Mr. President, I offer the amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 10, after the word "State," it is proposed to insert:

Provided, That this act shall not apply to the State of Arizona.

Mr. LA FOLLETTE. Mr. President, may I ask the Senator if he thinks such an amendment will be necessary, in view of the fact that prior to any action being taken looking to the adoption of this proposal concerning the State of Arizona, or any other State, action by the State legislature would be required?

Mr. HAYDEN. I am offering this amendment because I consider the bill to be in the nature of an experiment. I desire that the innovation be undertaken elsewhere than in my State.

Mr. LA FOLLETTE. I wish to suggest to the Senator, however, that it would require action by the Arizona Legislature; and it seems to me that it would be unfortunate to attach an exception of this kind to the statute. If there is any objection to any action being taken in Arizona, it could not be taken until the State legislature had acted upon the matter.

Mr. HAYDEN. I have so little faith in the policy, although I am willing to let the experiment be conducted elsewhere, that I prefer to have the State of Arizona excepted from the terms of the act.

Mr. BLEASE. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from South Carolina.

Mr. BLEASE. I should like to ask if this bill precludes the Congress from now helping Indians except by action of the legislature?

Mr. LA FOLLETTE. No; may I say to the Senator that all that this bill proposes is to authorize the Secretary of the Interior, in his discretion, to enter into contractual relations with certain State agencies where the legislature of the State has passed an enabling act providing for the extension of these services to the Indians through the agency of the State boards of health, education, and so forth.

As I pointed out to the Senator from Arizona, the act could not go into force and effect concerning any particular State until the legislature of the State had passed a bill providing for the inauguration of such service and the governor of the State had signed it.

Mr. BLEASE. In my State the legislature will not meet until next January. We have a situation down there amongst some of the Indians which should be met right away. Would the State be precluded from doing anything for those Indians until the governor and the legislature did act?

Mr. LA FOLLETTE. Oh, no, Mr. President; it would have no effect upon that at all and would not change the policy of the Government in handling any of these Indian matters in any State until and unless the legislature had acted and satisfactory negotiations had been conducted with the Secretary of the Interior. I hope, in the interest of properly drawn legislation, that the amendment offered by the Senator from Arizona will be rejected.

Mr. BRATTON. Mr. President, I inquire whether the Senator from Arizona will accept an amendment adding New Mexico along with Arizona?

Mr. HAYDEN. I shall be glad to accept that amendment.

The PRESIDING OFFICER. The Senator modifies the amendment.

Mr. McNARY. Do I understand the amendment now to include New Mexico?

Mr. HAYDEN. That is the fact.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona, as modified.

Mr. HAYDEN. Mr. President, in behalf of my amendment, permit me to say that there are more full-blood Indians in the States of Arizona and New Mexico than in any other two States in the Union. The Indians of Arizona and New Mexico are not educationally advanced, they are not rich Indians, they do not possess valuable lands containing oil and other minerals. They are a dependent people, and my judgment is that their future welfare can best be cared for under existing agencies of the Federal Government.

I further object to the passage of the bill, if the two States are not omitted from its terms, upon the ground that I fear the Federal authorities will apply pressure to the State authorities to induce them in some manner to come within the scope of the act.

This is in the nature of an experiment, admitted to be so. Let it be tried in California or elsewhere, and if it is successful, I have no doubt at all that the people of Arizona and New Mexico, through their legislatures, will petition Congress to change the law. But why force this kind of legislation upon two States which contain so large a number of full-blood Indians? I can not give my consent to the passage of this bill unless I have some assurance that the amendment will be included as a part of the measure as finally enacted into law.

Mr. BRATTON. Mr. President, I hope the Senator from California [Mr. JOHNSON], the author of the bill, and the Senator from Wisconsin [Mr. LA FOLLETTE], who reported it, will accept the amendment. Conditions among the Indians are different in different States. This experiment might be wholly feasible in one State and entirely unfeasible in another. I have no desire to interfere with the trial of the experiment in California or Wisconsin, and I appeal to the Senators to accept the amendment, and let the bill pass in the amended form.

Mr. JOHNSON. Mr. President, it is an impossibility for me to accept the amendment. The bill is wholly optional. I presume, under the unanimous-consent agreement, the passage of the bill may be stopped to-day by my friends on the other side objecting, but I can not consent to accepting the amendment suggested.

Mr. HAYDEN. I am most anxious that the Senator from California [Mr. JOHNSON] shall have every opportunity to secure the enactment of his bill which provides for carrying out a plan which has been suggested in his State. For that reason I am very reluctant to object to the passage of the bill.

Mr. JOHNSON. Permit me to say to the Senator from Arizona that the bill has no personal interest to me. The bill has been presented by the organizations in the State of California and the organizations in other States, which are interested in the Indians, in conjunction with the department itself. It is a bill which is thus presented, without any personal predilections on my part at all, and I do not feel that I am at liberty to accept the amendment.

Mr. HAYDEN. The Senator understands, of course, that the agitation for this bill originated in his State, that there are many worthy people in California who are anxious that his State shall have an opportunity to undertake this work. But, on the other hand, he should know that there is no demand for the enactment of this legislation in my State. I have never heard of anyone in Arizona asking for it, or of anyone who thought it would be applicable there. I may be actuated by an excess of caution, but if the Senator wants to place me in a position where I shall be compelled, in order to protect what I believe to be the best interest of the Indians of my own State, to prevent something being done which the people of his State are anxious to do, I shall reluctantly have to assume that position. I wish the Senator could see his way clear to accept the amendment and allow the bill to pass in the amended form. Then everyone would be accommodated. Legislation is enacted, as a rule, by compromise, and I am suggesting this to the Senator from California, in the nature of a compromise.

Mr. FRAZIER. Mr. President, will the Senator from New Mexico yield?

The PRESIDING OFFICER. The Chair will state to the Senator from New Mexico that we are now proceeding under the 5-minute rule.

Mr. BRATTON. I did not know I had the floor.

Mr. McNARY. I think it might be well for the Chair to also state that no Senator can speak longer than five minutes or more than once.

Mr. FRAZIER. Mr. President, I hope the Senator from Arizona will not insist on his amendment. This measure provides for what is in the nature of an experiment, as has been stated. California, I think, is about the only State that is in position to take advantage of it at the present time. If the experiment is not a success, if it does not work out satisfactorily, we will have plenty of time, it seems to me, to amend the measure before the State of Arizona or the State of New Mexico or any other State could possibly take it up.

Mr. HAYDEN. Mr. President, if the Senator will yield, under the statement of facts he has given, that the State of California is the only State which is prepared to undertake this experiment, why not accept my amendment and allow the bill to pass and see what the State of California can accomplish? Why insist upon rejecting the compromise I have offered, which would permit everything that is desirable or possible to be accomplished at once?

Mr. FRAZIER. Mr. President, there is a provision in the bill that no State can take advantage of it unless the legislature passes favorable legislation, and it seems to me that is a sufficient guaranty.

Mr. HAYDEN. I am most anxious to accommodate——

Mr. McNARY. Mr. President, in the interest of orderly procedure, permit me to say that the Senator has spoken five times, four times more than allowed by the rules. Will he not either object or let the bill go along? We want to proceed with the calendar.

Mr. HAYDEN. I am loath to do so, but if there is no other alternative, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will report the next bill.

R. A. OGEE, SR.

The bill (S. 3553) for the relief of R. A. Ogee, sr., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 2, to substitute the words "release from" for the words "receipt for," and on page 2, line 4, to strike out the word "receipt" and to insert in lieu thereof the word "release," so as to read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to credit to the account of R. A. Ogee, sr., of Maud, Okla., the sum of $2,076, representing the amount of the assessment against the allotted lands of said R. A. Ogee, sr., paid by the United States and reimbursable in accordance with the provisions of the act entitled "An act for the approving and payment of the drainage assessments on Indian lands in Salt Creek drainage district No. 2, in Pottawatomie County, Okla.," approved July 21, 1914.

SEC. 2. The Secretary of the Interior is further authorized and directed to issue to said R. A. Ogee, sr., a release from the payment of the amount of such assessment, and such release, when duly recorded by the recorder of deeds of Pottawatomie County, Okla., shall operate as a satisfaction of the lien of the United States on the allotted lands of said R. A. Ogee, sr.

The amendments were agreed to.

Mr. JONES. Mr. President, I would like to have a brief statement indicating just what this bill is.

Mr. THOMAS of Oklahoma. Mr. President, Mr. Ogee is an Indian. His land, when a drainage district was formed down there, was assessed for benefits in the sum of about $2,000. When the drainage ditch was built it was found that his land was damaged instead of benefited. He appealed to the department, and they recommended that his land be released.

Mr. JONES. Very well.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SEARCY WATER CO.

The bill (S. 3466) for the relief of the Searcy Water Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 4, to strike out the word "across" and to insert in lieu thereof the word "under," and in line 5 to strike out the words "at or near" and to insert in lieu thereof the words "about 2 miles northeast of," so as to read:

Be it enacted, etc., That the water-pipe line of the Searcy Water Co., Searcy, Ark., constructed under the Little Red River, Ark., about 2 miles northeast of the town of Searcy, Ark., be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by existing laws of the United States in such cases made and provided had been regularly obtained prior to the erection of said water-pipe line: *Provided*, That any changes of said water-pipe line which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owners thereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to legalize the water pipe line constructed by the Searcy Water Co. under the Little Red River near the town of Searcy."

WHITE RIVER BRIDGE, ARKANSAS

The bill (H. R. 10340) 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 Calico Rock, Ark., was announced as next in order.

Mr. LA FOLLETTE. Mr. President, in view of the absence of the junior Senator from Arkansas [Mr. CARAWAY], I suggest that this measure go over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

WHITE RIVER BRIDGE, ARKANSAS

The 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., was considered as in Committee of the Whole.

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

JOHN HEFFRON

The bill (S. 1683) for the relief of John Heffron was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy John Heffron shall be held and considered to have served honorably as a cook (first class), United States Navy, for more than 90 days during the war with Spain: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reason of this act prior to its passage.

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

JUDSON STOKES

The bill (S. 3407) for the relief of Judson Stokes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 5, after the word "Georgia," to insert the words "or to his wife in the event of his death," and in line 6 to strike out the figures "$5,000" and to insert in lieu thereof "$50 a month for 100 months from and after the approval of this act," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Judson Stokes, of Atlanta, Ga., or to his wife in the event of his death, the sum of $50 a month for 100 months, from and after the approval of this act, in full satisfaction of his claim for damages against the United States for injuries suffered when the vehicle which he was operating collided with a United States mail truck on October 30, 1928, near Atlanta, Ga.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHOCTAW AND CHICKASAW COAL AND ASPHALT DEPOSITS

The bill (S. 4140) providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I ask the Senator from North Dakota to explain briefly the purpose of this bill.

Mr. FRAZIER. Mr. President, this is a so-called department bill, drawn and introduced at the request of the Department of the Interior.

There are some 374,468 acres of land which remain unsold, in so far as the asphalt and coal deposits are concerned, on the reservation of the Choctaw and Chickasaw Indians of Oklahoma. It is felt that the land should be sold. It is appraised now, and can not be sold, as I understand it, below the appraised valuation. It would bring in money to the Indians, who are in need of funds. The department recommends it very highly, and the committee unanimously agreed to report the bill.

Mr. LA FOLLETTE. Mr. President, can the Senator from Oklahoma tell me whether this bill has the approval of the business committee of the Choctaws and Chickasaws?

Mr. THOMAS of Oklahoma. Mr. President, just a word in addition to what has been said by the chairman of the committee.

The Chickasaws and Choctaws have a very large amount of coal lands undisposed of. In former times the coal was profitable; the Indians could lease their coal lands and get some revenue from them.

During recent years the demand for coal has fallen off, so that the mines have closed down; there is not much of a demand for coal. The Indians are unable to understand why they are not getting any revenue from the coal lands. They think the lands ought to be sold, they want them sold, and this bill is acceptable to the Indian organization.

Mr. President, in my judgment, the bill is only a gesture, however. I am for the bill, but I do not think the lands can be

leased, I do not think they can be sold, even if the bill passes. But the Indians think they can be, and this bill simply gives the department the right to proceed to sell the lands if they can, and satisfy the demands made by the Indians.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. LA FOLLETTE. In the Senator's opinion, in the long run, will the interests of the Indians be fully protected under the terms of this bill, if it is passed?

Mr. THOMAS of Oklahoma. The department will not sell the lands unless they receive a fair price for them, but at the present time the coal lands are very unprofitable. Twenty-five years ago there was a national conference held for the purpose of devising means of saving and conserving our coal lands for future use; and at that time it was thought that our coal lands would soon be depleted, and the coal supply depleted. I do not think the lands are worth very much. I do not think they could be sold for anything, but the Indians think otherwise, and this is an effort to do something to satisfy the demands of the Indians that something should be done. I do not think the lands can be sold. The bill is to authorize the department to make an effort to sell them, and to sell them if they can. I think the property of the Indians will be conserved by the supervision of the department, whatever happens.

Mr. LA FOLLETTE. Does not the Senator think it is a very poor time to sell coal lands of this kind, in view of his statement concerning the present price? It seems to me the interests of the Indians would be better conserved by holding the land for a better market.

Mr. THOMAS of Oklahoma. It is my judgment that coal will become less valuable in the future than it is now. I think the day of coal is practically over, at least until the oil supply is exhausted. We may come back to coal after a while when the oil is gone, but the oil industry is putting the coal industry out of business for the time being anyway. The Indians for years have tried to get the Government to take the lands off their hands, but the Government does not see its way clear to do that. In other words, the Government does not have sufficient confidence in the future of coal lands to become interested in taking them over and holding them for an advanced price.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to sell the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Okla., and belonging to said Indian nations, the sales to be made under such rules, regulations, terms, and conditions as the Secretary of the Interior may prescribe not inconsistent with this act.

SEC. 2. That said coal and asphalt deposits shall be offered for sale in tracts to conform to the descriptions of the legal subdivisions heretofore designated by the Secretary of the Interior, and except as otherwise herein provided the sales of the tracts shall be at public auction, after due advertisement, to the highest bidder at not less than the appraised value: *Provided, however*, That in the discretion of the Secretary of the Interior, the tracts may be offered together as a whole and sold to the highest bidder for the aggregate at not less than the total appraised value, or any two or more of the tracts may be offered together and sold to the highest bidder for the block at not less than the aggregate appraised value of the tracts constituting such block: *And provided further*, That no limitation shall be placed upon the number of tracts any person, company, or corporation may acquire hereunder.

SEC. 3. That where any tract of said coal and asphalt deposits has been or may be offered for sale at two or more public auctions after due advertisement and no sale thereof was made, the Secretary of the Interior may, in his discretion and under such rules and regulations and on such terms and conditions as he may prescribe, sell such tract at either public auction or by private sale at not less than the appraised value: *Provided, however*, That the Secretary of the Interior may, in cases where the tracts remain unsold and the facts are found to justify, cause reappraisements to be made of such tracts and reoffer and sell such tracts at not less than the reappraised value.

SEC. 4. That when the full purchase price for any property sold hereunder is paid, the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation shall join in executing to the purchaser an appropriate patent conveying to the purchaser the property so sold, said patent to be subject to approval of the Secretary of the Interior.

SEC. 5. That in cases where tracts of the coal and asphalt deposits belonging to the Choctaw and Chickasaw Nations have been sold subsequent to June 30, 1925, and prior hereto, under and in accordance with, or purporting to be under and in accordance with, the act of February 8, 1918 (40 Stat. L. 433), and the act of February 22, 1921 (41 Stat. L. 1107), and said sales have been approved by the Secretary of the Interior and the purchaser has paid or shall pay the full purchase price, the patents executed by the principal chief of the Choctaw Nation and governor of the Chickasaw Nation and approved by the Secretary of the Interior, conveying to the purchasers the tracts purchased and paid for by said purchasers, are hereby confirmed, approved, and declared valid.

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

CREDITS IN DISBURSING ACCOUNTS OF CERTAIN OFFICERS OF THE ARMY

The bill (H. R. 3527) to authorize credit in the disbursing accounts of certain officers of the Army of the United States for the settlement of individual claims approved by the War Department was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of the following-named officers of the Army of the United States in the sums herein stated, which now stand as disallowances on the books of the General Accounting Office:

Norman D. Cota, captain, Finance Department, the sum of $27.35, representing public funds for which he was accountable and being overpayments to citizens' military training camp students on account of travel pay to and from camp in August, 1922.

Herbert E. Pace, major, Finance Department, the sum of $1,145.67, representing public funds for which he was responsible and which he entrusted to one Waldo S. Ickes, late first lieutenant, Finance Department, as agent officer, and which funds were stolen from him on or about October 16, 1924.

Jacob R. McNeil, captain, Finance Department, the sum of $355, representing public funds for which he was responsible, and which were lost through the forgery of vouchers and other papers by one Max Saunders, late private, United States Army, who was convicted of the crime and sentenced to the penitentiary at Atlanta, Ga.

Emmet C. Morton, major, Finance Department, the sum of $429.09, representing public funds for which he was responsible; $156.67 of which represents payments of taxes on leased land near Mercedes, Tex., and the balance, $272.42, represents payment of expenses in returning deserters.

Joseph F. Routhier, first lieutenant, Finance Department, the sum of $379.01, representing public funds for which he was responsible and being payments made to the Logan Fuel Co. in December, 1922, and February, 1923.

Francis J. Baker, major, Finance Department, the sum of $218.52, representing public funds for which he was responsible, and being payments made to the S. V. Sherburn Sales Co., $133.90, and to the Seabrook Coal Co., $84.62, in June, July, and August, 1923.

Emmet C. Morton, major, Finance Department, the sum of $1,148.24, representing public funds for which he was responsible and being the amount paid to organization commanders for their organizations on account of ration savings, and which organizations are now inactive.

Edward T. Comegys, major, Finance Department, the sum of $131.55, representing public funds for which he was responsible, and being the sum he paid to John W. Gaskell, former private, Company C, Ninth Regiment United States Infantry, for the loss of property while in the military service in France.

Walter D. Dabney, major, Finance Department, the sum of $33.44, representing public funds for which he was responsible, and being the amount paid by him to Ernest H. Agnew, colonel, Quartermaster Corps, United States Army, covering mileage on a War Department order, and which amount has been disallowed by the Comptroller General.

Francis J. Baker, major, Finance Department, the sum of $424.30, being public funds for which he was responsible; $139 paid for the purchase of medals for students at the Georgia School of Technology and $285.30 overpaid students at this school for commutation of rations.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Willie Lee Bryant, former private, Battery D, One hundred and thirteenth Regiment Field Artillery, United States Army, the sum of $100, being the amount due him for one second Liberty loan bond paid for by him and lost in the mails.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alexander Perry, former captain, Coast Artillery Corps, United States Army, the sum of $1,521.84, being the amount he has refunded to the United States to cover loss through theft of public funds from the United States transport *Princess Matoika*.

SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lawrence P. Worrall, captain, Finance Department, the sum of $239.81, being the amount refunded by him to the United States, covering the loss of this amount on July 15, 1926, while exchanging Philippine currency for United States currency for military personnel leaving the Philippine Islands for the United States.

SEC. 6. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to N. R. Sprinkle, former civilian employee on pack train No. 6, Quartermaster Corps, the sum of $50, being the amount due him for one second Liberty loan bond paid for by him and lost in the mails.

SEC. 7. Provided that the amounts otherwise due to said disbursing officers by reason of refunds of income taxes and which amounts have been credited by the Comptroller General of the United States to disallowances in their accounts with the United States shall be refunded to them.

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

GEORGE WASHINGTON MEMORIAL PARKWAY—BILL PASSED OVER

The bill (H. R. 26) for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital was announced as next in order.

Mr. PHIPPS. Mr. President, I would not have any objection at all to the present consideration of the amendments, but it seems to me there are so many important items included in the measure that it is hardly proper to consider it under the 5-minute rule. I think it might better go over.

The VICE PRESIDENT. The bill will be passed over.

RETIREMENT OF ACTING ASSISTANT SURGEONS OF NAVY

The bill (S. 1721) directing the retirement of acting assistant surgeons of the United States Navy at the age of 64 years was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That acting assistant surgeons of the United States Navy who, on the date of the passage of this act, have reached the age of 64 years shall be placed on the retired list of the Navy with pay at the rate of three-fourths of their active-duty pay.

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

CRUISER "SALEM" SILVER-SERVICE SET

The bill (H. R. 5726) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Salem, Mass., and to the Salem Marine Society, of Salem, Mass., the silver-service set and bronze clock, respectively, which have been in use on the cruiser *Salem*, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver, for preservation and exhibition, to the custody of the city of Salem, Mass., the silver-service set, and to the Salem Marine Society, Salem, Mass., the bronze clock, which have been in use on the cruiser *Salem: Provided*, That no expense shall be incurred by the United States for the delivery of such silver-service set and clock.

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

GIFTS TO LIONS CLUB AND ROTARY CLUB OF SHELBYVILLE, TENN.

The bill (H. R. 6645) authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Lions Club of Shelbyville, Tenn., a bell of any naval vessel that is now or may be in his custody; and to the president of the Rotary Club of Shelbyville, Tenn., a steering wheel of any naval vessel that is now or may be in his custody, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to deliver to the president of the Lions Club of Shelbyville, Tenn., a bell of any naval vessel that is now or may be in his custody; and to deliver to the president of the Rotary Club of Shelbyville, Tenn., a steering wheel of any naval vessel that is now or may be in his custody: *Provided*, That no expense shall be incurred by the United States through the delivery of said bell and steering wheel.

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

SILVER SERVICE OF CRUISER "CHARLESTON"

The bill (H. R. 8973) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Charleston Museum, of Charleston, S. C., the ship's bell, plaque, war record, and silver service of the cruiser *Charleston* that is now or may be in his custody was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to deliver to the custody of the Charleston Museum, of Charleston, S. C., the ship's bell, war record, and silver service of the cruiser *Charleston* that is now or may be in his custody: *Provided*, That no expense shall be incurred by the United States through the delivery of said articles.

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

FLEET NAVAL RESERVE AND FLEET MARINE CORPS RESERVE

The bill (H. R. 10674) authorizing payment of six months' death gratuity to beneficiaries of transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who die while on active duty was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the provisions of the act of June 4, 1920, as amended, which authorized the payment of an amount equal to six months' pay to the beneficiaries of personnel of the Regular Navy or Marine Corps and retired personnel of the Navy and Marine Corps when on active duty shall be extended to transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who die while on active duty and not as a result of their own misconduct, and transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve shall be required to file with the Navy Department the name of beneficiary other than wife or child to which payment of the amount equal to six months' pay shall be made in the event of their death while on active duty and not the result of their own misconduct.

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

HYDROGRAPHIC OFFICE AT HONOLULU

The bill (S. 2834) to establish a hydrographic office at Honolulu, Territory of Hawaii, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to establish a branch hydrographic office at Honolulu, in the Tertory of Hawaii, the same to be conducted under the provisions of an act entitled "An act to establish a hydrographic office in the Navy Department," approved June 21, 1866.

SEC. 2. That the Secretary of the Navy is hereby authorized to secure sufficient accommodations in said city of Honolulu for said hydrographic office and to provide the same with the necessary furniture, apparatus, supplies, and services allowed existing branch hydrographic offices, at a cost not exceeding $5,000, which sum, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for these purposes.

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

FREDERICK L. CAUDLE

The bill (S. 2721) to provide for the advancement on the retired list of the Navy of Frederick L. Caudle was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That Ensign Frederick L. Caudle, United States Navy, retired, shall have the rank and receive the pay and allowances of a lieutenant (junior grade) on the retired list of the United States Navy.

Mr. JONES. Mr. President, I would like an explanation of why this legislation is proposed.

Mr. PHIPPS. Mr. President, it is recommended by the Navy Department. It seems that this man developed tuberculosis in September, 1925, was sent to the Naval Hospital at Mare Island for treatment, and in 1928 was examined by the Navy rating board and pronounced incapacitated for service, but had retirement been delayed until after June 8, 1926, on which date he would have become due for promotion to the office of lieutenant, junior grade, he would have then been retired in the latter grade.

Mr. JONES. I have no objection.

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

WILLIAM K. KENNEDY

The bill (S. 1571) for the relief of William K. Kennedy was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General be, and he is hereby, authorized and directed to adjust and settle the claim of William K. Kennedy for salary and expenses incident to transporting three prisoners from the Philippine Islands to the United States marshal at San Francisco, Calif., in the year 1921, and to allow not to exceed $539.09 in full and final settlement of any and all claims of the said William

K. Kennedy arising under and growing out of said service. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $539.09, or so much thereof as may be necessary, for payment of the claim.

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

FRANCIS B. KENNEDY

The bill (S. 1849) for the relief of Francis B. Kennedy was announced as next in order.

Mr. WALSH of Montana. Mr. President, this seems to be a very remarkable kind of bill to reimburse a narcotic agent for money stolen from him. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

S. VAUGHAN FURNITURE CO.

The bill (S. 1851) for the relief of S. Vaughan Furniture Co., Florence, S. C., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of S. Vaughan Furniture Co., its legal successor or assign, on account of services rendered and expenses incurred on or about March 1, 1923, in connection with the burial of Rowland M. Curtis, at the request of the United States Veterans' Bureau, and to allow in full and final settlement of said claim not to exceed $85. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $85, or so much thereof as may be necessary, for payment of the claim.

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

BRITISH COLUMBIA—YUKON TERRITORY—ALASKA HIGHWAY

The bill (H. R. 8368) providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska in cooperation with the Dominion of Canada was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to designate three special commissioners to cooperate with representatives of the Dominion of Canada in a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska with a view to ascertaining whether such a highway is feasible and economically practicable. Upon completion of such study the results shall be reported to Congress.

SEC. 2. The sum of $10,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of carrying out the provisions of this act.

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

MARY S. HOWARD AND OTHERS

The bill (S. 1406) for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, and the Bethel Cemetery Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 2, line 10, after the numerals "$213," to insert "Harold S. Stubbs, $49.45," and in line 20, after the name "Kulchycky," to insert the name "Harold S. Stubbs," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary S. Howard, $83; Gertrude M. Caton, $32.90; Nellie B. Reed, $182.96; Gertrude Pierce, $32.25; Katie Pensel, $75.28; Josephine Pryor, $50.50; Mary L. McCormick, $103.05; Mrs. James Blanchfield, $35.47; Sadie T. Nicoll, $125.61; Katie Lloyd, $25; Mrs. Benjamin Warner, $68.39; Eva K. Pensel, $38.70; Margaret Y. Kirk, $139.66; C. Albert George, $157.78; Earl Wroldsen, $19.20; Benjamin Carpenter, $23.85; Nathan Benson, $35; Paul Kirk, $50; Townsend Walters, $37.89; George Freet, $159.82; James B. Jefferson, $30; Frank Ellison, $175.62; Emil Kulchycky, $213; Harold S. Stubbs, $49.45; and the Bethel Cemetery Co., $166.51, out of any money in the Treasury not otherwise appropriated, by reason of the losses and damages caused, respectively, to the said Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, Harold S. Stubbs, and the Bethel Cemetery Co., by reason of the damages to the wells on the properties of the said claimants caused by the lowering of the water level of the Chesapeake & Delaware Canal at the town of Chesapeake City, in Cecil County, in the State of Maryland.

The amendments were agreed to.

Mr. JONES. Mr. President, I take it that this matter has been gone into very carefully by the committee, so I shall not object to the further consideration of the bill.

Mr. WALSH of Massachusetts. What is the total amount involved?

The VICE PRESIDENT. The clerks inform the Chair that the total is not given.

Mr. JONES. I note the absence of any member of the Committee on Claims. I would like to know why a claim of that kind is brought in for Federal legislation rather than that it should go to the Court of Claims or some judicial body? I think I shall ask that it go over.

The VICE PRESIDENT. The bill will be passed over. The amendments have been agreed to.

GABRIEL ROTH

The bill (S. 1072) for the relief of Gabriel Roth was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, in line 5, to strike out "$25,000" and insert in lieu thereof "$7,564.15," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Gabriel Roth the sum of $7,564.15, out of any money in the Treasury not otherwise appropriated, as compensation for and in full satisfaction of all of his claims against the United States on account of injuries sustained and the confiscation of his property when he was falsely arrested and imprisoned by officers employed by and acting under authority of the Department of Justice, said arrest having occurred at Jacksonville, Fla., on or about January 21, 1918.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH N. MARIN

The bill (S. 3866) for the relief of Joseph N. Marin was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Joseph N. Marin, late of the U. S. S. *Solace*, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a third-class apprentice of said ship: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

S. DWIGHT HUNT

The bill (S. 2187) for the relief of S. Dwight Hunt was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws, or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army S. Dwight Hunt shall be held and considered to have been honorably discharged as a private, Battery K, First Regiment United States Artillery, on November 4, 1865: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reason of this act prior to its passage.

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

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 76) authorizing the Secretary of the Treasury to purchase farm-loan bonds issued by Federal land banks was announced as next in order.

Mr. FESS. Let that go over.

The VICE PRESIDENT. It will be passed over.

MISSOURI RIVER BRIDGE, RANDOLPH, MO.

The bill (H. R. 8562) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo., was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with an amendment on page 1, line 6, after the word "company" to insert "its successors and assigns," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Missouri River, at or near Randolph, Mo., authorized to be built by the Kansas City Southern Railway Co., its successors and assigns, by the act of Congress approved May 24, 1928, which times for commencing and completing the construction of the said bridge were extended one and three years, respectively, from May 24, 1929, by an act approved March 1, 1929, are hereby further extended one and three years, respectively, from May 24, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

TRAVEL PAY TO SOLDIERS OF SPANISH-AMERICAN WAR

The bill (S. 2567) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That all persons who enlisted in the Regular Army of the United States in the year 1898 under special act of Congress for the duration of the war with Spain who were honorably discharged from such enlistment while serving in the Philippines, who did not there reenter the military service of the United States through commission or enlistment, who embarked at Manila within one year after such discharge for return to the United States, shall, upon application to the War Department under such regulations as the Secretary of War shall prescribe, be allowed and paid their actual necessary expenses, if any, for lodging and subsistence in the Philippines for the period, not exceeding three months, during which they respectively awaited transportation by Government transport, and, in addition, for the distance from Manila, Philippine Islands, to San Francisco, Calif., the travel pay and commutation of subsistence formerly allowed under section 1920, Revised Statutes of the United States, to soldiers of the Regular Army honorably discharged on expiration of enlistment, less any sum or sums of money actually paid by the Government to such persons, respectively, at time of such discharge or subsequent thereto by way of travel pay or allowances for transportation and subsistence between said places.

SEC. 2. There is hereby authorized to be appropriated such sums of money as may be necessary to carry out the provisions of this act.

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

RELIEF OF UNEMPLOYED PERSONS

The joint resolution (S. J. Res. 149) for the relief of unemployed persons in the United States, reported adversely from the Committee on Education and Labor, was announced as next in order.

Mr. WALSH of Massachusetts. Mr. President, in the absence of the chairman of the Committee on Education and Labor the measure ought to go over. There is a division of opinion in the committee about it.

The VICE PRESIDENT. The joint resolution will be passed over.

COMMEMORATION OF END OF WAR BETWEEN THE STATES

The bill (S. 3810) to provide for the commemoration of the termination of the War between the States at Appomattox Court House, Va., was announced as next in order.

Mr. GREENE. Let the bill go over.

Mr. SWANSON. Mr. President, may I say to the Senator from Vermont that this is a bill recommended by the Committee on Military Affairs to provide for a monument in commemoration of the termination of the War between the States at Appomattox Court House, Va. The Military Affairs Committee reported it out with an amendment which reduces the amount involved from $150,000 to $100,000. I hope the Senator from Vermont will not object.

Mr. GREENE. I insist upon my objection.

The VICE PRESIDENT. The bill will be passed over.

JAMES W. SMITH

The bill (H. R. 3769) for the relief of James W. Smith was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

GEORGE CAMPBELL ARMSTRONG

The bill (S. 3586) for the relief of George Campbell Armstrong was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged seamen George Campbell Armstrong, who enlisted in the United States Navy as apprentice seaman on January 3, 1918, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as seaman, second class, on or about the 6th day of March, 1919.

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

MAXWELL FIELD, MONTGOMERY COUNTY, ALA.

The bill (H. R. 8805) to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to acquire by donation approximately 75 acres of land in the county of Montgomery, State of Alabama, as an addition to the flying field designated as Maxwell Field: *Provided*, That in the event the donors are unable to perfect title to any land tendered as donation the Secretary of War is authorized to request condemnation proceeding to acquire such land in the name of the United States, and any and all awards in payment for title to such land as is condemned shall be made by the donors: *Provided further*, That the Secretary of War may accept donations in whole or in part of site selected as and when required.

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

EXPERIMENTAL FARM, MOBILE COUNTY, ALA.

The bill (S. 3555) authorizing the purchase, establishment, and maintenance of an experimental farm or orchard in Mobile County, State of Alabama, and authorizing an appropriation therefor, was announced as next in order.

Mr. JONES. Mr. President, the bill carries a very large sum to be authorized for the purchase of the property. Does it contemplate the erection of buildings also?

Mr. McNARY. Mr. President, this involves a large tract of land suitable for the growth, cultivation, and culture of oranges and pecans. It is an authorization in law to the Secretary to acquire the property, but does not direct him, and it is likewise an authorization and not an appropriation of money.

Mr. JONES. But it is a large authorization.

Mr. McNARY. Rather than carry a matter of this kind in an appropriation bill, which has been the practice, as chairman of the committee I have always advocated that it should stand specially and alone.

Mr. JONES. What is the area of the land involved?

Mr. McNARY. About 400 acres.

Mr. JONES. Do they need that much land for experimental purposes?

Mr. McNARY. I think so. The Secretary is given discretion. He can take part or all or none of the land. The bill was reported out unanimously by the committee.

Mr. OVERMAN. Mr. President, as I understood the Senator, he stated that the Subcommittee of the Appropriations Committee, of which he is chairman, is not bound to follow the authorization.

Mr. McNARY. Oh, no; I made no such statement. I have stated frequently as chairman of the subcommittee that rather than attach such projects to appropriation bills, I believe they should come in the way of an authorization bill, where the whole subject matter could be given study; so in this case it was prepared in this way. The Government owns farms of an experimental nature. It was not my desire that it is to be attached as an item on an appropriation bill. I insisted that there should be an authorization bill so that we might study the project as such independent of the appropriation bill.

Mr. OVERMAN. I understand that if the $150,000 is not sufficient, the Senator would be willing to appropriate any more money that might be needed?

Mr. McNARY. I did not understand the Senator's suggestion.

Mr. OVERMAN. The authorization is for $150,000. Suppose that the department should find it could buy the land for $100,000, it would not feel obliged to expend $150,000, would it?

Mr. McNARY. If the Secretary should be successful in acquiring the land for a less sum of money, of course, he would not expend more. He may have thought, probably, from the facts ascertained that that would be the sum necessary; but if the purchase, so far as price is concerned, does not conform to his judgment, he, of course, would not buy it.

Mr. OVERMAN. That is what I wanted to know.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized to purchase and acquire the lands and improvements of the Mobile Plantation consisting of about 430 acres, in the county of Mobile, State of Alabama, and to establish and maintain thereon an experimental and demonstration farm. And there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of $150,000 for the purchase of said property.

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

JULIUS VICTOR KELLER

The bill (H. R. 1301) for the relief of Julius Victor Keller was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Julius Victor Keller, who was a member of Company C, Seventh Regiment United States Infantry, and formerly assigned to Company G, Third Regiment United States Infantry, United States Army, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private and member of Company C, Seventh Regiment United States Infantry, on the 12th day of October, 1878, he having enlisted as Julius Keller: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

MARMADUKE H. FLOYD

The bill (H. R. 1444) for the relief of Marmaduke H. Floyd was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Marmaduke H. Floyd, who was a first lieutenant in the Three hundred and fourth Stevedore Regiment, Quartermaster Corps, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as an officer of said regiment on the 22d day of March, 1918: *Provided*, That no back pay, compensation, or allowance shall be held to have accrued prior to the passage of this act.

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

LANDS ADJOINING CATOOSA SPRINGS (GA.) TARGET RANGE

The bill (H. R. 4198) to authorize the exchange of certain lands adjoining Catoosa Springs (Ga.) Target Range was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized in his discretion to exchange, upon such terms and conditions as he considers advisable, with Benjamin F. Harris, of Ringgold, Ga., or his nominee, a tract of land containing approximately 70,000 square feet now occupied by said Harris, adjoining the Catoosa Springs (Ga.) Target Range, which said tract of land is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf all contracts, conveyances, or other instruments necessary to effectuate the conveyance of the fee title thereof to said Benjamin F. Harris or his nominee; and in return for the said tract of land so conveyed by him the Secretary of War is hereby authorized to receive and take title thereto in the name of the United States and in its behalf a tract of land containing 3 acres owned in fee by Benjamin F. Harris, located on or near the summit of Sand Mountain, which tract upon its acquisition shall form part of said Catoosa Springs Target Range.

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

CONSTRUCTION OF BARRACKS AT FORT M'KINLEY, PORTLAND, ME.

The bill (H. R. 707) to authorize an appropriation for construction at Fort McKinley, Portland, Me., was considered as in Committee of the Whole and was read, 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 reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERECTION OF HOSPITAL AT NATIONAL SOLDIERS HOME, TOGUS, ME.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6338) authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Togus, Me., which was read, as follows:

Be it enacted, etc., That the Board of Managers of the National Home for Disabled Volunteer Soldiers be, and it is hereby, authorized and directed to cause to be erected at the eastern branch of said home at Togus, Me., on land now owned by the United States, a sanitary fireproof hospital of a capacity for 250 beds. Such hospital shall include all the necessary buildings with appropriate mechanical equipment, including roads and trackage facilities leading thereto, for the accommodation of patients, and storage, laundry, and necessary furniture equipment, and accessories, as may be approved by the Board of Managers of the National Home for Disabled Volunteer Soldiers.

SEC. 2. That in carrying the foregoing authorization into effect the Board of Managers of the National Home for Disabled Volunteer Soldiers is hereby authorized to enter into contracts for the construction of the plant, or to purchase materials in the open market or otherwise, and to employ laborers and mechanics for the construction of the plant complete at a limit of cost not to exceed $750,000.

Mr. COUZENS. Mr. President, I inquire what is the amount involved?

Mr. REED. The amount proposed to be appropriated is $750,000.

Mr. COUZENS. I should like to ask what the new building is to take the place of? Is it an entirely new structure?

Mr. HALE. Mr. President, at Togus, Me., is located a branch of the National Home for Disabled Volunteer Soldiers. A little over a year ago there was a fire in the hospital there, and one of the wings was destroyed. The hospital is a wooden building and is surrounded by other wooden buildings. It was felt by those connected with the branch home at Togus, and by the members of the board in charge of the National Homes for Disabled Volunteer Soldiers, that it was unsafe to allow this building to remain in use in the condition in which it now is. So the bill provides for the erection of a fireproof building to take its place.

I may add that this is the only hospital in the State of Maine for veterans; that it is constantly in use by veterans of the Civil War, the Spanish War, and the World War, and is very much needed.

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

MOTOR TRANSPORTATION IN THE ARMY

The bill (S. 23) to regulate the procurement of motor transportation in the Army was announced as next in order.

Mr. BLAINE. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

WAR DEPARTMENT CONTRACTS

The bill (S. 4017) to amend the act of May 29, 1928, pertaining to certain War Department contracts by repealing the expiration date of that act was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I should like an explanation of the bill which has just been reported. Its language is very simple. It provides:

That so much of an act entitled "An act to require certain contracts entered into by the Secretary of War or by officers authorized by him to make them, to be in writing, and for other purposes," approved May 29, 1928 (45 Stat. L. 985), as provides that said act shall cease to be in effect after June 30, 1930, is hereby repealed.

I think the purpose of this proposed legislation ought to be explained to the Senate.

Mr. REED. Mr. President, the bill seeks to obviate a difficulty in connection with small contracts running, say, about $500, which have to be awarded after formal bidding, so that the cost involved in the preparation of specifications in many cases exceeds the total contract price of the article purchased.

The Senator from Arkansas will notice from the report of the committee that a quotation is made from the letter of the Secretary of War, as follows:

The objection that the War Department has to the formal contract is based solely on the time, labor, and expense involved in its execution. A formal contract requires about 60 days to complete its accomplishment. In the meantime, supplies such as subsistence may have been consumed, the contractor can not be paid, and the discounts for prompt payment are lost.

The report explains the bill in full.

Mr. ROBINSON of Arkansas. The point I am directing the Senator's attention to is the unusual provision in the bill that part of another act shall cease to be in effect. This bill does not repeal anything and it does not fix a definite time limitation, but provides that a portion of an act shall cease to be in effect.

Mr. REED. I did not get the Senator's point. Two years ago when the act to which the Senator has referred was reported by the Military Affairs Committee it provided that it should continue in force only for one year. The purpose of that was to test out the new method. The effect of the pending bill is to remove that time limit which was in the original act of 1928.

Mr. ROBINSON of Arkansas. If this bill shall be passed, will all contracts of the character designated be in writing?

Mr. REED. Oh, yes, Mr. President, they will all be in writing, but the 60 days' advertisement which is necessary in the preparation of formal bids will be avoided in the case of small contracts. The bill merely provides that the present law shall continue in effect; it removes the time limitation which was put on it when it was first passed.

Mr. ROBINSON of Arkansas. Why was it limited in the beginning?

Mr. REED. Because we wanted to make sure that it would be successful and would not be abused.

Mr. ROBINSON of Arkansas. And has it been successful?

Mr. REED. It has been successful; it has saved the Government a good deal of money. The bill was drawn in that way in the first place so that we would not have to pass a repealer act if it was found to be unnecessary and unwise.

Mr. McKELLAR. Mr. President, may I ask the Senator if he thinks that the contracts involving less than $25,000 should be made informally? Does not the Senator think that is a very large limit? Apparently, judging from the letter of the Secretary of War, Mr. Hurley, articles may be bought under contracts involving sums between $500 and $25,000 in this informal way? It seems to me that where the amount involved is more than $500 there ought to be some advertisement; otherwise there might be trouble.

Mr. REED. I can see the Senator's point. It is only where the amount is less than $25,000 and where the contract is to be performed within two months—60 days or some such period—that this measure can apply. It does not apply to long periodical deliveries. In many cases emergencies arise, and it is very much to the advantage of the Army that this should be done. It really causes a great saving, and so far as we can ascertain, the privilege has not been abused.

Mr. COUZENS. Mr. President, I want to point out that it is not infrequent for governmental departments by dividing up their purchases to come within such limitations as this and yet purchase largely in excess of what was intended by the Congress. In other words, in the case of a $100,000 contract for the purchase of equipment or material required, those desiring the material can divide it up into five $20,000 items and evade the requirements of the law. All I want to know is whether the Government is protected against such a procedure as that?

Mr. REED. I should think so; I should think that would be such a palpable fraud that the Comptroller General would stop it. There has been no suggestion of any such use of this act since it was passed. If there were, I would join with the Senator in the effort to discipline the person who was at fault and in trying to repeal the act.

Mr. COUZENS. The Senator must know that what I have suggested is done in State governments and municipalities and elsewhere in order to evade the clear intent of the law by dividing the contract.

Mr. REED. I can see the temptation.

Mr. McKELLAR. Mr. President, will the Senator object to allowing the bill to go over for a day?

Mr. REED. Certainly not.

Mr. McKELLAR. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

BILL PASSED OVER

The bill (S. 4108) to provide for reimbursement of appropriations for expenditures made for the upkeep and maintenance of property of the United States under the control of the Secretary of War used or occupied under license, permit, or lease was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I think this bill should be explained.

Mr. REED. The Senator who reported the bill from the committee is not present, and I am not familiar with it.

Mr. LA FOLLETTE. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

OHIO RIVER BRIDGE NEAR EVANSVILLE, IND.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1644) authorizing the county of Vanderburgh, Ind., to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind., which had been reported from the Committee on Commerce with an amendment, in section 1, page 2, line 1, after the word "navigation," to strike out "extending from some point in the county of Vanderburgh, Ind., across said river to a point opposite on the shore" and insert "at or near Evansville, Ind.," so as to make the bill read:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the county of Vanderburgh, Ind., or any board or commission of said county which may be duly created or established for the purpose, be, and is hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, at or near Evansville, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the said county of Vanderburgh, or such board or commission and the successors thereof, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said county of Vanderburgh, or such board or commission and the successors thereof, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGES WITHIN KENTUCKY

Mr. DALE. Mr. President, on account of a particular emergency I ask unanimous consent to submit a report from the Committee on Commerce.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. DALE. From the Committee on Commerce I report back favorably, with an amendment, the bill (S. 4269) authorizing the Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky or the successors of said commission, to acquire, construct, maintain, and operate bridges within Kentucky and/or across boundary-line streams of Kentucky, and I submit a report (No. 623) thereon.

Mr. BARKLEY. I ask unanimous consent for the immediate consideration of the bill.

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

The amendment of the Committee on Commerce was, on page 2, section 1, line 5, after the figures "1906," to strike out "and acts amendatory and supplemental thereto," so as to make the bill read:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and more adequately provide for military and other purposes the Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or the successors of said commission, be, and it hereby is, authorized to construct, maintain, and operate any or all of the following bridges and approaches thereto, at points suitable to the interests of navigation, in accordance with the

provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act:

A bridge across the Ohio River at or near Maysville; a bridge across the Ohio River at or near Ashland; a bridge across the Ohio River at or near Carrollton; a bridge across the Tennessee River at or near Eggners Ferry; a bridge across the Tennessee River near Paducah; a bridge across the South Fork of the Cumberland River at or near Burnside; a bridge across the North Fork of the Cumberland River at or near Burnside; a bridge across Cumberland River at or near Smithland; a bridge across Cumberland River at or near Canton; a bridge across Cumberland River at or near Burkesville; a bridge across the Kentucky River at or near Tyrone; a bridge across the Kentucky River at or near High Bridge; a bridge across the Kentucky River at or near Boonesboro; a bridge across the Kentucky River at or near Gratz; a bridge across the Green River at or near Brownsville; a bridge across the Green River at or near Rockport; a bridge across the Green River at or near Morgantown; and a bridge across Green River at or near Spottsville.

Said Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or the successors of said commission, is hereby authorized to acquire any or all of the following bridges and approaches thereto and thereafter to maintain and operate same as toll bridges:

A bridge across the Ohio River at or near Milton; a bridge across the Ohio River at or near Paducah; a bridge across the Kentucky River at or near Carrollton; and a bridge across Green River at or near Calhoun.

SEC. 2. There is hereby conferred upon the Commonwealth of Kentucky and the State Highway Commission of Kentucky, or the successors of said commission, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, and/or operation of any and/or all such bridges and their approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

SEC. 3. The Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or the successors of said commission, is hereby authorized to fix and charge tolls for transit over any and/or all such bridges, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or its successors, may unite or group all or such of said bridges into one or more separate projects for financing purpose, as in its or their judgment shall be deemed practicable to so unite or group. If tolls are charged for the use of a bridge or bridges in a project, the rates of toll to be charged for the use of such bridge or bridges embraced in the particular project shall be so adjusted as to provide a fund not to exceed an amount sufficient to pay the reasonable costs of maintaining, repairing, and operating the bridge or all of the bridges included in the particular project and their approaches under economical management, and not to exceed an amount sufficient, in addition to the foregoing, to provide a sinking fund sufficient to amortize the aggregate cost of the bridge or all of the bridges embraced in the particular project, and their approaches, including reasonable interests and financing costs, as soon as possible under reasonable charges, but within a period not exceeding 20 years from the date of approval of this act. The tolls derived from the bridge or bridges embraced in any particular project may be continued and paid into the appropriate sinking fund until all such costs of the bridges embraced in the particular project shall have been amortized. In any event tolls shall be charged on the basis aforesaid for transit over the bridge or bridges in each project for which revenue bonds of said Commonwealth are issued, and such tolls shall be continued and adjusted at such rates as may be necessary to pay such bonds with interest thereon and any lawful premium for the retirement thereof before maturity, subject only to the power of the Secretary of War or other authorized Federal authority to regulate such rates.

If the State Highway Commission of Kentucky or its successors shall in the exercise of its or their judgment deem it inexpedient or impracticable to construct or acquire any one or more of such bridges, or to unite or group any one or more with another or others for financing purposes, then the failure of the Commonwealth of Kentucky, acting by and through the State Highway Commission of Kentucky, or its successors, to construct or acquire any one or more of such bridges, or failure to unite or group any one or more with another or others for financing purposes, shall in no wise affect its authority or powers granted by this act as to such bridge or bridges or the remainder of such bridges which it may so construct, acquire, unite, or group, and operate.

After a sinking fund sufficient to amortize the cost of the bridge or bridges in any particular project shall have been provided to the extent hereinabove required, the bridge or bridges included in such project shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of such bridge or bridges embraced in the particular project and their approaches under economical management. An accurate record of the cost of the bridge or bridges in a project and their approaches, the expenditures for maintaining, repairing, and operating same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested. Tolls shall be uniform as between individuals and as between vehicles of the same class using any one of the bridges, but different rates of toll may be charged for the use of different bridges.

SEC. 5. The authority and powers conferred by this act are supplementary and additional to all other authority and powers heretofore granted by law in relation to such bridges and tolls for transit thereover, and such authority or powers as to any one or more of such bridges may be exercised either under the authority and provisions of this act or under the authority and provisions of any other law relating thereto; and nothing in this act shall be construed as requiring tolls to be charged for the use of any one or more of such bridges, except as hereinabove provided, and nothing herein shall be construed to prohibit the Commonwealth of Kentucky, acting by and through the State Highway Commission of Kentucky, or its successors, from paying all or any part of the cost of any one or more of such bridges and their approaches from the State road fund, or from paying all or any part of the cost of maintenance, repair, or operation of any one or more of such bridges from the State road fund of the Commonwealth of Kentucky.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE AT EVANSVILLE, IND.

The bill (S. 3298) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Evansville, Ind., was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with an amendment, on page 1, after line 9, to insert:

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Ohio River at or near Evansville, Ind., authorized to be built by the State of Indiana, acting by and through its State highway commission, by the act of Congress approved March 2, 1927, are hereby extended one and three years, respectively, from March 2, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HUDSON RIVER BRIDGE AT STILLWATER, N. Y.

The bill (S. 4009) granting the consent of Congress to the State of New York to construct, maintain, and operate a free highway bridge across the Hudson River at or near Stillwater, N. Y., was announced as next in order.

Mr. COPELAND. Mr. President, I ask unanimous consent that Order of Business No. 608, being the bill (H. R. 11046) to legalize a bridge across the Hudson River at Stillwater, N. Y., may be substituted for the Senate bill, and be considered at this time.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11046) to legalize a bridge across the Hudson River at Stillwater, N. Y.

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

Mr. COPELAND. I now move that Senate bill 4009, being Order of Business 493, be indefinitely postponed.

The motion was agreed to.

VETERANS' GUARDIANSHIP ACT

The bill (S. 2816) to amend section 1125, chapter 31, of the District of Columbia Code was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, this is apparently an important bill, and I should like an explanation from the Senator from Kansas [Mr. CAPPER], who introduced

the bill and reported it. It appears that the bill has been reported from the committee with an amendment striking out its original phraseology and providing a complete substitute.

Mr. CAPPER. Mr. President, this bill came to the Committee on the District of Columbia from General Hines, of the Veterans' Bureau. Its purpose is to incorporate into the Code of the District of Columbia the uniform veterans' guardianship act which is now in effect in 29 States and which was drafted by a conference of commissioners on uniform State laws.

After the bill was introduced the committee asked the corporation counsel of the District and some of the officials of the District Supreme Court to confer with the counsel for the Veterans' Bureau. After two or three weeks' conference they evolved this revised bill, which is not materially different from the original bill, but puts it in line with the needs of the District of Columbia. As reported here now, it has the approval not only of the Veterans' Bureau, General Hines, and of the American Legion—I might say they have had an important part in drafting the bill—but also of the legal department of the District of Columbia.

Mr. ROBINSON of Arkansas. Did they object to the original bill? And in what manner was the original bill changed?

Mr. CAPPER. I will say principally as to the verbiage, and some provisions that were not required here in the District of Columbia.

Mr. BLAINE. Mr. President, I think I can answer the question propounded by the Senator from Arkansas.

The original bill was so framed as to permit the appointment of a guardian for any person residing anywhere in the United States who might receive money under the Veterans' Bureau. In other words, a person who was incompetent was to receive compensation under some of the veterans' acts; and a petition could be filed in the District of Columbia and the appointment of a guardian made in the District of Columbia.

Mr. ROBINSON of Arkansas. Without regard to the residence of the veteran?

Mr. BLAINE. Without regard to the residence of the veteran. To that I made serious objection. I was not present when the substitute bill was presented, and I have not had the time to examine the provisions of the substitute bill. The only requirement under the original bill for which this is a substitute was that the petitioner for a guardian should be a resident of the District; and, judging from the attitude of the person who appeared before the committee, I would rather assume that unless this bill is very carefully scrutinized we may still find in this bill the provision that would permit the appointment of a guardian of a veteran residing anywhere in the United States. I may be mistaken in that statement, because I have not had the time to go over the bill at all. My attention has just been called to it, and I have not even been able to read the bill.

Mr. WALSH of Montana. Mr. President, it will be recalled that the attention of the public was drawn in the most forcible way some time ago to abuses in the matter of the appointment of guardians of insane or other incompetent persons in the District of Columbia, involving, as will be recalled, one of the then commissioners of the District of Columbia. Has that matter had the consideration of the committee in drafting this particular measure?

Mr. BLAINE. The committee did not draft this bill. This bill was brought to the committee. The committee did have before it that situation, and the committee was very anxious to overcome that situation; but the committee was unwilling to have a provision whereby a guardianship proceeding in the District of Columbia might apply to a resident anywhere within the United States.

Mr. WALSH of Montana. My recollection about the matter is that one of the abuses to which the public mind was then directed was the appointment of one individual as guardian for a vast number of occupants of St. Elizabeths Hospital for the Insane, the appointee evidently having some kind of influence with the appointing power, so that being a guardian seemed to be his business.

Mr. BLAINE. I think this bill ought to go over.

The VICE PRESIDENT. The bill will be passed over.

RESOLUTION PASSED OVER

The resolution (S. Res. 245) providing for the appointment of a committee to inquire into the failure of the Speaker of the House of Representatives to take some action on Senate Joint Resolution 3, relative to the commencement of the terms of President, Vice President, and Members of Congress was announced as next in order.

Mr. FESS. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

BLACKFEET INDIANS OF MONTANA

The bill (S. 4098) to provide funds for cooperation with the school board at Browning, Mont., in the extension of the high-school building to be available to Indian children of the Blackfeet Indian Reservation was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $40,000 for the purpose of cooperating with the public-school board of district No. 9, town of Browning and county of Glacier, Mont., for the extension and betterment of a public high-school building at Browning, Mont.: *Provided* That the expenditure of any money so appropriated shall be subject to the express condition that the school maintained by the said school district in the said building shall be available to all Indian children of the Blackfeet Indian Reservation, Mont., on the same terms, except as to payment of tuition, as other children of said school district: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

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

OHIO RIVER BRIDGE, CANNELTON, IND.

The bill (S. 3713) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind., was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I see on the calendar a notation that a similar bill has passed the House, Order of Business No. 621. I suggest that the House bill be substituted for the Senate bill, and that the Senate bill be indefinitely postponed.

The VICE PRESIDENT. Without objection, the House bill will be substituted for the Senate bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10258) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind.

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

The VICE PRESIDENT. Without objection, Senate bill 3713 will be indefinitely postponed.

KENNETH M. ORR

The bill (H. R. 389) for the relief of Kenneth M. Orr was considered as in Committee of the Whole.

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

AMENDMENT OF FEDERAL FARM LOAN ACT

The bill (S. 4028) to amend the Federal farm loan act as amended was considered as in Committee of the Whole and was read.

Mr. FESS. Mr. President, I should like to have some explanation about that bill.

Mr. SHEPPARD. Mr. President, this bill provides that about 58 per cent of the salaries and operating expenses of the Federal Farm Loan Board shall be paid by the Government.

When the system first went into operation in 1916, the entire expense of the Farm Loan Board, including the salaries of the members of the board, was paid by the Government. In 1923 this expense was put entirely upon the banks—the intermediate credit banks, the Federal farm-loan banks, and the joint-stock land banks. About 1927 a reorganization was had, and resulted in enlarged operations on the part of the board, and an enlarged expense. It is felt now by the Treasury and by the committee that it would be fair for the Government to resume the payment of at least a part of the expense of the board.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. METCALF. Mr. President, I should like to have that bill go over in order to enable me to study it a little. I have not had a chance to see it.

The VICE PRESIDENT. The bill will be passed over.

DETAIL OF ENGINEERS OF BUREAU OF PUBLIC ROADS

The bill (S. 120) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the Governments of the Latin American Republics in highway matters was considered as in Committee of the Whole, and was read.

Mr. COUZENS. Mr. President, the Senator from Nevada [Mr. ODDIE] is present. Perhaps he can explain this bill. I understand that there is a great deal of opposition to it.

Mr. ODDIE. Mr. President, I hope the Senator will not object to the consideration of this bill, because it is a very

important one. It will assist us in getting through to South America the great inter-American highway that we have been working on for so long.

There is a law now providing that the President can loan to various countries engineers from the Army and Navy, and this provision of the bill is drawn in the same language. It will allow the President, on request of various Latin American governments, to loan engineers to them for a certain time. An engineering organization raised an objection previously, but I think the objection was not well taken. The bill will create a better feeling with Latin America. It will help us get this road through.

Mr. PHIPPS. Mr. President, may I add to what the Senator has said this statement: Apparently there is a misapprehension among some members of the engineering societies who rather feel that this would be sending Government engineers to do highway construction work in South America instead of their being taken from the general profession. The fact is that the Government engineers are merely loaned in a consultative capacity, and they really pave the way for the employment of construction engineers who would be sent down here to take up the actual work of building these roads. All we can do to encourage the building of highways in the South American countries means that we are going to sell more and more automobiles to those countries, and other supplies as well.

Mr. ROBINSON of Arkansas. Mr. President, what is the number of Federal Government employees that may be loaned, as the Senator states, to foreign governments under this bill?

Mr. ODDIE. There is no limit, but there will be very few. One of the countries in Central America has already made a request for an engineer. There may be a few more, but the number would be very small.

Mr. PHIPPS. It would not be over 8 or 10.

Mr. ODDIE. In addition to what the Senator from Colorado has said, it will help United States industry in getting its road-building machinery used in the countries to the south of us.

Mr. ROBINSON of Arkansas. Mr. President, the United States is not selling road machinery.

Mr. ODDIE. I mean, industries in the United States.

Mr. ROBINSON of Arkansas. That is a very important proposition. Is it the policy of Congress, in order to stimulate sales of private property in foreign countries, to authorize public officers receiving compensation from the Federal Treasury to perform services in foreign countries?

I think this bill is rather an important measure. There is no limitation on the number of these employees that may be sent to foreign countries. It is, of course, desirable that our manufacturers of road machinery shall have the opportunity to sell their products in foreign lands; but they themselves have engineers employed. I am wondering why the people of the United States should be expected to compensate these agents who are to perform duty in foreign countries purely for private persons or corporations.

Let the bill go over.

Mr. ODDIE. Mr. President, I should like permission to make one statement in reply to the Senator.

Mr. ROBINSON of Arkansas. Certainly; I withhold the objection.

Mr. ODDIE. The comment I made in regard to road machinery is a very small incident, considering the benefits from and needs for this bill. That is a very small incident in connection with it.

Mr. ROBINSON of Arkansas. What is the material incident? Why does the Senator, when he is asked a question of that character, make answer of an irrelevant nature? Why does not the Senator tell us what is the important incident of the bill?

Mr. ODDIE. The important matter is to give professional advice, which the United States engineers are capable of giving to the various countries in South America that are asking for that advice in laying out their road systems, and in the construction of their roads.

Mr. ROBINSON of Arkansas. Mr. President, does the Senator suggest that foreign governments are unable to employ engineers to perform these functions? And is it the policy of Congress to provide foreign governments with officers and agents and pay their salaries whenever we think it may be helpful to them? Is it not true that there is a large amount of work to be done in the United States for which these employees have been trained? And, let me ask the Senator, why should we supply officers of this character to foreign governments at the expense of the people of the United States?

Mr. ODDIE. Because it is decidedly to the interest of the United States to encourage the building of the Inter-American highway through all of the Americas. It has been discussed for a long time, and the automobile associations and road associations and various other influential organizations all over the United States are very much in favor of this being done.

Mr. ROBINSON of Arkansas. Mr. President, on its face this bill has no relationship whatever to any particular project. It is a general bill, and I think it had better go over.

Mr. LA FOLLETTE. I call for the regular order.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT OF UNITED STATES CODE

The bill (S. 3044) to amend section 39 of title 39 of the United States Code was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads with amendments, on page 1, line 9, after the word "class," to insert "and by the Postmaster General when the office is in the fourth class"; and on page 2, line 16, after the word "period," to insert "which period in the continental United States shall not exceed 30 days," so as to make the bill read:

Be it enacted, etc., That section 39 of title 39 of the United States Code be, and is hereby, amended to read as follows:

"Whenever the office of a postmaster becomes vacant through death, resignation, or removal, the Postmaster General shall designate some person to act as postmaster until a regular appointment can be made by the President in case the office is in the first, second, or third class, and by the Postmaster General when the office is in the fourth class; and the Postmaster General shall notify the General Accounting Office of the change. The postmaster so appointed shall be responsible under his bond for the safekeeping of the public property pertaining to the post office and the performance of the duties of his office until a regular postmaster has been duly appointed and qualified and has taken possession of the office. Whenever a vacancy occurs from any cause the appointment of the regular postmaster shall be made without unnecessary delay and the Postmaster General shall promptly notify the General Accounting Office of the change. And if in any case it should become necessary for some person having proper access to the office to assume the duties thereof pending the designation by the Postmaster General of some person to act as postmaster as above provided, the person so assuming and properly performing such duties shall receive the compensation of the postmaster during the period, which period in the continental United States shall not exceed 30 days."

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEFACING OF STAMPS ON GOVERNMENT-STAMPED POSTAL CARDS

The bill (H. R. 7395) to extend to Government postal cards the provision for defacing the stamps on Government-stamped envelopes by mailers was considered as in Committee of the Whole.

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

UNDELIVERED MAIL

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 was considered as in Committee of the Whole.

Mr. COUZENS. Mr. President, I would like to ask the Senator from Colorado what sort of circumstances arise where a postmaster may make charges for undelivered postal matter?

Mr. PHIPPS. It is in a case where packages contain perishable matter. The point is that if perishable goods arrive and the postmaster knows they will be spoiled if they can not be disposed of immediately, and he can not find the person to whom they are addressed, he has authority, in such a case, to sell to the best advantage and make an accounting, and he charges 10 per cent for that service. This is a department bill, which has already passed the House.

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

WAR-TIME RANK OF FORMER ARMY OFFICERS

The bill (S. 465) to give war-time rank to retired officers and former officers of the United States Army was announced as next in order.

Mr. DILL. Let the bill go over.

Mr. REED. Mr. President, will not the Senator withhold his objection?

Mr. DILL. Certainly.

Mr. REED. A bill similar to this measure was introduced by Senator Tyson in three successive Congresses. It has passed

the Senate four times. The first two times it passed in substantially the form in which it now stands. The next two times it passed as a section of the Army promotion bill.

The Committee on Military Affairs, at all the meetings at which I have been present, have been unanimous in support of this bill. It will not cost the Government of the United States one penny, either in active or retired pay. It recognizes, merely as a matter of courtesy and as a matter of inclusion in the list of retired officers, the highest rank attained by an officer during the World War.

There were many cases of officers who held temporary command as brigade commanders, and yet I know of one such officer whose permanent rank was that of a captain. He served with such distinction in the World War that he was promoted to the command of a brigade in France, and yet when he came back and his temporary rank was stopped, he went back to his permanent grade of captain, which could not be changed except by gradual promotion and seniority. The man to whom I have referred was retired from the Army, was carried on the list of captains, and there is nothing to show in his rank the distinguished service he performed during the war.

There are about 600 such persons. The bill merely recognizes, without cost to the Government, the distinction they attained during war-time service.

Senator Tyson had this measure at heart, and he pressed it, as I said, in Congress after Congress, because he knew of other cases of injustice like the one I have mentioned. It was warmly seconded by Secretary Good when he was Secretary of War. Both of them are gone now; both are in their graves; they can not be heard to speak in favor of it, and I wish, in some small measure, I might speak for them. So I urge the Senate again to pass this bill, because I believe that if we will persist the House eventually will give in and will pass it.

Mr. McKELLAR. Mr. President, may I add to what the Senator has said that I know Senator Tyson was probably more interested in this bill than in any other bill which came before the Congress while he was a Member of the Senate. Not even the retired officers' bill was so near to his heart, and unless Senators have something real against the measure, it seems to me that the statement made by the Senator from Pennsylvania is sufficient to cause the Senate to pass the bill, and I earnestly hope it will be passed to-day.

Mr. COPELAND. Mr. President, I am delighted to hear the words of commendation of this bill given by the Senator from Pennsylvania. I am sure that General Tyson was so beloved by every Member of the Senate that if, by passing this bill, we can pay a tribute to his memory, it will be done, and it will be a beautiful tribute to him.

Mr. DILL. Mr. President, this bill covers all wars; it is not merely a World War bill. It is amended so as to refer to all wars. Besides, it properly belongs on the Army promotion bill, and it was in that bill, as the Senator from Pennsylvania has said, and was stricken out in conference.

Mr. REED. I beg the Senator's pardon. The Army promotion bill is still pending in the House.

Mr. DILL. What promotion bill was it in?

Mr. REED. It is in the promotion bill which passed the Senate, but which the House Military Affairs Committee has not reported.

May I say just a word more about this bill? If it provided for some promotion to be given now, if it involved a process of selection now which might conceivably be used to favor some one to some one else's disadvantage, I would join with the Senator from Washington in not favoring it; but it does not do that. It is merely a recognition of a promotion attained during war time, all in the past, all won through merit, not to be given now as a favor through the caprice of any living official.

It is true that it does apply to other wars, but it ought to. There are very few men now living to whom it would apply.

Mr. DILL. Mr. President, I have had some letters about the bill. I did not know it was coming up to-day. So I shall object to its consideration at this time. I may be willing to let it pass the next time the calendar is called.

The VICE PRESIDENT. The bill will be passed over.

WEST PEARL RIVER BRIDGE, LOUISIANA

The bill (S. 3868) granting the consent of Congress to the Lamar Lumber Co. to construct, maintain, and operate a railroad bridge across the West Pearl River at or near Talisheek, La., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Lamar Lumber Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the West Pearl River, at a point suitable to the interests of navigation, at or near Talisheek, La., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Lamar Lumber Co., its successors and assigns, and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

COLUMBIA RIVER BRIDGE, OREGON

The bill (H. R. 9434) to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near Arlington, Oreg., was considered as in Committee of the Whole.

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

MISSISSIPPI RIVER BRIDGE, MISSOURI

The bill (S. 3873) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on line 7, after the figures "1928," to insert the words "heretofore extended by an act of Congress approved February 26, 1929," and on line 8, after the word "hereby," to insert the word "further," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo., authorized to be built by the Dupo Bridge Co., a Missouri corporation, its successors and assigns, by an act of Congress approved May 14, 1928, heretofore extended by an act of Congress approved February 26, 1929, are hereby further extended one and three years, respectively, from May 14, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MIGRATORY BIRD REFUGE, KANSAS

The bill (S. 3950) authorizing the establishment of a migratory bird refuge in the Cheyenne Bottoms, Barton County, Kans., was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, may I inquire the necessity for this special act? Has not the Department of Agriculture the authority to establish such a bird refuge? Why is it found necessary to pass special legislation?

Mr. CAPPER. Mr. President, I ask that the bill be passed over temporarily. The author of the bill will be in the Senate in a few minutes, and wants to be present when it is considered.

The VICE PRESIDENT. Without objection, the bill will be passed over.

Mr. ROBINSON of Arkansas subsequently said: Mr. President, referring back to the Senate bill 3950, which went over at the request of the Senator from Kansas, I have examined the report and find that the Department of Agriculture recommends the creation of this refuge, and that it is necessary to pass the legislation because the department has not the funds with which to provide the necessary area. I have no objection to recurring to the bill and considering it.

Mr. CAPPER. Mr. President, I may add that this is a very meritorious measure, and the Department of Agriculture is very strong for it. There is every reason why there should be favorable action.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized to acquire by purchase, gift, or lease not to exceed 20,000 acres of land in what is known as the Cheyenne Bottoms, in Barton County, Kans., or in lieu of purchase to compensate any owner for any damage sustained by reason of submergence of his lands.

SEC. 2. That such lands, when acquired in accordance with the provisions of this act, shall constitute the Cheyenne Bottoms Migratory Bird Refuge, and shall be maintained as a refuge and breeding place for migratory birds included in the terms of the convention between the

United States and Great Britain for the protection of migratory birds concluded August 16, 1916.

SEC. 3. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum of $300,000, or so much thereof as may be necessary, to purchase or otherwise acquire the land described in section 1 of this act.

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

NICK RIZOU THEODORE

The bill (S. 2774) for the relief of Nick Rizou Theodore was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nick Rizou Theodore the sum of $25, representing the amount of allotment and allowance check No. 12999231, drawn January 2, 1919, for $25, over symbol 11234, in favor of said Nick Rizou Theodore.

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

OSCAR R. HAHNEL

The bill (S. 2811) for the relief of Oscar R. Hahnel was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, to strike out "$981.02, to reimburse him" and to insert in lieu thereof "$150, in full settlement of all claims against the Government," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Oscar R. Hahnel, the sum of $150, in full settlement of all claims against the Government for damages to his automobile caused by a collision with an Army truck near Bretton Woods, N. H., on August 10, 1927.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DIRECTORS OF FEDERAL RESERVE BANK

The bill (S. 4096) to amend section 4 of the Federal reserve act was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, this is apparently a bill providing for a change in the existing law, and it would affect the administration of the Federal reserve act. I think the Senator who sponsors the legislation should explain it.

Mr. LA FOLLETTE. Let the bill go over.

Mr. BINGHAM. Mr. President, I ask that the bill be passed over for a few moments without prejudice. My colleague [Mr. WALCOTT] is on his way to the Chamber now, and he will explain the bill.

The VICE PRESIDENT. The bill will be passed over, on objection.

Mr. ROBINSON of Arkansas subsequently said: Mr. President, a few moments ago, while the Senator from Connecticut [Mr. WALCOTT] was absent from the Chamber, Calendar No. 512, the bill (S. 4096) to amend section 4 of the Federal reserve act, was passed over at the request of his colleague. I should like to ask permission to recur to that order of business if the Senator from Connecticut desires to do so, with a view to having it explained.

The VICE PRESIDENT. Is there objection to recurring to the order of business referred to? The Chair hears none.

Mr. WALCOTT. Mr. President, the bill refers to the selection of directors of the Federal reserve bank. It is rather complicated and quite difficult to explain. There is a report from the department favoring the proposed amendment of the act which I should like to get before I undertake an explanation. It will take a few moments to get it. I would suggest, therefore, that the bill be passed over for the time being.

Mr. LA FOLLETTE. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

A. J. MORGAN

The bill (H. R. 668) for the relief of A. J. Morgan, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, to strike out the words "as compensation," and to insert in lieu thereof the words "in full settlement of all claims against the Government," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to A. J. Morgan, out of any money in the Treasury not otherwise appropriated, the sum of $1,500 in full settlement of all claims against the Government for injuries received and expenses incurred by reason of having been struck by a mail sack thrown from a mail car at Fairmount, Ga., on the 21st day of August, 1926.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

NATIONAL HYDRAULIC LABORATORY

The bill (H. R. 8299) authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 1, line 9, after the word "flow," to insert the word "and."

The amendment was agreed to.

Mr. BLACK. Mr. President, I would like to have an explanation of that bill. Objection has been made to me about it, and I would like to have an explanation.

Mr. RANSDELL. Mr. President, a similar bill has passed the Senate twice, and this bill passed the House after very full hearings on the 9th of last month. It has been very fully considered by the Senate and by the House. It is a meritorious measure.

After the bill had passed the Senate twice, the House passed it in a very slightly amended form. This is an effort to have the House bill adopted, with an immaterial change, I would say, the substitution of the words "or any department or independent agency of the Government" for the words "or other bureau or department."

The measure has been before Congress since 1922, it is very strongly favored by the War Department, which did not favor it at first, but which is very strong for it now. It is also favored very strongly by the Department of Commerce. It would fill a real need of the Government, and it has passed the House.

Mr. BLACK. What is the necessity for it? I have been told that it would not have any effect on flood control, and that this work is done by a private company.

Mr. RANSDELL. It is considered very necessary because we have no national hydraulic laboratory in this country, and there are a great many needs which this hydraulic laboratory would answer. We want to study the various uses of water in many ways.

It does not interfere with the investigations which the War Department desires to make in the field in the study of flood control, or anything of that sort. It aids in all of these works, and there are many hydraulic problems which can not be studied successfully except in a national laboratory.

There is a comparatively small laboratory at the University of Michigan, and another one at Cornell University, in New York State. They are doing very good work, but there is nothing in the nature of a national laboratory, where the work can be carried on for all the different departments of the Government, and also for State agencies, when proper request is made by those authorities.

This has not been hastily gone into, I will say to the Senator. It has been gone into with very great care. Hundreds of pages of testimony have been taken, both by the House Committee on Rivers and Harbors and the Senate Committee on Commerce.

Mr. BLACK. Mr. President, the question in which I was interest was, What benefit would the Government receive from this laboratory which the Government does not now receive from the same kind of work performed by a private company?

Mr. RANSDELL. The Government would carry on this work independently for the various departments of the Government. There is no private laboratory carrying on the work in a broad way. We have a great Bureau of Standards where scientific research of every kind is carried on, and this is to establish another branch of that great bureau.

Mr. BLACK. What benefit does the Government receive? What is done? I am not sufficiently familiar with it to know.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. Has objection been entered?

The VICE PRESIDENT. Objection has not been entered.

Mr. McNARY. The rule is that no Senator may proceed longer than five minutes, is it not?

Mr. RANSDELL. I hope the Senator will not object.

The VICE PRESIDENT. The Senator's time is not quite up. He has about half a minute remaining.

Mr. BLACK. I would like to know what benefit we would receive from the establishment of the laboratory.

Mr. RANSDELL. It would provide for a bureau of scientific research. It is to assist us in studying problems connected with hydraulics. I might tell the Senator about one which was worked out at Cornell University which made the turbine 5 per cent more valuable than it ever was before. We think this would aid in problems of navigation, problems to some extent connected with flood control, and problems in irrigation and innumerable other problems. I hope the Senator will not object.

Mr. BLACK. Mr. President, I would like to have the bill go over until to-morrow.

The VICE PRESIDENT. Upon objection, the bill will be passed over.

NATIONAL SYSTEM OF EXPRESS MOTORWAYS

The joint resolution (S. J. Res. 58) creating a commission to study proposals for a national system of express motorways, and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I ask the attention of the Senator from Colorado [Mr. PHIPPS]. This apparently is quite an important measure. Is it the purpose to establish a system of Government motorways?

Mr. PHIPPS. Mr. President, the purpose is to authorize a commission, largely composed of heads of governmental departments, with one or two others whose services would be donated, to study the plans which might be laid before them for a system of express motor roads, the idea being to point out to those interested, whether it be the States, the Federal Government, or private enterprises, that there should be a definite plan formulated with a view to avoiding loss of money which would undoubtedly occur if the highway system is developed in a haphazard manner. We have to-day in some of the Eastern States requests on file from individual enterprises to get rights of way or permits to construct express motorways, which would, of course, be toll roads.

It is a very large problem. The good roads associations, the automobile industry, and all those interested in transportation—and I may add freight as well as passenger—are looking upon this as a proper move to avoid the loss of money in working along in the wrong manner. Without having first studied out the problem in full, it is usually gone at in an inefficient way. We had some printed matter submitted on the subject, all of which was furnished members of the committee. The committee was unanimously in favor of the proposal. A similar measure has been introduced in the House, but has not yet been acted upon.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Post Offices and Post Roads with amendments, on page 1, line 5, after the word "each" to insert "of the"; in line 9, to strike out "seven" and insert "eight"; on page 2, line 5, after the word "department" to insert "one representing the Interstate Commerce Commission," and in line 23 to strike out "may" and insert "shall," so as to make the joint resolution read:

Resolved, etc., That a commission is hereby created to be known as the United States Motorways Commission, to be composed of two Members of the Senate, one from each of the two major parties, and appointed by the President of the Senate; two Members of the House of Representatives, one from each of the two major parties, and appointed by the Speaker of the House of Representatives; and eight individuals to be appointed by the President of the United States, one representing the Department of Agriculture, one representing the Department of Commerce, one representing the Post Office Department, one representing the Department of War, one representing the Department of Labor, one representing the Treasury Department, one representing the Interstate Commerce Commission, and one (not connected with any governmental agency) who is experienced in industrial, military, aviation, and traffic problems. Any vacancy occurring in the commission shall be filled in the same manner as the original appointment. No member of the commission shall receive any compensation for his services as such member.

SEC. 2. The commission is authorized and directed to study proposals for the establishment of a national system of express motorways, with a view to making recommendations to Congress with respect to the establishment and maintenance of such a system. The commission shall make a report to Congress on or before the first day of the first regular session of the Seventy-second Congress and annually after such day, and shall file a copy of each report so made with the President of the United States.

SEC. 3. Any officer or employee of the United States shall supply the commission with such information, relating to any matter under investigation or study by the commission and contained in the records of the office of such officer or employee, as the commission may request. In administering this resolution the commission is authorized to make use, so far as consistent with the best interests of the public service, of agencies, officers, and employees in the executive branch of the Government. It shall also have power to hold hearings, subpœna witnesses, and administer oaths to witnesses.

SEC. 4. The commission may make such expenditures, including expenditures for actual traveling and subsistence expenses, for personal services at the seat of government and elsewhere (without regard to the civil service laws or the classification act of 1923, as amended), and for printing and binding, as are necessary for the efficient administration of its functions under this resolution. All expenses of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the commission.

SEC. 5. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this resolution.

The amendments were agreed to.

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

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

EDNA B. ERSKINE

The bill (S. 969) for the relief of Edna B. Erskine was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, in line 6, to strike out "$10,000" and insert "$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Edna B. Erskine, widow of George Erskine, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement of all claims against the Government for the death of her husband, who died as a result of injuries sustained by falling down an open and unguarded elevator shaft in the United States appraisal store building in New York City, July 17, 1923.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JUAN ANORBE AND OTHERS

The bill (S. 1378) for the relief of Juan Anorbe was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson, all former employees of the Isthmian Canal Commission, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, such compensation hereunder to commence from and after the passage of this act.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson."

HELEN F. GRIFFIN AND ADA W. ALLEN

The bill (S. 2892) for the relief of Helen F. Griffin and Ada W. Allen was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Helen F. Griffin, widow of Alfred A. Griffin, and to Ada W. Allen, widow of G. F. Allen, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, compensation to commence from and after the passage of this act.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Oregon [Mr. MCNARY] why it is necessary to pass

such a bill, and why the beneficiaries are not entitled to relief under the existing law.

Mr. McNARY. Mr. President, Mrs. Griffin and Mrs. Allen are widows, whose husbands lost their lives through food poisoning incurred while fighting forest fires. Mrs. Griffin is not only a widow, but an invalid with two small children. I am sure the case is such as to arouse the sympathy of anyone, but the department thought it did not come properly within existing law. The bill is simply to make it clear that their cases do come within the law.

Mr. ROBINSON of Arkansas. Very well.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF MERCHANT MARINE ACT

The bill (H. R. 7998) to amend subsection (d) of section 11 of the merchant marine act of June 5, 1920, as amended by section 301 of the merchant marine act of May 22, 1928, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 2, line 3, after the word "vessel" to strike out the words "for the foreign trade"; in line 7 to strike out "The lowest rate of yield (to the nearest one-eighth of 1 per cent) of any Government obligation bearing a date of issue subsequent to April 6, 1917 (except postal savings bonds), and outstanding at the time the loan is made by the board, as certified by the Secretary of the Treasury to the board upon its request. The rates of interest herein described shall also apply to advances hereafter made on contracts heretofore entered into" and to insert in lieu thereof "as fixed by the board, but not less than 3½ per cent per annum," so as to make the sentence read:

During the period in which a vessel is being constructed, equipped, reconditioned, remodeled, or improved; and/or, during any period in which such a vessel is operated in foreign trade the rate shall be as fixed by the board, but not less than 3½ per cent per annum.

The amendments were agreed to.

Mr. STEIWER. Mr. President, I do not know that I shall object to the consideration of the measure at this time, but I should like to call the attention of the Senate to one or two phases which are involved in it.

For 60 years our Government has entertained hope for the reestablishment of a merchant marine. Every attempt that was made met with failure. Following the war we established certain shipping lines and certain services with vessels which had been built incident to the war. Subsequent to that time Congress has given a great deal of attention to the very important matter of the establishment of the American flag and the American merchant marine upon the seas. The most effective step, indeed I feel the only effective step, in bringing about the construction of new ships and a forward-looking program with respect to this great enterprise is the Jones-White Act with the acts amendatory thereto. Those acts laid down a policy of loans for construction and a policy of interest rates with respect to those loans for construction. The amendment which the committee is recommending to us with respect to the bill now before the Senate changes the entire policy and takes away the rule under which the interest rate was to be figured. It will be observed that under the measure now before us the matter is to be left entirely to the Shipping Board subject to a minimum limitation of 3½ per cent.

May I say, and this is the only thing I had in mind when I took the floor, that some $60,000,000 has already been loaned by the Shipping Board under that act, and that numerous lines of American ships have been sold with conditions in the contract for replacement by building new ships and the old ships have been purchased and contracts made by the American operators in the belief that the Congress had adopted a policy with respect to the matter and had provided a basis upon which interest might be figured. At this time numerous agreements have been made by which the interdepartmental committee has arranged that the mails to be carried under the act and the Shipping Board has given its approval to the route. The formal contract in many instances have been made, and commitments have been made running into millions and millions of dollars.

Under those contracts for the construction of new ships the interest rate has not yet been formally or finally fixed. The law provides that a temporary adjustment be made, the assurance of a loan is given, and the owner then proceeds with the construction of the ship and in these numerous cases the American owners building in American yards under the provisions of the law, have relied upon the policy as declared by Congress. It seems to me it is almost bad faith for the Government of the United States to change the basis and thus increase the interest rates upon these loans.

I shall not object to the present consideration of the bill, but I hope the conferees when considering the interest rate amendment will observe care not to disturb existing agreements.

Mr. BLEASE. Mr. President, let the bill go over.

The VICE PRESIDENT. Objection is made and the bill will be passed over.

WABASH RAILWAY CO. EASEMENT OVER ST. CHARLES RIFLE RANGE

The bill (S. 3965) to authorize the Secretary of War to grant an easement to the Wabash Railway Co. over the St. Charles Rifle Range, St. Louis County, Mo., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to grant, under such terms and conditions as he may determine, to the Wabash Railway Co., an Indiana corporation, its successors and assigns, an easement 100 feet in width over and upon the property belonging to the United States known as the St. Charles Rifle Range, and located near St. Charles, in the county of St. Louis, State of Missouri, with full power to use said property for railroad purposes and to locate, construct, and operate thereon an approach, together with all necessary tracks, sidings, structures, and appurtenances, to the bridge authorized to be constructed by the act entitled "An act granting the consent of Congress to the Wabash Railway Co. to construct, maintain, and operate a railroad bridge across the Missouri River at or near St. Charles, Mo.," approved February 7, 1930: *Provided,* That the property herein granted shall not be used for other than railroad purposes, and whenever it ceases to be used for such purposes it shall revert to the United States.

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

DEFINITION OF FRUIT JAMS, ETC.

The bill (S. 3470) to define fruit jams, fruit jellies, and apple butter, to provide standards therefor, and to amend the food and drugs act of June 30, 1906, as amended, was considered as in Committee of the Whole. The bill had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That for the purposes of the food and drugs act of June 30, 1906, as amended (U. S. C., title 21, secs. 1–15; U. S. C., Supp. III, title 21, sec. 11a)—

(1) "Preserve" or "jam" shall be understood to mean the clean, sound product possessing definite characteristic flavor of the fruit or fruits used in its preparation, made only by cooking to a pulpy or semisolid consistency properly prepared fresh fruit, cold-pack fruit, canned fruit, or a mixture of two or all of these, with one or more saccharine substances, in the proportion of not less than 45 pounds of such fruit or mixture thereof to each 55 pounds of such saccharine substance or substances, and with or without spice and/or vinegar and/or pectin and/or pectinous preparations and/or harmless organic acids; except that when vinegar or pectin or a pectinous preparation or harmless organic acid is used the finished preserve or jam shall contain not less than 68 per cent by weight of water-soluble solids derived from the fruit and saccharine substances used in its manufacture.

(2) "Jelly" shall be understood to mean the clean, sound, semisolid, gelatinous product possessing definite characteristic flavor of the fruit or fruits used in its preparation, made only by concentrating to a suitable consistency the strained juice, or the strained water extract, from fresh fruit, from cold-pack fruit, from canned fruit, or from a mixture of two or all of these, with one or more saccharine substances, and with or without pectin and/or pectinous preparations and/or harmless organic acids; except that when pectin or a pectinous preparation or harmless organic acid is used, the finished jelly shall contain not less than 65 per cent by weight of water-soluble solids derived from the fruit and saccharine substances used in its manufacture, and its composition shall correspond to the proportion of not less than 50 pounds of pure fruit juice to each 50 pounds of one or more saccharine substances in the original batch.

(3) "Apple butter" shall be understood to mean the clean, sound product made only by cooking with one or more saccharine substances and/or apple juice, the properly prepared entire edible portion of apples, either fresh, cold-pack, canned, or evaporated, to a homogeneous semisolid consistency, with or without vinegar and/or salt and/or spice and/or harmless organic acids. Apple butter shall contain not less than 45 per cent by weight of water-soluble solids, and shall be prepared in the proportion of not more than 20 pounds of one or more saccharine substances to each 50 pounds of the properly prepared entire edible portion of fresh apples or the equivalent thereof in cold-pack, canned, or evaporated apples.

(4) "Honey preserve," "honey jam," "honey jelly," or "honey apple butter," shall be understood to mean preserve, jam, jelly, or apple

butter, respectively, as defined in this act, in the manufacture of which honey is the only saccharine substance used.

(5) "Imitation preserve," "imitation jam," "imitation jelly," or "imitation apple butter," shall be understood to mean food products, except those defined in paragraphs (1) to (4), inclusive, which resemble preserve, jam, jelly, or apple butter, respectively, as defined in this act; except that citrus-fruit marmalade, fruit-pie filling, fruit sauce, and fountain-crushed fruit, labeled and sold as such, shall not be held to be imitation preserve, imitation jam, imitation jelly, or imitation apple butter.

SEC. 2. (a) The term "saccharine substances," as used in this act, shall be understood to mean those products having a characteristic sweet taste, having nutritive value, and consisting wholly of the carbohydrates chemically known as sugars or of such sugars, together with harmless nonsugar substances commonly occurring with them in their natural production or commercial manufacture.

(b) For the purposes of any provision of section 1, the weight—

(1) Of fruit, in case of the use of cold-pack fruit or canned fruit, shall be the weight of the properly prepared fresh fruit cold packed or canned.

(2) Of pure fruit juice, shall be the weight of such fruit juice exclusive of added water, added saccharine substances, and other added substances.

(3) Of evaporated apples, shall be the actual weight of the evaporated apples, together with the weight of the water originally present in the properly prepared fresh apples and lost by evaporation in process of manufacture.

(4) Of saccharine substances, in case of the use of cold-pack fruit or canned fruit, shall include the weight of the added saccharine substances, if any, in such fruit.

SEC. 3. Section 8 of the food and drugs act of June 30, 1906, as amended (U. S. C., title 21, secs. 9, 10), is amended by adding at the end thereof the following paragraphs:

"Fifth. If it be preserve, jam, jelly, apple butter, honey preserve, honey jam, honey jelly, or honey apple butter, and (1) the fruit or fruits used in its preparation be not plainly and conspicuously named on the label in the order of their predominance by weight, or (2) the saccharine substances used in its preparation be not plainly and conspicuously named on the label in terms of common usage (for example, 'cane or beet sugar,' 'corn sugar,' and so on) and in the order of their predominance by weight, or (3) if it be made with pectin and/or pectinous preparations and/or acids and such fact be not plainly and conspicuously stated on the label."

"Sixth. If it be imitation preserve, imitation jam, imitation jelly, or imitation apple butter, and it be not plainly and conspicuously labeled 'imitation preserve,' 'imitation jam,' 'imitation jelly,' or 'imitation apple butter,' as the case may be, or the common names of the ingredients from which it was made be not plainly stated upon the label in the order of their predominance by weight."

SEC. 4. This act shall take effect on the 1st day of November, 1930, except that paragraph "Fifth" of section 3 herein shall not take effect until two years after the date of its enactment.

Mr. JONES. Mr. President, it has been found that under the decisions of the courts, jams, jellies, and other similar food products are not covered by the pure food act. It has been ascertained also that in many cases jams, jellies, and so forth, while not really adulterated, do not contain the quantity of fruit that they should contain, and the content of fruit gets less and less year after year, and yet when one looks at the product he can not tell the difference between it and the real article. The purpose of this bill is to meet a situation such as that.

There was a hearing before the Committee on Agriculture and Forestry, the matter was very carefully considered, and a similar bill, I understand, has been reported by the House committee and is now on the House Calendar. My understanding is that the amendment here proposed makes the Senate bill conform to the bill which has been reported to the House. It is a very important measure for the fruit industry and also the consumers. All that it proposes to do, in substance, is to require the container to have placed upon it a notation of its contents.

Mr. ROBINSON of Arkansas. I suppose it only applies, in any event, to a commodity which enters into commerce?

Mr. JONES. Oh, yes.

Mr. COPELAND. Mr. President, I wish the Senator might omit from this bill the necessity of putting the amount of saccharine substance upon the label. It is a great pity, in my judgment, that it is necessary when corn sugar is used for that fact to be labeled; but this bill requires that whatever the saccharine substance is shall be included in the label. It is an unfortunate discrimination against corn sugar.

Mr. JONES. I certainly think so.

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

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STOCK SLOUGH DRAINAGE DISTRICT, OREG.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2896) granting the consent of Congress to the State of Oregon and the Stock Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Stock Slough, Coos Bay, Coos County, Oreg., which had been reported from the Committee on Commerce with an amendment, on page 1, line 3, after the word "to," to strike out "Coos County" and to insert "the State of Oregon," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is granted to the State of Oregon, acting through its highway department, and to the Stock Slough Drainage District, organized under the laws of the State of Oregon, to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and dike for preventing the flow of tidal waters into Stock Slough, Coos Bay, Coos County, Oreg. Work shall not be commenced on such dam and dike until the plans therefor, including plans for all accessory works, are submitted to and approved by the Chief of Engineers and the Secretary of War, who may impose such conditions and stipulations as they deem necessary to protect the interests of the United States.

SEC. 2. The authority granted by this act shall terminate if the actual construction of the dam and dike hereby authorized is not commenced within one year and completed within three years from the date of the passage of this act.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BEAVER SLOUGH DRAINAGE DISTRICT, OREG.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2897) granting the consent of Congress to the State of Oregon and the Beaver Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Beaver Slough, Coquille River, Coos County, Oreg., which had been reported from the Committee on Commerce with amendments, on page 1, section 1, line 3, after the word "to," to strike out "Beaver Slough Drainage District and" and to insert "the State of Oregon acting through its highway department; to the"; in line 5, before the word "drainage," to strike out the name "Coeledo" and to insert "Coaledo"; in line 7, after the word "Oregon," to strike out "acting through its highway department"; and on page 2, line 4, after the name "Beaver Slough," to strike out "drainage district," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is granted to the State of Oregon acting through its highway department; to the Coaledo Drainage District, organized under the laws of the State of Oregon, and to the Beaver Slough Drainage District, organized under the laws of the State of Oregon, to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and dike for preventing the flow of tidal waters into Beaver Slough, Coquille River, Coos County, Oreg. Work shall not be commenced on such dam and dike until the plans therefor, including plans for all accessory works, are submitted to and approved by the Chief of Engineers and the Secretary of War, who may impose such conditions and stipulations as they deem necessary to protect the interests of the United States.

SEC. 2. The authority granted by this act shall terminate if the actual construction of the dam and dike hereby authorized is not commenced within one year and completed within three years from the date of the passage of this act.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the State of Oregon and the Beaver Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Beaver Slough, Coquille River, Coos County, Oreg."

LARSON SLOUGH DRAINAGE DISTRICT, OREG.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2898) granting the consent of Congress to the State of Oregon and the Larson Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Larson Slough, Coos Bay, Coos County, Oreg., which was read, as follows:

Be it enacted, etc., That the consent of Congress is granted to the State of Oregon, acting through its highway department, and to the Larson Slough Drainage District, organized under the laws of the State of Oregon, to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and dike for preventing the flow of tidal waters into Larson Slough, Coos Bay, Coos County, Oreg. Work shall not be commenced on such dam and dike until the plans therefor, including plans for all accessory works, are submitted to and approved by the Chief of Engineers and the Secretary of War, who may impose such conditions and stipulations as they deem necessary to protect the interests of the United States.

SEC. 2. The authority granted by this act shall terminate if the actual construction of the dam and dike hereby authorized is not commenced within one year and completed within three years from the date of the passage of this act.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

OIL AND GAS DEPOSITS ON RIGHTS OF WAY

The bill (H. R. 8154) providing for the lease of oil and gas deposits in or under railroad and other rights of way was announced as next in order.

Mr. BLEASE. I ask that that bill go over.

Mr. WALSH of Montana. If the Senator from South Carolina will withhold his objection to that bill for a brief time, I should like to make a statement about it.

The VICE PRESIDENT. Does the Senator from South Carolina withhold his objection?

Mr. BLEASE. I have not any objection to doing that, but I am going to renew the objection. I am opposed to any more oil leases in view of our past experience.

Mr. WALSH of Montana. I want to say this bill is designed to protect the interests of the United States.

Mr. BLEASE. That is what we thought before, but we were badly fooled.

Mr. WALSH of Montana. I should like to make a statement, if the Senator will indulge me.

Mr. BLEASE. I have not any objection to the Senator doing that.

Mr. WALSH of Montana. Leases have been made of oil lands in the western section of the country and they are now being operated and oil is being extracted from them. These lands lie immediately adjacent to lands which have been granted as rights of way to railroad companies, and the wells on the privately owned lands are draining the oil from underneath the land granted to the railroad company for a right of way. The Government still owns the mineral under the right of way; it does not belong to the railroad company; but the wells in the adjacent lands are draining that oil without any return at all to the Government of the United States.

The purpose of the bill is to authorize a lease of the lands included within the right of way for the purpose of withdrawing the oil from them. The only bidder for that oil must necessarily be either the railroad company or the owner of the adjacent land upon which a well can be sunk. As it is now, this is property that belongs to the United States; the oil belongs to the United States; it is being drained from under this land; and the Government is getting absolutely nothing at all for it.

I have no personal interest in the matter, and I have stated what the nature of the bill is. Indeed, the department reports that we are suffering constantly a very substantial loss of royalty by reason of that condition of affairs. I think most of the property is in the State of California; the railroad grant is to the Southern Pacific Railroad, and the Southern Pacific Railroad, as is quite well known, has transferred all of its oil wells or substantially all of its oil wells, at least, a very great portions of its oil wells, to the Standard Oil Co. of California, and the Standard Oil Co. of California is draining these lands and is really taking the oil that belongs to the Government of the United States.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BLEASE. I object.

The VICE PRESIDENT. The bill will be passed over.

WAR DEPARTMENT APPROPRIATIONS

The bill (H. R. 7955) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes, was announced as next in order.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The Chair will ask the Senator from Washington if he is desirous that this bill be taken up at this time, it being the Army appropriation bill?

Mr. JONES. No; I desire that that bill shall be taken up to-morrow.

The PRESIDING OFFICER. The bill will be passed over.

MISSISSIPPI RIVER BRIDGE NEAR M'GREGOR, IOWA

The bill (S. 4094) authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of McGregor, Iowa, was announced as next in order.

Mr. BLAINE. Mr. President, I have just received a telegram, which reads as follows:

Please object to McGregor bridge bill.

That is the bill, the title of which has just been stated by the clerk.

The PRESIDING OFFICER. Does the Senator from Wisconsin object to the consideration of the bill?

Mr. BLAINE. I want to conclude the reading of the telegram, as follows:

Passage of this bill at this time will seriously handicap the financing of Prairie du Chien bridge. This would authorize a competing toll bridge within a distance of only 1 mile, fatal to both projects. See Congressman NELSON for detailed information. Present outlook for Prairie du Chien bridge is fine. This bill is only obstacle in way of successful financing of our bridge. Financing is practically completed. Construction will be resumed within a few days.

JOHN H. PEACOCK,
Chairman Prairie du Chien Bridge Committee.

It is very evident, Mr. President, that there are conflicting interests respecting this matter; and I think, in fairness to both sides, the bill should be recommitted to the committee. However, in the absence of the author of the bill I merely ask that it go over at this time.

The PRESIDING OFFICER. On objection of the Senator from Wisconsin the bill will be passed over.

TENNESSEE RIVER BRIDGE, CHATTANOOGA, TENN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4157) to extend the times for commencing and completing a bridge across the Tennessee River at or near Chattanooga, Hamilton County, Tenn., which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 1, line 5, after the word "built," to insert "by the city of Chattanooga and the county of Hamilton, Tenn.," so as to make the section read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by an act of Congress approved March 2, 1929, to be built by the city of Chattanooga and the county of Hamilton, Tenn., across the Tennessee River at or near Chattanooga, Hamilton County, in the State of Tennessee, are hereby extended one and three years, respectively, from the date of approval hereof.

The amendment was agreed to.

The next amendment was in section 2, page 1, line 11, after the word "hereby," to strike out "granted" and insert "reserved," so as to make the section read:

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE, CARROLLTON, KY.

The bill (S. 4173) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Carrollton, Ky., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Ohio River at or near Carrollton, Ky., authorized to be built by the State highway commission, Commonwealth of Kentucky, by the act of Congress approved February 26, 1929, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

FRENCH BROAD RIVER BRIDGE, TENNESSEE

The bill (S. 4174) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Dandridge-Newport Road in Jefferson County, Tenn., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Highway Department of the State of Tennessee, its successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across the French Broad River, at a point suitable to the interests of navigation, on the Dandridge-Newport Road in Jefferson County, Tenn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

PAIUTE INDIAN RESERVATION LANDS, NEVADA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 135) to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes, which had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 5, after the words "sum of," to strike out "$10,096.01" and to insert "$6,000," so as to make the bill read:

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 $6,000, or so much thereof as may be necessary, for paying the Truckee-Carson irrigation district, Fallon, Nev., in 60 semiannual installments, as equally as may be, the proportionate share of the benefits received by 4,877$\frac{8}{10}$ irrigable acres of Paiute Indian lands within the Newlands irrigation project, for necessary repairs to the Truckee Canal to restore said canal to its original capacity, said payments to be made at the same time and at the same rate per irrigable acre as that paid to the Reclamation Bureau by said district for other irrigable lands located therein.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL PRISONS

The bill (H. R. 6807) to establish two institutions for the confinement of United States prisoners was announced as next in order.

Mr. BLEASE. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7832) to reorganize the administration of Federal prisons, to authorize the Attorney General to contract for the care of United States prisoners, to establish Federal jails, and for other purposes, was announced as next in order.

Mr. BLEASE. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. COPELAND. Mr. President, I wish the Senator from South Carolina would withhold his objection for a few minutes in order that I may say a word about Federal prisons.

Mr. BLEASE. Mr. President, it would save time if I should not withhold the objection. I want to discuss these bills, and I want them to come up regularly.

Mr. COPELAND. I would be glad if the Senator would withhold his objection for a moment, because I should like to speak for about two minutes on the subject of prisons.

Mr. BLEASE. Very well; I do not object, if the Senator wants to take up the time of the Senate.

Mr. COPELAND. Mr. President, I think it is very significant that in his message to the Congress, which was transmitted on the 28th of April, and which passed without comment, in fact, without hardly being heard by the Senate, the President said:

There must be extension of Federal prisons with more adequate parole system and other modern treatment of prisoners. We have already 11,985 prisoners in Federal establishments built for 6,946.

Think of it! We have crowded into institutions erected for the accommodation of 6,000 persons between eleven and twelve thousand. The President proceeds:

The number of Federal prisoners in Federal and State institutions increased 6,277 in the nine months from June 30, 1929, to April 1, 1930. The Attorney General has stated that we can not hope to enforce the laws unless we can have some point of reception for convicted persons. The overcrowding of the prisons themselves is inhumane and accentuates criminal tendencies.

Mr. President, this is a matter of great importance to us. We are aware of the serious riot which recently occurred in the Ohio State Prison; we have had brought home to us in the case of many penal institutions in this country the effect of overcrowding, of the hopelessness of the prisoners, and it is time, in my judgment, that the Congress of the United States give some attention to the conditions which now exist in the Federal prisons of the country. There was in this month's Atlantic Monthly an article by George W. Alger on the subject of prison conditions. I feel that, for the sake of common decency, we ought to do something to take care of Federal prisoners.

We are attempting, I assume, to enforce an unenforceable law, but, nevertheless, as the result of that effort the prisons are being crowded with prisoners who are being kept in a most inhumane way. Present conditions constitute a crime against decency and against our civilization. If we are going to make prisoners of these people, we ought to keep them at least in a decent place.

I thank the Senator from South Carolina for permitting me to say this much. I have had it in my heart to say it for a long time. I think it is time we thought about the situation.

Mr. BLEASE. Mr. President, I agree very thoroughly with the Senator from New York, and I think I have shown about as much interest in and possibly I have done about as much for prisoners as any man who has ever served in this body. In the course of four years I pardoned 1,500 of them, as I now recall. The President of the United States has it in his power—and it is his duty—to relieve the situation. He can do it by having proper investigations made and releasing prisoners who have already served too long for the trivial offenses they have committed or who have been put in the penitentiary by prejudiced judges and perjured testimony. It is his duty to relieve the situation and not that of Congress. I object to the consideration of the bill.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7412) to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes, was announced as next in order.

Mr. BLEASE. Let that bill also go over.

The PRESIDING OFFICER. The bill will be passed over.

HOSPITAL FOR DEFECTIVE DELINQUENTS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7410) to establish a hospital for defective delinquents, which was read, as follows:

Be it enacted, etc., That the Attorney General is authorized and directed to select a site, either in connection with some existing institution or elsewhere, for a hospital for the care and treatment of all persons charged with or convicted of offenses against the United States, and who are in the actual custody of its officers or agents, and who at the time of their conviction or during the time of their detention and/or confinement are or shall become insane, afflicted with an incurable or chronic degenerative disease, or so defective mentally or physically as to require special medical care and treatment not available in an existing Federal institution.

SEC. 2. Upon the selection of an appropriate site the Attorney General shall submit to Congress an estimate of the cost of purchasing the same and of remodeling, constructing, and equipping the necessary buildings thereon. The Attorney General, at the same time and annually thereafter, shall submit estimates covering the expense of maintaining and operating such institution, including salaries of all necessary officers and employees.

SEC. 3. That the Secretary of the Treasury is hereby authorized, upon request of the Attorney General, to cause plans, specifications, and estimates for the remodeling and constructing of the necessary buildings to be prepared in the Office of the Supervising Architect of the Department of the Treasury, and the work of remodeling and constructing the said buildings to be supervised by the field force of said office: *Provided*, That if, in his discretion, it would be impracticable to cause such plans, specifications, and estimates to be prepared in the Office of the Supervising Architect of the Department of the Treasury, and such work to be supervised by the field force of said office, the Secretary of the Treasury may contract for all or any portion of such work to be performed by such suitable person or firm as he may select: *Provided further*, That the proper appropriation for the support and maintenance of the Office of the Supervising Architect be reimbursed for the cost of such work and supervision.

SEC. 4. That the control and management of the institution established hereunder shall be vested in the Attorney General, who shall have power to promulgate rules for the government thereof, and to appoint, subject to the civil service laws and regulations of the United States, all necessary officers and employees. In connection with such maintenance and operation the Attorney General is authorized to establish and conduct industries, farms, and other activities; to classify the inmates; and to provide for their proper treatment, care, rehabilitation, and reformation.

SEC. 5. That the inmates of said institution shall be employed in such manner and under such condition as the Attorney General may direct. The Attorney General may, in his discretion, establish industries, plants, factories, or shops for the manufacture of articles, commodities, and supplies for the United States Government; require any department or establishment of the United States to purchase at current market prices, as determined by the Attorney General or his authorized representatives, such articles, commodities, or supplies as meet their specifications. There may be established a working-capital fund for said industries out of any funds appropriated for said institution; and said working-capital fund shall be available for the purchase, repair, or replacement of machinery, or equipment, for the purchase of raw materials and supplies, for personal services of civilian employees, and for the payment to the inmates or their dependents of such pecuniary earnings as the Attorney General shall deem proper.

SEC. 6. There is hereby authorized to be created a board of examiners for each penal and correctional institution where persons convicted of offenses against the United States are incarcerated, to consist of (1) a medical officer appointed by the warden or superintendent of the institution; (2) a medical officer to be appointed by the Attorney General; and (3) a competent expert in mental diseases to be nominated by the Surgeon General of the United States Public Health Service. The said board shall examine any inmate of the institution alleged to be insane or of unsound mind or otherwise defective and report their findings and the facts on which they are based to the Attorney General. The Attorney General, upon receiving such report, may direct the warden or superintendent or other official having custody of the prisoner to cause such prisoner to be removed to the United States hospital for defective delinquents or to any other such institution as is now authorized by law to receive insane persons charged with or convicted of offenses against the United States, there to be kept until, in the judgment of the superintendent of said hospital, the prisoner shall be restored to sanity or health or until the maximum sentence, without deduction for good time or commutation of sentence, shall have been served.

SEC. 7. Any inmate of said United States hospital for defective delinquents whose sanity or health is restored prior to the expiration of his sentence, may be retransferred to any penal or correctional institution designated by the Attorney General, there to remain pursuant to the original sentence computing the time of his detention or confinement in said hospital as part of the term of his imprisonment.

SEC. 8. It shall be the duty of the superintendent of said hospital to notify the proper authorities of the State, District, or Territory where any insane convict shall have his legal residence, or, if this can not be ascertained, the proper authorities of the State, District, or Territory from which he was committed, of the date of the expiration of the sentence of any convict who, in the judgment of the superintendent of said hospital, is still insane or a menace to the public. The superintendent of said hospital shall cause to be delivered into the custody of the proper authorities of the State, District, or Territory the body of said insane convict.

SEC. 9. All transfers from penal and correctional institutions to or from the hospital for defective delinquents shall be made in such manner as the Attorney General may direct, and the expense thereof shall be paid from such appropriation as may be authorized.

SEC. 10. The expenses incurred in the necessary travel in the selection of a site, in making of surveys, the making of preliminary sketches, and the securing of options shall be payable out of appropriation "Support of prisoners" for the fiscal year in which such expense is incurred, not exceeding, however, the sum of $20,000.

SEC. 11. There are hereby authorized to be appropriated such funds as are necessary to carry out the purpose of this act.

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

FEDERAL PROBATION OFFICERS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3975) to amend sections 726 and 727 of title 18, United States Code, with reference to Federal probation officers, and to add a new section thereto.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 3, section 2, line 23, after the word "shall," to strike out "exercise general supervision over the administration of the probation system in all United States courts. He shall," so as to make the section read:

SEC. 2. That a new section be, and is hereby, enacted to follow section 727 of title 18, United States Code, to read as follows:

"SEC. 728. The Attorney General, or his authorized agent, shall investigate the work of the probation officers and make recommendations concerning the same to the respective judges and shall have access to the records of all probation officers. He shall collect for publication statistical and other information concerning the work of the probation officers. He shall prescribe record forms and statistics to be kept by the probation officers and shall formulate general rules for the proper conduct of the probation work. He shall endeavor by all suitable means to promote the efficient administration of the probation system and the enforcement of the probation laws in all United States courts. He shall incorporate in his annual report a statement concerning the operation of the probation system in such courts."

The amendment was agreed to.

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

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

The bill was read the third time and passed.

PAROLE OF UNITED STATES PRISONERS

The bill (H. R. 7413) to amend an act providing for the parole of United States prisoners, approved June 25, 1910, as amended, was considered as in Committee of the Whole.

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

MEDICAL SERVICE IN FEDERAL PRISONS

The bill (H. R. 9235) to authorize the Public Health Service to provide medical service in the Federal prisons was considered as in Committee of the Whole.

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

UNITED STATES INDUSTRIAL REFORMATORY, CHILLICOTHE, OHIO

The bill (H. R. 973) to remove the age limit of persons who may be confined at the United States industrial reformatory at Chillicothe, Ohio, was considered as in Committee of the Whole.

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

PAYMENT OF INTEREST ON INDIAN TRUST FUNDS

The bill (S. 4203) to amend the act approved February 12, 1929, authorizing the payment of interest on certain funds held in trust by the United States for Indian tribes was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the act approved February 12, 1929 (44 Stat. 1164), entitled "An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes," be, and the same is hereby, amended so as to read as follows:

"That all funds with account balances exceeding $500 held in trust by the United States and carried in principal accounts on the books of the Treasury Department to the credit of Indian tribes, upon which interest is not otherwise authorized by law, shall bear simple interest at the rate of 4 per cent per annum.

"SEC. 2. All tribal funds arising under the act of March 3, 1883 (22 Stat. 590), as amended by the act of May 17, 1926 (44 Stat. 560), now included in the fund 'Indian Money, Proceeds of Labor,' shall, on and after July 1, 1930, be carried on the books of the Treasury Department in separate accounts for the respective tribes, and all such funds with account balances exceeding $500 shall bear simple interest at the rate of 4 per cent per annum from July 1, 1930.

"SEC. 3. The amount held in any tribal-fund account which, in the judgment of the Secretary of the Interior, is not required for the purpose for which the fund was created, shall be covered into the surplus fund of the Treasury; and so much thereof as is found to be necessary for such purpose may at any time thereafter be restored to the account on books of the Treasury without appropriation by Congress.

"SEC. 4. The interest accruing on Indian tribal funds under this act shall be subject to the same disposition as prescribed by existing law for the respective principal funds."

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

BILL PASSED OVER

The bill (S. 4066) to authorize the merger of the Georgetown Gas Light Co. with and into the Washington Gas Light Co., and for other purposes, was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LANDS AND WATERS IN NORTHERN MINNESOTA

The bill (S. 2498) to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with amendments.

The first amendment was, in section 1, page 2, line 6, after the word "laws," to insert "and subject to such permits and

licenses as may be granted or issued by the Department of Agriculture under laws or regulations generally applicable to national forests," so as to make the section read:

Be it enacted, etc., That all public lands of the United States situated north of township 60 north in the Counties of Cook, Lake, and St. Louis, in the State of Minnesota, including the natural shore lines of Lake Superior and of the lakes and streams forming the international boundary, so far as they lie within this area, are hereby withdrawn from all forms of entry or appropriation under the public land laws of the United States, subject to prior existing legal rights initiated under the public land laws, so long as such claims are maintained as required by the applicable law or laws and subject to such permits and licenses as may be granted or issued by the Department of Agriculture under laws or regulations generally applicable to national forests.

The amendment was agreed to.

The next amendment was, in section 2, line 13, after the word "any," to insert "other"; in line 14, after the word "area," to insert "which is now or eventually to be in general use for boat or canoe travel"; in line 22, after the word "infested," to insert "dying"; and in line 23, after the word "feet," to insert "except where necessary to open areas for banking grounds, landings, and other uses connected with logging operations," so as to make the section read:

SEC. 2. That the principle of conserving the natural beauty of shore lines for recreational use shall apply to all Federal lands which border upon any boundary lake or stream contiguous to this area, or any other lake or stream within this area which is now or eventually to be in general use for boat or canoe travel, and that for the purpose of carrying out this principle logging of all such shores to a depth of 400 feet from the natural water line is hereby forbidden, except as the Forest Service of the Department of Agriculture may see fit in particular instances to vary the distance for practical reasons: *Provided*, That in no case shall logging of any timber other than diseased, insect infested, dying, or dead be permitted closer to the natural shore line than 200 feet, except where necessary to open areas for banking grounds, landings, and other uses connected with logging operations.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 13, after the word "project," to insert "*Provided*, That nothing in this section shall be construed as interfering with the duties of the International Joint Commission created pursuant to the convention concerning the boundary waters between the United States and Canada and concluded between the United States and Great Britain on January 11, 1909, and action taken or to be taken in accordance with provisions of the protocol and agreement between the United States and Canada, which was signed at Washington on February 24, 1925, for the purpose of regulating the levels of the Lake of the Woods"; and on page 4, line 3, after the word "lands," to insert "and maximum water levels not higher than the normal high-water mark may be maintained temporarily where essential strictly for logging purposes in the streams between lakes by the construction and operation of small temporary dams: *Provided, however*, That nothing herein shall be construed to prevent the Secretary of Agriculture from listing for homestead entry under the provisions of the act of June 11, 1906 (34 Stat. 233), any of the above-described lands found by him to be chiefly valuable for agriculture and not needed for public purposes: *Provided further*, That the provisions of this section shall not apply to any proposed development for water-power purposes for which an application for license was pending under the terms of the Federal water power act on or before January 1, 1928," so as to make the section read:

SEC. 3. That in order to preserve the shore lines, rapids, waterfalls, beaches, and other natural features of the region in an unmodified state of nature, no further alteration of the natural water level of any lake or stream within or bordering upon the designated area shall be authorized by any permit, license, lease, or other authorization granted by any official or commission of the United States, which will result in flooding lands of the United States within or immediately adjacent to the Superior National Forest, unless and until specific authority for granting such permit, license, lease, or other authorization shall have first been obtained by special act from the Congress of the United States covering each such project: *Provided*, That nothing in this section shall be construed as interfering with the duties of the International Joint Commission created pursuant to the convention concerning the boundary waters between the United States and Canada and concluded between the United States and Great Britain on January 11, 1909, and action taken or to be taken in accordance with provisions of the protocol and agreement between the United States and Canada, which was signed at Washington on February 24, 1925, for the purpose of regulating the levels of the Lake of the Woods: *Provided*, That with the written approval and consent of the Forest Service of the Department of Agriculture, reservoirs not exceeding 100 acres in area may be constructed and maintained for the transportation of logs or in connection with authorized recreational uses of national-forest lands, and maximum water levels not higher than the normal high-water mark may be maintained temporarily where essential strictly for logging purposes in the streams between lakes by the construction and operation of small temporary dams: *Provided, however*, That nothing herein shall be construed to prevent the Secretary of Agriculture from listing for homestead entry under the provisions of the act of June 11, 1906 (34 Stat. 233), any of the above-described lands found by him to be chiefly valuable for agriculture and not needed for public purposes: *Provided further*, That the provisions of this section shall not apply to any proposed development for water-power purposes for which an application for license was pending under the terms of the Federal water power act on or before January 1, 1928.

Mr. SHIPSTEAD. Mr. President, there is a typographical error in the amendment on page 3. In line 20, before the word "protocol," the word "convention" should be inserted—it was in the original amendment, but was omitted through a stenographic error—and in the next line the word "was" should be changed to "were."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM TINDALL

The bill (S. 4244) authorizing the continuance of William Tindall in the service of the government of the District of Columbia was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to continue William Tindall in the service of the government of the District of Columbia notwithstanding the provisions of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, as amended.

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

AMENDMENT OF HOMESTEAD ACT

The joint resolution (H. J. Res. 181) to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920, as amended January 21, 1922, and as extended December 28, 1922, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, line 9, after the word "war," to insert "military occupation, or military expedition," and in line 16, after the word "*Provided*," to insert "That for the purposes of this resolution the war with Spain shall be considered to include the period from April 21, 1898, to July 4, 1902: *Provided further*," so as to make the joint resolution read:

Resolved, etc., That a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920, as amended by joint resolution approved January 21, 1922, and as extended by joint resolution approved December 28, 1922, be, and the same is hereby, amended to read as follows:

"That hereafter, for the period of 10 years following February 14, 1930, on the opening of public or Indian lands to entry, or the restoration to entry of public lands therefore withdrawn from entry, such opening or restoration shall, in the order therefor, provide for a period of not less than 90 days before the general opening of such lands to disposal in which officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States in any war, military occupation, or military expedition and been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve shall have a preferred right of entry under the homestead or desert land laws, if qualified thereunder, except as against prior existing valid settlement rights and as against preference rights conferred by existing laws or equitable claims subject to allowance and confirmation: *Provided*, That for the purposes of this resolution the war with Spain shall be considered to include the period from April 21, 1898, to July 4, 1902: *Provided further*, That the same preference rights are hereby extended to apply to those citizens of the United States who served with the allied armies during the World War and who were honorably discharged, upon their resumption of citizenship in the United States, provided the service with the allied armies shall be similar to the service with the

Army of the United States for which recognition is granted in this joint resolution: *Provided further,* That the rights and benefits conferred by this joint resolution shall not extend to any person who, having been drafted for service under the provisions of the selective-service act, shall have refused to render such service or to wear the uniform of such service of the United States."

SEC. 2. That the Secretary of the Interior is hereby authorized to make any and all regulations necessary to carry into full force and effect the provisions hereof.

The amendments were agreed to.

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

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

The bill was read the third time and passed.

UNIFORM ADMINISTRATION OF NATIONAL PARKS

The bill (S. 196) to provide for uniform administration of the national parks by the United States Department of the Interior, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all of section 2, in the following words:

SEC. 2. That hereafter the location of mining claims under the mineral land laws of the United States is prohibited within the area of the Mount McKinley National Park, in the Territory of Alaska: *Provided, however,* That this provision shall not affect existing rights heretofore acquired in good faith under the mineral land laws of the United States to any mining location or locations in said Mount McKinley National Park.

And to insert:

SEC. 2. That hereafter the Secretary of the Interior shall have authority to prescribe regulations for the surface use of any mineral land locations already made or that may hereafter be made within the boundaries of Mount McKinley National Park, in the Territory of Alaska, and he may require registration of all prospectors and miners who enter the park: *Provided,* That no resident of the United States who is qualified under the mining laws of the United States applicable to Alaska shall be denied entrance to the park for the purpose of prospecting or mining.

So as to make the bill read:

Be it enacted, etc., That hereafter no permit, license, lease, or other authorization for the prospecting, development, or utilization of the mineral resources within the Mesa Verde National Park, Colo., or the Grand Canyon National Park, Ariz., shall be granted or made.

SEC. 2. That hereafter the Secretary of the Interior shall have authority to prescribe regulations for the surface use of any mineral land locations already made or that may hereafter be made within the boundaries of Mount McKinley National Park, in the Territory of Alaska, and he may require registration of all prospectors and miners who enter the park: *Provided,* That no resident of the United States who is qualified under the mining laws of the United States applicable to Alaska shall be denied entrance to the park for the purpose of prospecting or mining.

SEC. 3. That hereafter no permit, license, lease, or other authorization for the use of land within the Glacier National Park, Mont., or the Lassen Volcanic National Park, Calif., for the erection and maintenance of summer homes or cottages shall be granted or made: *Provided, however,* That the Secretary of the Interior may, in his discretion, renew any permit, license, lease, or other authorization for such purpose heretofore granted or made.

SEC. 4. That hereafter the acquisition of rights of way for steam or electric railways, automobile or wagon roads, within the Lassen Volcanic National Park, Calif., under filings or proceedings under laws applicable to the acquisition of such rights over or upon the national-forest lands of the United States is prohibited.

SEC. 5. That hereafter the acquisition of rights of way through the valleys of the north and middle forks of the Flathead River for steam or electric railways in the Glacier National Park, Mont., under filings or proceedings under the laws applicable to the acquisition of such rights over or upon the unappropriated public domain of the United States is prohibited.

SEC. 6. That the provisions of the act of March 2, 1899 (30 Stat. 993), granting rights of way, under such restrictions and regulations as the Secretary of the Interior may establish, to any railway or tramway company or companies for the purpose of building, constructing, and operating a railway, constructing and operating a railway or tramway line or lines, so far as the same relate to lands within the Mount Ranier National Park, Wash., are hereby repealed: *Provided, however,* That nothing herein shall be construed so as to prohibit the Secretary of the Interior from authorizing the use of land in said park under contract, permit, lease, or otherwise for the establishment and operation thereon of a tramway or cable line, or lines, for the accommodation or convenience of visitors and others.

SEC. 7. That the provision of the act of January 26, 1915 (38 Stat. 798), authorizing the Secretary of the Interior, in his discretion and upon such conditions as he may deem wise, to grant easements or rights of way for steam, electric, or similar transportation upon or across the lands within the Rocky Mountain National Park, is hereby repealed.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN WRANGELL, ALASKA

The bill (H. R. 8713) granting land in Wrangell, Alaska, to the town of Wrangell, Alaska, was considered as in Committee of the Whole.

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

APOSTLE ISLANDS NATIONAL PARK

The bill (H. R. 8763) to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Apostle Islands National Park in the State of Wisconsin, and for other purposes, was considered as in Committee of the Whole.

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

ENLARGEMENT OF YOSEMITE NATIONAL PARK, CALIF.

The bill (H. R. 10581) to provide for the addition of certain lands to the Yosemite National Park, Calif, and for other purposes, was considered as in Committee of the Whole.

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

ISSUANCE OF RECEIPTS OR CERTIFICATES OF MAILING

The bill (S. 3273) 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 was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the provisions of the act of February 14, 1929 (39 U. S. C., p. 260), authorizing the Postmaster General to furnish receipts showing the mailing of ordinary mail of any class and to prescribe the fee for such receipts, is hereby extended to include additional receipts or certificates of mailing covering registered, insured, and collect-on-delivery mail.

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

RELIEF OF CONGESTION IN DISTRICT PUBLIC SCHOOLS

The bill (S. 4227) to authorize the Board of Education of the District of Columbia to make certain provisions for the relief of congestion in the public schools of the District of Columbia was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That, upon the completion of the Roosevelt High School Building, in the District of Columbia, the Board of Education of the District of Columbia be, and it is hereby, authorized and directed to order the utilization of the building now occupied by the Business High School to relieve congestion in senior high, junior high, and elementary schools in adjacent territory.

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

BILL PASSED OVER

The bill (S. 2043) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN OREGON

The bill (S. 4057) authorizing the Secretary of the Interior to extend the time for cutting and removing timber upon certain revested and reconveyed lands in the State of Oregon was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, empowered, at his discretion, to extend the period within which,

under the terms of the patent therefor, the timber may be cut and removed by the purchaser thereof, his heirs or assigns, from revested lands of the Oregon-California Railroad grant lands, and reconveyed lands of the Coos Bay Military Wagon Road land grants, either heretofore or hereafter sold by the United States; and the Secretary of the Interior is further hereby authorized to make such rules and regulations as he may deem proper governing the granting of extensions of time to such purchasers and the length of such extension and the method by which and terms upon which the same may be granted.

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

NATIONAL HYDRAULIC LABORATORY

Mr. RANSDELL. Mr. President, I ask to return to Order of Business 514, H. R. 8299. The Senator from Alabama [Mr. BLACK] has examined the bill and tells me he has no objection to it.

The PRESIDING OFFICER. Is there objection to recurring to Order of Business 514? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8299) authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor.

The PRESIDING OFFICER. The amendment on page 1, line 9, has already been agreed to. The remaining amendments of the committee will be stated.

The remaining amendments were, on page 2, line 4, after the word "any," to strike out "other bureau or"; in the same line, after the word "department," to insert "or independent agency"; and in line 8, after the word "department," to strike out "or bureau" and insert "or independent agency," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be established in the Bureau of Standards of the Department of Commerce a national hydraulic laboratory for the determination of fundamental data useful in hydraulic research and engineering, including laboratory research relating to the behavior and control of river and harbor waters, the study of hydraulic structures and water flow, and the development and testing of hydraulic instruments and accessories: *Provided*, That no test, study, or other work on a problem or problems connected with a project the prosecution of which is under the jurisdiction of any department or independent agency of the Government shall be undertaken in the laboratory herein authorized until a written request to do such work is submitted to the Director of the Bureau of Standards by the head of the department or independent agency charged with the execution of such project: *And provided further*, That any State or political subdivision thereof may obtain a test, study, or other work on a problem connected with a project the prosecution of which is under the jurisdiction of such State or political subdivision thereof.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $350,000, to be expended by the Secretary of Commerce for the construction and installation upon the present site of the Bureau of Standards in the District of Columbia of a suitable hydraulic laboratory building and such equipment, utilities, and appurtenances thereto as may be necessary.

The amendments were agreed to.

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

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

The bill was read the third time and passed.

LAND IN OREGON

The bill (H. R. 8052) authorizing the heirs of Elijah D. Myers to purchase land in section 7, township 28 south, range 11 west, Willamette meridian, county of Coos, State of Oregon, was considered as in Committee of the Whole.

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

BILL PASSED OVER

The bill (S. 3276) to enable the postmaster to designate employees to act for him, including the signing of checks in his name was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. PHIPPS. Mr. President, may I inquire who objected to the consideration of this bill?

The PRESIDING OFFICER. The Senator from South Carolina [Mr. BLEASE].

Mr. PHIPPS. I shall be very glad to discuss the matter with the Senator at some time.

Mr. BLEASE. I shall be glad to take it up with the Senator at any time.

The PRESIDING OFFICER. The bill will be passed over.

LAND IN MASSACHUSETTS

The bill (H. R. 2161) to convey to the city of Waltham, Mass., certain Government land for street purposes was considered as in Committee of the Whole.

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

BILL PASSED OVER

The bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes, was announced as next in order.

Mr. BINGHAM. Mr. President, I ask that this bill may go over. It is my purpose to call up the bill as soon as the War Department appropriation bill is disposed of.

The PRESIDING OFFICER. The bill will be passed over.

CHINESE WIVES OF AMERICAN CITIZENS

The bill (S. 2836) to admit to the United States Chinese wives of certain American citizens was announced as next in order.

Mr. BLEASE. Let that go over.

Mr. BINGHAM. Mr. President, will the Senator from South Carolina withhold his objection to that bill for a moment?

Mr. BLEASE. Yes, sir. Does the Senator mean to tell me that white men marry Chinese women?

The PRESIDING OFFICER. Does the Senator from South Carolina withdraw his objection?

Mr. BLEASE. Oh, yes—temporarily only.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BINGHAM. Mr. President, prior to 1924 there was no objection to a Chinese born in this country, and therefore an American citizen marrying in China a wife of his own race and bringing his wife to this country. By the act of 1924, however, he is not permitted to do that any longer; and the result is the separation of husbands and wives, the husband being an American citizen, the wife being an alien.

There are only a few of these cases existing. They can not increase under this law, since it does not apply to the marriage of any American citizen to a Chinese native after 1924. Therefore, the number of them will continually diminish. It is merely in the interest of humanity, since the present law prevents an American citizen of Chinese ancestry from bringing his wife into this country.

In view of this humanitarian situation, I hope the Senator will withdraw his objection. There is no letting down of the bars. It is merely in the interest of kindness and humanity to those who married prior to 1924.

Mr. BLEASE. As I understand the Senator, these are Chinese and Chinese women?

Mr. BINGHAM. Chinese-American citizens of Chinese ancestry.

Mr. BLEASE. I understand—Chinese-American citizens; not white people?

Mr. BINGHAM. No. There are annually about 400.

Mr. BLEASE. If they are not white people, I do not object; but I object to any white woman coming into this country and marrying a Chinese, or any white man marrying a Chinese woman. There are too many of them now.

Mr. BINGHAM. No; it applies merely to those who married Chinese women.

The PRESIDING OFFICER. Does the Senator withhold his objection?

Mr. BLEASE. Providing it applies only to Chinese men and women, I will not object. If it is broader than that, I will object.

Mr. BINGHAM. There may be one or two cases—I know of only one case—of an American citizen, long resident in China, who married a Chinese wife some 15 years ago and is, of course, unable to travel with her back to the United States, but out of the 400 cases that arise in the course of a year I doubt if more than one is a case of that kind. In fact, I will say to the Senator that I know of only one such case. The bill is intended to apply to American citizens of Chinese ancestry. It is they who are asking for it; it is they who appealed to me that families be not separated; and as it does not apply to any citizen marrying after 1924, I hope the Senator will withdraw his objection.

Mr. HOWELL. Mr. President, I think it will do no harm to have this bill go over.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over. The clerk will state the next bill on the calendar.

ISSUANCE OF CERTIFICATES OF ARRIVAL TO ALIENS BORN IN UNITED STATES

The bill (S. 226) authorizing the issuing of certificates of arrival to persons born in the United States who are now aliens was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the certificate of arrival required by the fourth paragraph of the second subdivision of section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, may be issued to any person eligible to citizenship if he makes a satisfactory showing to the Commissioner General of Immigration that he—

(1) Was born in the United States;
(2) Entered the United States prior to July 1, 1924;
(3) Has resided in the United States continuously since such entry;
(4) Is a person of good moral character; and
(5) Is not subject to deporation.

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

METERING OF CERTAIN MAIL MATTER, ETC.

The bill (S. 3272) to authorize the dispatch from the mailing post office of metered permit matter of the first class prepaid at least 2 cents but not fully prepaid and to authorize the acceptance of third-class matter without stamps affixed in such quantities as may be prescribed, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 273, title 39, United States Code, is hereby amended to read as follows:

"That the Postmaster General, under such regulations as he may prescribe for the collection of such postage, is hereby authorized to accept for delivery and deliver, without postage stamps affixed thereto, mail matter of the first class on which the postage has been fully prepaid at the rate provided by law: *Provided*, That such first-class matter on which the postage is paid in connection with a metered device set by the postmaster for a given number of impressions paid for at the time of setting and which automatically locks upon the exhaustion of such impressions may, if through inadvertence it is not fully prepaid but is prepaid at least 2 cents, be accorded the same treatment as is provided for such short-paid first-class matter mailed with postage stamps affixed: *Provided further*, That typewriting shall continue to be classed as handwriting as provided by the Postal Laws and Regulations: *Provided further*, That metered permit matter of the third class, except bulk mailings of such matter under the provisions of section 6 of the act of May 29, 1928 (ch. 856, 39 U. S. C. 291), may be mailed in such quantities as the Postmaster General may prescribe."

Mr. ROBINSON of Arkansas. Mr. President, I should like to ask the Senator from Colorado to explain the change in the law that this bill contemplates.

Mr. PHIPPS. Mr. President, this bill merely extends to third-class matter the use of the metered system of collecting postal revenues. It is now generally used for first and second class matter. Undoubtedly the Senator has received many envelopes marked "postage paid." The meter is set up for a certain number, and when it has stamped that number it is exhausted; it can not run any farther. The money is paid in advance. It is a saving to the Government. It saves the Government the postage stamps; it saves the Government the expense of canceling postage stamps; and it is a convenience to the mailers, who otherwise would have to affix stamps.

Mr. ROBINSON of Arkansas. I have no objection.

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

WITHHOLDING OF PAY OF CERTAIN EMPLOYEES

The bill (S. 3277) to provide against the withholding of pay when employees are removed for breach of contract to render faithful service was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 1, line 9, before the word "Federal," to strike out "any" and insert "such," and on line 10, after the word "act," to strike out "may" and insert "shall," so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act there shall be no withholding or confiscation of the earned pay, salary, or emolument of any employee of the United States removed for cause: *Provided*, That if at the time of such removal any such Federal employee is indebted to the United States any salary, pay, or emolument accruing to such Federal employee coming within the provisions of this act shall be applied in whole or in part to the satisfaction of any claim or indebtedness due to the United States.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF POST OFFICE, ETC., SITE, SYRACUSE, N. Y.

The bill (H. R. 7768) to provide for the sale of the old post office and courthouse building and site at Syracuse, N. Y., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 6, after "N. Y.," to insert "at public sale after due advertisement," so as to make the bill read:

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 public sale after due advertisement, 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 amendment was agreed to.

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

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

The bill was read the third time and passed.

Mr. McNARY. Mr. President, a number of the Members of the Senate have been called out of the Chamber. We have passed a great many bills this afternoon, and I am about to ask for an adjournment so that we may continue to-morrow. I think probably that will suit the convenience of Members.

Mr. FESS and Mr. CONNALLY addressed the Chair.

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

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

LEASE OF POST-OFFICE BUILDINGS

Mr. FESS. Mr. President, some time ago I made a statement with reference to the lease of the post-office building at St. Paul. I evidently made an error. I have here a short letter from the Postmaster General, which I desire to have read.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Chief Clerk read as follows:

THE POSTMASTER GENERAL,
Washington, May 6, 1930.

Hon. SIMEON D. FESS,
United States Senate.

MY DEAR SENATOR FESS: In my statement of April 9, 1930, concerning the two leases on the commercial station, St. Paul, Minn., I said:

"On completion of the building, April 8, 1922, the lease agreed upon was executed by Postmaster General Will H. Hays."

This statement was read into the CONGRESSIONAL RECORD by you. I find that, due to the fact that our files had not been available, this statement was in error.

Mr. Hays retired from office March 4, 1922, and the first lease actually was signed on April 28, 1922. Consequently Mr. Hays could not have signed it.

Sincerely yours,

WALTER F. BROWN.

FURTHER CONSIDERATION OF THE CALENDAR

Mr. CONNALLY. May I inquire of the Senator from Oregon if it is his purpose to go on with the calendar in the morning?

Mr. McNARY. I shall ask unanimous consent that the Senate do so.

Mr. CONNALLY. Will the Senator have that order made now or in the morning?

Mr. McNARY. I shall move to take an adjournment this evening, and will make the request to-morrow after the roll call.

Mr. CONNALLY. I very much hope the Senate will go on with the calendar.

Mr. McNARY. I promise that I shall make the request following the roll call to-morrow morning.

ADDRESS OF DR. NICHOLAS MURRAY BUTLER

Mr. CAPPER. Mr. President, last Wednesday, April 30, Dr. Nicholas Murray Butler, director of the Carnegie Endowment for International Peace and one of our best-known educators and thinkers, addressed the Reichstag at Berlin, Germany.

I understand he is the first American to be honored with a special invitation to deliver an address before the German Parliament. Others who have so addressed the Reichstag are Ramsay MacDonald; Count Albert Apponyi; H. G. Wells; Lord Robert Cecil; M. de Peyrimhoff, of France; and Ambassador Titulosque, former Rumanian Minister of Foreign Affairs.

Because of the unusual circumstances attending the delivery of this address, and because of its interest at home and abroad, I consider it well worth the careful reading of Senators and of the people of America. While I am frank to confess that I am unable myself to follow Doctor Butler in all his conclusions, I do consider this address on international relations a valuable and interesting contribution to public thought, and ask unanimous consent to have it printed in the CONGRESSIONAL RECORD.

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

IMPONDERABLES

On this occasion and in this distinguished presence it is not possible to speak without deep feeling. Memory pictures as vividly as if it were yesterday the first arrival in Berlin more than 45 years ago of a young and eager American student, hungry to share the scholarship and the inspiration which the University of Berlin in those halcyon days had to offer to the stranger. The experience was one never to be forgotten.

The old and much-loved Emperor, symbol of an order that was one day to pass, seated at the window of his palace, graciously acknowledged the salute each morning of the American student who crossed the Opera Place to pass between the statues of the two Humboldts to his place in the university lecture halls. Bismarck was at the height of his fame and his influence was a familiar figure in the life of Berlin. Liebknecht, Windthorst, and Benningsen could be heard in the Reichstag, while the unique and bewitching figure of Mommsen was often to be seen on Unter den Linden. Great minds and great personalities surrounded one on every side. The historian Von Ranke was yet alive, but no longer gave university lectures. Curtius and Vahlen, Helmholtz and du Bois-Reymond, Wagner and Schmoller, Delbrück and Diels, Gneist and Von Treitschke, Zeller and Paulsen, were each and all objects of eager interest and captivated attention. Much has happened in the long and busy years that have followed, but from that day to this, the gratitude for what German scholarship and German inspiration then so freely gave, and a steadily growing appreciation of what that unique experience meant, remain dominant forces in the life and thought of that young American student. Memory is an intangible.

To-night, in this stately hall and in these noble surroundings, his first words must be of thanks and grateful appreciation for those student years in Berlin, now so long ago.

One hundred and twenty-three years ago there took place in the city of Berlin a really great happening. Following the calamities of the Napoleonic wars and the resulting disturbance to the life and thought of the Prussian people it was imperative that a new note should be sounded, a new blow struck, a new call to achievement heard. The philosopher Fichte seemed divinely appointed for the great task. On successive Sunday evenings from December, 1807, to March, 1808, he delivered before crowded audiences his famous Reden an die Deutsche Nation. Surrounded by spies and by enemies, his very life in danger, this great voice was raised in an immortal appeal to the German people to rise to new heights, to seek new means of endeavor, to tread new paths toward national reconstruction, national greatness, national accomplishment. The appeal contained in those Reden is one of the masterpieces of modern eloquence, and by them and through them the name of Fichte is written by the side of those of Pericles and Isocrates and Demosthenes, of Cato and Cicero, of Bossuet and Mirabeau, of Milton and Burke and Fox, of Jefferson and Hamilton and Webster and Lincoln, as that of one of the immortal voices of the human race in all that relates to the highest effort of men and nations.

Fichte well understood the fundamental difference between the nation and the state, and his searching and moving appeal was for the building of a German nation on spiritual and intellectual foundations so strong that they could not be moved. The effect of those addresses was quick and extraordinary. They had an immense popularity and exercised a prodigious influence. Not since Luther had any German voice been raised to speak so powerfully and so convincingly to the German people. Philosopher and patriot, Fichte insisted that all political differences, geographic divisions, and economic antagonisms should yield before the new and unifying spirit of one German nation for the whole German people, able and willing to reflect and to express all that was best in that people's history and ideals. It is to Fichte as prophet and to Bismarck as constructive statesman that we trace the upbuilding of a truly German nation and finally of a single federal government for that nation. In the case of the Italian people there were similar happenings as to which Mazzini played the part of Fichte and Cavour that of Bismarck.

If the American and French Revolutions, with all that they meant and all that they effected, were the outstanding political events of the eighteenth century, surely the building of a German nation and of an Italian nation were the outstanding political events of the nineteenth century.

As we contemplate these stupendous movements across the pages of history, we are witnessing once more the power of ideas. The hearts and the minds of men were gripped and moved by the eloquent appeals of these orators and philosophers, and human happenings were shaped precisely as these philosophers and orators had predicted and urged. The power of oratory and of statesmanship is an intangible.

Given a nation, conscious of itself, proud of its past, rich in power of every kind, abundant in contributions to letters, to the fine arts, to music, to philosophy, and to education, eager in the advancement of scientific inquiry, quick in harnessing new scientific truth, new scientific discovery, to the practical needs of men, what shall be its mode of life, what its measures for the greatest satisfaction and happiness of its people, what its relations with its neighbors and with all the world? We have learned to speak of races as the Teutonic, the Latin, the Slavic, the Mongolian, and others. We see mankind separated into groups, some of them of immense size, by differences of language and these groups again divided, regardless of their size or place, by differences of religious faith and worship. Where is to be found the guide to unity and peace through this labyrinth of diversity and conflict? Shall these diversities and conflicts be permitted to go their way unguided, unhampered, to a cataclysm that would mark civilization's end, and leave the planet earth to the still cold death of a body that has played its part in the heavenly system and could no longer do more than revolve about its central point as a mere makeweight among the stars? Or, on the other hand, shall there be found a path to unity, to companionship, to confidence, to constant consultation, to association in high endeavor, to the end that the supreme human unity which underlies and conditions all human diversities may find its just and beneficient expression?

The answer comes from a German voice and a German pen. It was the immortal essay of Immanuel Kant, Zum ewigen Frieden, published at Konigsberg in 1795, when the career of Napoleon was at its very beginning, when the Government of the United States of America was yet in its cradle, when a united Italy was still undreamt of, and when the policies of Talleyrand and of Metternich that were to carry the spirit of the eighteenth century far over into the nineteenth lay still in the future, that the commanding intellect and the superb vision of the philosopher of Konigsberg pointed with simple directness to that path of progress upon which the civilized peoples of the world have only just now begun to tread. What colossal cost in human life, in human savings, in human suffering, and in the satisfactions and happiness of four generations of men has been the penalty of waiting so long to hear that distant philosopher's voice!

"The practical politician," said Kant, "is accustomed to testifying as much disdain toward the theorist as he has complaisance for himself." This statement which was true in 1795 remains still true in 1930. The practical man who affects to despise thinking and who himself has little or no capacity for it, consistently sneers at those who do think and derides their counsels. All the while this practical man is himself quite unconsciously in the grasp of crooked, superficial, uninformed thinking. The more he supposes himself to be dealing with material things and with what he calls experience, the more he is really under the influence of intangibles, but of a wrong and harmful sort. Looking back across 135 years, it is perfectly plain that if the so-called practical men who have been governing the nations of the world had been able to understand and to apply the teaching of Kant's great essay, the world would to-day have been much farther onward in its progress than it really is.

It is literally astounding to find how much of the wisest and best philosophy of modern life is set forth in this essay by Kant so many years ago. He lays down in the principle that no treaty of peace shall be esteemed valid on which is tacitly reserved matter for future war. He insists that no state of whatever extent shall ever pass under the dominion of another state, since a state is a society of men over whom that state alone has a right to command and to dispose. "Standing armies [miles perpetuus]," says Kant, "shall in time be totally abolished," since being ever ready for action these armies incessantly menace other states and excite them to increase without end the number of armed men. Who in this twentieth century has put better or more simply the evil and the danger of competitive armaments, whether on land or on sea? "No state shall by force interfere with the constitution or government of another state" is a principle stated by Kant which might almost be regarded as a forerunner of the Monroe doctrine. If a state of peace is to be established the civil constitution of every state ought to be republican, and Kant's argument is that the only safe government is one established upon principles that are compatible with the liberty of all members of a society in their equality as men, with the submission of all to a common legislation as its subjects, and with a right of equality which all share as members of one and the same state. While the philosopher of Konigsberg was penning these prophetic sentences the people of the United States of America were learning them from the pen of Thomas Jefferson and the people of France were hearing them expounded with highly emotional emphasis by the architects of the French Revolution, whose uproar was at its

height. In Great Britain Pitt was Prime Minister and the career of Canning was still in the making.

Kant taught the very modern doctrine that it should be the citizens themselves who decide whether war shall be declared or not, thereby removing that power from monarchs or executives, from legislative bodies, or from specially selected groups which might easily be swept by emotion, by passion, or by ambition.

Nor is the thought of Kant restricted to national policy alone. "The public right," he continues, "ought to be founded upon a federation of free states." There, in a single sentence, is the prophecy of the League of Nations and the function of international law. A society of nations [civitas gentium] which would come to embrace all of the nations of the earth was the ideal of the great philosopher toward which our nations of to-day are steadily marching with increasing confidence and hope.

What shall be the guaranty of this arrangement for establishing and maintaining peace? "Nothing less," answers Kant, "than the great and ingenious artist, nature [natura daedala rerum]." Here he sweeps away with one splendid gesture the whole notion that men and nations must be compelled to keep their word through fear of economic reprisals and armed forces. He deals with realities. He looks facts in the face. He notes that unless the pledged word of a man or a nation is kept because it is pledged there can be no assurance that it will be kept at all.

"Finally," concludes Kant, "since civilization must rest upon and aim at morality, the reign of public right, perpetual peace, which will succeed to those mere suspensions of hostilities which have heretofore been called treaties of peace, is not a chimera but a problem of which time, probably abridged by the uniformity of the progress of the human mind, promises us the solution." What more can be said? This great German voice of 1795 speaks to the world of 1930 in tones of commanding leadership and highest practical sagacity. The voice of Immanuel Kant is an intangible.

For 10 years past the civilized world has been marching, now consciously, now unconsciously, toward that happy goal which Immanuel Kant so clearly saw and so clearly defined. In the League of Nations the era of consultation has found an organ of expression and in the pacts of Locarno the signatory powers have highly and finely resolved upon the peaceful settlement of their international differences, whether these be of long standing or have newly arisen. Finally, in the pact of Paris the world has renounced war as an instrument of national policy, that policy which Von Clausewitz defined as a policy which fights battles instead of writing notes. Hereafter we are to write notes, to confer together and to consult and to leave off fighting battles and preparing to fight battles. Those energies, those efforts, and those vast expenditures which have heretofore gone into preparations for war and into the conduct of war are now to be turned toward multiplying the satisfactions and increasing the happiness of the great mass of the people in every land. Better schools and systems of education, better conditions of labor and larger remuneration for the wage-worker, better protection of the public health, better housing for the masses of the people, better roads and other means of communication, better libraries and museums, and, in general, a raising everywhere of the level of life and its conditions. The world is rich enough for all this if it keeps its pledged word to renounce war as an instrument of national policy. This moral obligation is an intangible.

This twentieth century world abounds in problems that will tax the highest capacity of men to solve. Some of these are human problems, some are industrial problems, some are economic problems, some are financial problems, some are political problems, some are religious problems. The point upon which to insist is that they can never be solved by hate, by conflict, or by force. These problems may be suppressed in one of those ways but they can not so be solved.

If they are to be solved they must be solved in a spirit of kindly cooperation, of friendly association, and of consultation with the fixed purpose of doing justice and establishing liberty among men. These are the true and lasting foundations of peace. Peace, it must never be forgotten, is itself not an ideal at all; it is a state attendant upon the achievement of an ideal. The ideal itself is human liberty, justice, and the honorable conduct of an orderly and humane society. Given this, a durable peace follows naturally as a matter of course. Without this, there is no peace, but only a rule of force until liberty and justice revolt against it in search of peace. These are the fundamental facts never to be forgotten. It is liberty and justice of which we are instantly and directly in search, and this means that we must be ready with open minds to consider any question which is raised anywhere in the world involving these great principles and ends, and try to settle it fairly and justly that human content may follow and the foundation of peace be thereby rendered more secure.

There are various facts and happenings throughout the world which we must be prepared frankly to face. First, perhaps, is the very obvious fact that not all the organized groups of mankind are by any means on the same level of competence for self-government and for international responsibility. To force upon such people either by weight of numbers and greater capacity or in response to some visionary theory of the equality of men, the political and social institutions which are suitable and satisfactory for peoples that are much farther advanced and much more fully disciplined, is folly of the first order. Such peoples, through no fault of their own, are really to be treated as wards of those who are more advanced and better disciplined. As such they are under no circumstances to be exploited, to be treated as mere hewers of wood and drawers of water, but rather as children in the school of political and social understanding.

The whole theory of mandates now being worked out through the League of Nations is a sound and useful theory, and, if generously and broadly interpreted and applied, will through coming generations aid these less advanced peoples to come forward and climb still higher on the ladder of political and social organization. Each of the more advanced and more powerful nations should have its part in applying this system of mandates if it desires so to do. There is room for Great Britain, there is room for France, there is room for Germany, there is room for Italy, there is room for Japan, in caring for and developing less advanced peoples in other parts of the globe.

Nor must it be assumed that all existing geographical, political, racial, religious, and economic settlements are final. Each one of these is a fair and suitable subject for calm consideration and study in order that if there be ways by which justice can be better done and liberty advanced, those ways may be found. Among the older nations of western Europe, the process of nation-building is completed, but there are doubtless boundaries and discriminations in eastern and southeastern Europe which must in due time be restudied. There are also problems of national ambition and of minorities submerged under and surrounded by majorities of different race and different language. There are problems of religious controversy and there are problems of historic racial jealousies and antagonisms which must be resolved through the years with patience, with frankness, with open-mindedness and in a spirit of justice. Nothing is ever really settled until it is settled right. What is now before our world is to make sure that we do not attempt to settle things right by force, by violence, by war, but that we attempt to settle them right by study, by conference, by consultation. All these are among the intangibles that rule the world.

The peace of the world can not rest with permanence upon any theory of domination by force whether that domination be military or economic or racial or religious, for such domination is always a temptation to its disturbance and overthrow. Peace can only rest secure upon a liberal, enlightened, and convinced public opinion. That public opinion, having itself brought about the renunciation of war as an instrument of national policy, will now proceed to build for its own expression and for its own satisfaction institutions that will regulate and guide the contacts and relations of men organized in nations as a substitute for those suspicions and fears and displays of power which have been so common in years gone by. These institutions, it would seem safe to predict, will be of three kinds, each kind having a moral foundation and a moral purpose.

There will first be the intangible institution of intellectual international penetration, contact, and association. Already large progress has been made toward this end. Science is international and literature (though it always speaks with a nation's tongue) is increasingly international. Nowhere is Shakespeare more widely read, better understood, or more effectively presented on the stage than in Germany. The speech of Goethe was German, but his thought is familiar the world around. Music has a Russian, a Polish, a Scandinavian, a German, a French, an Italian, a Spanish, or an English cast, but its charm and its power are not stopped by the boundaries of any nation. The richness and the fertility of intellectual and aesthetic diversity are multiplied many times by the power of what these have in common. All that belongs to the intangible.

Then there are already building and well advanced the institutions, legal and semilegal, that are to be the reliance of nations in settling peaceably and justly those differences of opinion and those clashes of interest which must, of course, arise among them and between them from time to time. The Council and the Assembly of the League of Nations, with their growing authority and their steadily increasing prestige, are the symbols of the art and habit of consultation face to face as a substitute for the writing of formal notes, the sending of ultimatums, and the mobilization of armed force. Then there are the Permanent Court of Arbitration and the Permanent Court of International Justice. These are honorable and honored bodies which stand before all the world as representative of the principle that disinterested justice and not might must determine which of two contestants is right and which is wrong. Individual nations and groups of nations have, in addition, provided, by formal treaty for every sort of commission and tribunal of inquiry, of conciliation, and of arbitration. In reply to him who cynically asks, "To what are we to turn as a substitute for armed force?" we point to the League of Nations, to the Permanent Court of Arbitration, and to the Permanent Court of International Justice, and we point to them, not only with hope for the future but with pride for what they have already done.

The third type of institution which must come into existence to meet present-day necessities is economic. Man lives by labor, nations thrive

by labor, and international relations may be made either more easy or more difficult according to the methods by which the fruits of labor are exchanged between one nation and another.

When life was very simple and wants were few, a relatively restricted territory and a substantially uniform climate might perhaps provide what was necessary to satisfy the simple wants of an undeveloped people. Times have changed. What were once the almost unattainable luxuries of life have become not only its comforts but its necessities. For the food supply of any considerable population, an extent of territory that is literally enormous must be drawn upon day by day and almost hour by hour. No industry can be maintained, much less flourish, without metal and rubber and lumber and oil and a dozen other natural resources that usually come from far beyond the boundaries of that nation whose industry it is. In other words, the economic life of any nation, however immense and however rich, has already ceased to be national and independent and has long since become international and dependent. The meaning of this is that the international commerce of the world must be set increasingly free from narrow, petty, prejudiced restrictions and administrative hindrances in order that the population of any nation may most easily and most favorably exchange their own products for those which they wish to import.

It is at this point that the significance of the principle of federation comes into view and that the experience of the United States of America has a lesson to teach to Europe. The stupendous economic development of the United States and the vast increase in its national wealth during the past two generations have been due to causes which may quickly and shortly be studied. First among these is the fact that by the terms of the Constitution of the United States itself, free and unrestricted trade prevails throughout the territory which that Constitution governs, which territory is so varied in climate and in soil and in product that it is a vast empire in itself. Had it been possible for the constituent States of the American Union to erect barriers against trade each with its neighbor, the people of the United States would to-day have been economically backward and relatively impoverished. That huge domestic trade, untaxed and untrammeled, is the foundation of American prosperity.

The protective-tariff policy, which owes its origin to the philosophic teachings of Alexander Hamilton and to men cast in the mold of Henry Clay and Abraham Lincoln and James G. Blaine and William McKinley, was never intended to destroy or unduly hamper international trade but merely to give the United States that measure of economic sufficiency and independence that a nation so placed ought to have, and to make sure that the diversification of industry and the rewards of labor were such as to strengthen the foundations of the social and political order. The true tariff for protection, however, is in no sense a tariff for prohibition. It is not a tariff to destroy international trade or to make impossible the settlement of international balances by shipment of goods but it is a tariff simply to guard the fundamentals which have just been named. To depart from those principles and to attempt to erect a tariff wall about the United States would be to attack the policy of protection in its citadel and to substitute for it a policy of commercial prohibition, which must surely do grave damage to the people of the United States themselves.

There are signs, not yet clear or wholly convincing, but yet signs, that the British Commonwealth of Nations, with its world-wide population and its vast variety of climates and soil and product, will in its own way and at its own time construct an economic institution of its own which will, mutatis mutandis, reflect and apply to that commonwealth of nations the conditions and principles which have done so much for the United States of America.

What of Europe? Has not the time come when the next long step forward in promoting national satisfaction and international comfort is the building of an economic United States of Europe which shall do for these teeming and highly civilized populations what has already been done on the other side of the Atlantic? Victor Hugo foresaw such a happening so long ago as 1848.

In framing an answer to that question one must have in mind both matters of principle and matters of administrative detail. There are national differences, distinctions, and opportunities to be protected, and there are international opportunities to be seized and developed. Fortunate it is that the constructive statesmanship of Europe has fixed its mind on the solution of this problem. The deeply lamented and sincerely mourned Doctor Stresemann understood it all and was ready to be a leader in marching toward the new goal. We have a Briand in France, a Masaryk and a Benes in Czechoslovakia, and others of large outlook and fine imagination who are animated by the same spirit. It can not be long before this splendid ideal, the attainment of which would mean so much for the economic prosperity and satisfaction of the peoples affected by it, will find its way to shape the policies of governments. This ideal is one of the intangibles that rule the world.

But what, we are asked, is to become of all these splendid institutions if some nation signatory to the pact of Paris breaks its pledged word and begins hostilities against its neighbor? What, then, is to punish the offender and to protect those against whom the offense is committed? The answer is quick and simple—public opinion, than which nothing is more powerful when it rises to heights of condemnation. How will public opinion act, how will it express itself? Precisely as society acts and expresses itself toward the liar, toward him who is guilty of a mean and despicable act, and no condemnation can be more severe or more conclusive.

Do not forget that by its terms the pact of Paris ushers in a new mode of thought and a new era in everything that relates to international relations. It is by the mere force of inertia that governments and journalists and admirals and generals are still talking in terms of the discarded past. Some ask for parity among the world's navies. The term is quite meaningless, for if that parity were agreed to on paper to-day and launched in the water to-morrow it could be destroyed the next day by some new discovery in a chemical laboratory of a distant land or by some new triumph of navigation through the air.

When men now talk of national security it means that they are still thinking in terms of war. Learn to think in terms of the pact of Paris, and national security is on the same plane with municipal security or personal security. It may occasionally need the assistance of armed police, but it can have no use for the old-fashioned protections which science and morals have both united to render not only quite useless but obsolete. There is talk still, particularly in the United States, of neutrality and its implications, but that again is to think in terms of war and not in terms of the pact of Paris. If a nation signatory to the pact of Paris breaks its word, no other signatory can possibly be neutral in the old sense, simply because that signatory is one of those concerned directly in the pledge breaking. Therefore it must, of course, quickly come to be declared the national policy of every nation signatory to the pact of Paris that it will not help or assist its nationals to aid one which breaks the pledge which that pact records. This is no violation of neutrality, because when the pledge is broken it is broken against and in defiance of every other signatory nation. Once bring these fundamental facts clearly in view of public opinion and the policies of governments will quickly be shaped accordingly. Nor must we permit it to be forgotten that the limitation of armament imposed upon the German Nation by the treaty of Versailles was not intended to be an exception to the policy of other nations. It was M. Clemenceau himself who wrote that the requirements of that treaty in regard to German armament were also the first steps toward that general reduction and limitation of armaments which the allied and associated powers would seek to bring about as one of the most fruitful preventives of war and which it would be one of the first duties of the League of Nations to promote. It is high time that public opinion called upon the nations other than Germany to keep that promise, to pursue that policy, and to hasten the day when real limitation of armament shall not be characteristic of a few nations but something common to them all.

There are two different ways in which any great question which involves national pride and national interest may be approached. One is in a spirit of confidence and good feeling and hope. The other is in a spirit of suspicion and jealousy and fear. Both are intangibles, and the contest for the government of the world and for the heart of mankind is between these. In any case it will be an intangible that will rule the world, and it is for public opinion to determine whether the choice shall be of an intangible which is lofty and fine and noble and helpful to all mankind or whether it shall be an intangible that is low and mean and jealous and selfish and grasping. To-day the world stands at the crossroads and must quickly choose the road which it will travel toward one or the other of these two intangibles. Which way shall the German people turn? May not one who has drunk deep and long at the well of their scholarship, their learning, their literature, and their science answer that the German people, mindful of the great signposts which guide and represent them in their Lessing and Herder, in their Goethe and Schiller, in their Hegel and Schleiermacher, will answer in the spirit of the eloquent voice of Fichte and in that of the calm and constructive philosophy of Immanual Kant—

Deutsches Herz, verzage nicht,
Thu was dein Gewissen spricht.
German Heart, do not dismay,
But thy Conscience' voice obey.

ADJOURNMENT

Mr. McNARY. I move that the Senate adjourn until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock and 45 minutes p. m.) adjourned until to-morrow, Thursday, May 8, 1930, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 7 (legislative day of April 30), 1930

UNITED STATES MARSHAL

Robert M. Vail, middle district of Pennsylvania.

COAST GUARD

To be lieutenants

William L. Foley.
Philip A. Short.
Arthur W. Davis.
George W. McKean.
William J. Austermann.

To be lieutenants (junior grade)

Glenn E. Trester.
Julius F. Jacot.
Chester A. A. Anderson.
Edward E. Hahn, jr.
Emmanuel Desses.

To be ensigns

Gordon P. McGowan.
Donald D. Hesler.
Marvin T. Braswell.
John W. Malen.
Petros D. Mills.

APPOINTMENTS IN THE ARMY

Charles Edward Nagel to be first lieutenant, Medical Corps Reserve.

Roland Keith Charles, jr., to be first lieutenant, Medical Corps Reserve.

Rev. Herbert Frederick Moehlmann to be chaplain, with the rank of first lieutenant.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

First Lieut. Charles Walter Hensey to Finance Department.
Second Lieut. Rogers Alan Gardner to Cavalry.
Capt. Maurice Rose to Cavalry.
Second Lieut. Richard Edward O'Connor to Field Artillery.
Capt. William Henry Halstead to Infantry.

PROMOTIONS IN THE ARMY

Gustave Adolphus Wieser to be colonel, Infantry.

William Torbert MacMillan to be lieutenant colonel, Adjutant General's Department.

Arthur Vollmer to be major, Cavalry.
Morris Barnett DePass, jr., to be captain, Infantry.
Charles Ennis to be captain, Infantry.
Herbert Joseph McChrystal to be captain, Infantry.
George Henry Decker to be first lieutenant, Infantry.
Conrad Lewis Boyle to be first lieutenant, Field Artillery.
Edward Joseph O'Neill to be first lieutenant, Infantry.
Albert Sidney Bowen to be lieutenant colonel, Medical Corps.
Ernest Robert Gentry to be lieutenant colonel, Medical Corps.
Howard Moore Williamson to be major, Medical Corps.
Francis Joseph Clune to be major, Medical Corps.
George Edward Lindow to be major, Medical Corps.

Thomas Pinkney Brittain to be captain, Medical Administrative Corps.

Otto Blaine Trigg to be major, Cavalry.
Auby Casey Strickland to be captain, Air Corps.
Robert Reinhold Martin to be first lieutenant, Infantry.
John Perry Willey to be first lieutenant, Cavalry.
John Vogler Tower to be first lieutenant, Signal Corps.
Harry Donald Eckert to be first lieutenant, Cavalry.

Roy Cleveland Heflebower to be lieutenant colonel, Medical Corps.

George Martin Edwards to be lieutenant colonel, Medical Corps.

George Burgess Foster, jr., to be lieutenant colonel, Medical Corps.

Joseph Casper to be lieutenant colonel, Medical Corps.

Condon Carlton McCornack to be lieutenant colonel, Medical Corps.

Jaime Julian Figueras to be major, Medical Corps, subject to examination required by law from April 20, 1930.

Furman Hillman Tyner to be captain, Medical Corps.
William Elder Sankey to be major, Dental Corps.

Seth Overbaugh Craft to be first lieutenant, Medical Administrative Corps.

APPOINTMENTS IN THE OFFICERS' RESERVE CORPS

Herbert Reynolds Dean to be brigadier general, reserve.
Wallace Ashton Mason to be brigadier general, reserve.

PROMOTIONS IN THE NAVY

William D. Leahy to be rear admiral.
Forrest P. Sherman to be lieutenant commander.
James Fife, jr., to be lieutenant commander.
Rudolf L. Johnson to be lieutenant.
Roland P. Kauffman to be lieutenant.
Hugh R. Alexander to be dental surgeon.
William A. Budding to be chief machinist.
Uriel H. Leach to be chief machinist.
Hugh L. Shaw to be chief machinist.
Jesse Meridew to be chief machinist.
Philip W. Snyder to be assistant naval constructor.
Robert A. Hinners to be assistant naval constructor.
Allan L. Dunning to be assistant naval constructor.
Herbert J. Pfingstag to be assistant naval constructor.
Robert D. Conrad to be assistant naval constructor.
Leroy V. Honsinger to be assistant naval constructor.
Joseph F. Jelley, jr., to be assistant civil engineer.
Thomas L. Davey to be assistant civil engineer.
John E. Faigle to be assistant civil engineer.
Wesley H. Randig to be assistant civil engineer.
Archibald D. Hunter to be assistant civil engineer.
Hunt V. Martin to be assistant civil engineer.

POSTMASTERS

CALIFORNIA

Charles C. McGonegal, Bell.
Inez M. Benson, Calipatria.
John B. Horner, Fullerton.
Josephine Costar, Greenville.
Harry A. Bradford, Hayward.
Percy H. Nordstrom, Kingsburg.
George M. Eaby, La Habra.
Bernard G. Larrecou, Menlo Park.
William F. Hanell, Patterson.
William P. Boyer, Reedley.
William L. McLaughlin, Sanger.
John W. G. Mauger, Standard.
Roy Bucknell, Upper Lake.
Francis R. Coleman, Weed.

FLORIDA

Clayton P. Bishop, Eustis.
Clyde D. Prine, Fort Meade.
Paul E. Mahan, Hobe Sound.
Fred A. Carnell, Ormond.
Joseph J. B. Taylor, Panama City.
Maggie M. Folsom, Port Tampa City.
Maude M. O. Park, Sebastian.

GEORGIA

John S. Lunsford, Elberton.
Jackson C. Atkinson, Midville.
Loyd W. English, Pelham.

ILLINOIS

Roger Walwark, Ava.
Lawrence D. Sickles, Bowen.
Henry E. Burns, Chester.
Nellie Mitchel, Mansfield.
Delta C. Lowe, Mason City.
Frank E. Whitfield, Medora.
Charles L. Oetting, Menard.
Joseph M. Donahue, Monticello.
Lloyd E. Lamb, Paris.
Anthony L. Faletti, Springvalley.
Glenn W. Weeks, Tremont.

INDIANA

Edgar H. Newlin, Bloomingdale.
Roscoe B. Conklin, Dana.
Benjamin F. Smith, Hamilton.
William H. Jones, Logansport.
John W. Rudolph, Montgomery.
Albert C. Heithecker, Plainville.
Katheryn L. Huckleberry, Whitestown.

KANSAS

William E. Ferguson, Latham.
Benson L. Mickel, Soldier.

MAINE

George H. Rounds, Naples.

MARYLAND

William R. Wilson, Hebron.

MINNESOTA

Clefton M. Krogh, Argyle.
Merton E. Cain, Carlton.
Johannes A. Bloom, Chisago City.
Ingebrigt A. Hanson, Frost.
Charles F. Whitford, Henderson.
Edith A. Marsden, Hendrum.
George M. Young, Perham.
William J. Colgan, Rosemount.
Harvey Harris, Vesta.
Francis H. Densmore, Wilmont.

NEW MEXICO

Ernest A. Hannah, Artesia.
John C. Luikart, Clovis.
Joseph H. Gentry, Fort Stanton.

NORTH CAROLINA

Charles N. Bodenheimer, Elkin.
Orin R. York, High Point.
Hettie B. Morgan, Seaboard.

PENNSYLVANIA

George H. Cunningham, Emaus.
Louis S. Matiska, Glassmere.

WASHINGTON

Joseph A. Dean, Castle Rock.
Arthur H. Eldredge, Colfax.
Carl J. Gunderson, East Stanwood.
Nelson J. Craigue, Everett.
Wayne L. Talk ngton, Harrington.
Amy E. Ide, Outlook.
Ernest C. Day, Palouse.
Lewis Murphy, Republic.
Thomas B. Southard, Wilsoncreek.
Herman L. Leeper, Yakima.

WISCONSIN

Paul W. Schuette, Ableman.
George E. Grob, Auburndale.
Leslie D. Jenkins, Bagley.
Leslie H. Thayer, Birchwood.
Henry C. Scheller, Cecil.
Hazel A. Fritchen, Franksville.
Carlton C. Good, Neshkoro.
Edith Best, Prairie Farm.
John E. Wehrman, Prescott.
Clara H. Schmitz, St. Cloud.
Charles A. Arnot, South Wayne.
Oscar M. Waterbury, Williams Bay.

REJECTION

Executive nomination rejected by the Senate May 7 (legislative day of April 30), 1930

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

John J. Parker, of North Carolina.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *May 7, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our God, with the full consciousness of our demerits we come to Thee to obtain mercy and pardon. Forgive our sins and let disappointment and pain blossom into gladness. Teach us how to fulfill the vows which we have made, both in public and in private, and enable us to stand in the strength of God and in the fear of man. Bless the labors of this day and breathe a sweet satisfaction into our souls. Bring to the whole earth Thy glory, so that all men may learn peace founded upon national integrity and justice. Stir in our breasts aspirations for things noble and divine. O let flowers, reeds, and grasses, which are breaking through the earth, remind us of that eternal spring when we awake from dreams of God. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 11780. An act granting the consent of Congress to Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky.

AMENDMENT TO THE UNITED STATES WAREHOUSE ACT

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

Mr. HAUGEN (when the Committee on Agriculture was called). Mr. Speaker, I call up the bill (H. R. 7) to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for its consideration.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7) to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended, with Mr. SIMMONS in the chair.

The Clerk read the title of the bill.

Mr. JONES of Texas. Mr. Chairman, I would like to ask the chairman of the committee the order in which it is proposed to bring up the bills to-day.

Mr. HAUGEN. In the order they were reported by the committee.

Mr. JONES of Texas. The gentleman proposes to follow that order?

Mr. HAUGEN. I intend to follow that order except where unanimous consent may be granted to take up other bills out of order.

Mr. JONES of Texas. Will the foreign-service bill be brought up as the second bill?

Mr. HAUGEN. That will probably be the third bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 244), is amended to read as follows:

"SEC. 4. That the Secretary of Agriculture, or his designated representative, is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided,* That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this act and the rules and regulations prescribed hereunder."

SEC. 2. That section 6 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 247), is amended to read as follows:

"SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond to the United States to secure the faithful performance of his obligations as a warehouseman under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act, and may, in the discretion of the Secretary of Agriculture, include the requirements of fire and/or other insurance. Whenever the Secretary of Agriculture, or his designated representative, shall determine that a previously approved bond is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked."

SEC. 3. That section 8 of the United States warehouse act of August 11, 1916, as amended (U. S. C., title 7, sec. 250), is amended to read as follows:

"SEC. 8. That upon the filing with and approval by the Secretary of Agriculture, or his designated representative, of a bond, in compliance with this act, for the conduct of a warehouse, such warehouse may be designated as bonded hereunder; but no warehouse shall be designated as bonded under this act, and no name or description conveying the impression that it is so bonded, shall be used, until a bond, such as provided for in section 6, has been filed with and approved by the Secretary of Agriculture, or his designated representative, nor unless the license issued under this act for the conduct of such warehouse remains unsuspended and unrevoked."

SEC. 4. That section 9 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 248), is amended to read as follows:

"SEC. 9. That the Secretary of Agriculture, or his designated representative, may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products, and to store the same in a warehouse or warehouses owned, operated, or leased by any State, upon condition that such person agree to comply with and abide by the terms of this act and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this act, and the rules and regulations hereunder affecting warehousemen licensed under this act, and shall otherwise be subject to this act, and such rules and regulations, to the same extent as is provided for warehousemen licensed hereunder."

SEC. 5. That section 10 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 251), is amended to read as follows:

"SEC. 10. That the Secretary of Agriculture, or his designated representative, may charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon application of a warehouse-

man, and for each license issued to a warehouseman or to any person to classify, inspect, grade, sample, and/or weigh agricultural products stored or to be stored under the provisions of this act, the Secretary of Agriculture, or his designated representative, may charge, assess, and cause to be collected a reasonable fee. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts."

SEC. 6. That section 11 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 252), is amended to read as follows:

"SEC. 11. That the Secretary of Agriculture, or his designated representative, may upon presentation of satisfactory proof of competency, issue to any person a license to inspect, sample, or classify any agricultural product or products, stored or to be stored in a warehouse licensed under this act, according to condition, grade, or otherwise, and to certificate the condition, grade, or other class thereof, or to weigh the same and certificate the weight thereof, or both to inspect, sample, or classify and weigh the same and to certificate the condition, grade, or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him."

SEC. 7. That section 12 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 253), is amended to read as follows:

"SEC. 12. That any license issued to any person to inspect, sample, or classify, or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture, or his designated representative, whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing that such licensee has failed to inspect, sample, or classify, or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatever. Pending investigation, the Secretary of Agriculture, or his designated representative, whenever he deems necessary, may suspend a license temporarily without hearing."

SEC. 8. That section 25 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 264), is amended to read as follows:

"SEC. 25. That the Secretary of Agriculture, or his designated representative, may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license to any warehouseman conducting a warehouse under this act, for any violation of or failure to comply with any provision of this act or of the rules and regulations made hereunder, or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the Secretary of Agriculture, or his designated representative, whenever he deems necessary, may suspend a license temporarily without hearing."

SEC. 9. That section 29 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 269), is amended to read as follows:

"SEC. 29. That in the discretion of the Secretary of Agriculture he is authorized to cooperate with State officials charged with the enforcement of State laws relating to warehouses, warehousemen, weighers, graders, inspectors, samplers, or classifiers; but the power, jurisdiction, and authority conferred upon the Secretary of Agriculture under this act shall be exclusive with respect to all persons securing a license hereunder so long as said license remains in effect. This act shall not be construed so as to limit the operation of any statute of the United States relating to warehouses or to warehousemen, weighers, graders, inspectors, samplers, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States."

SEC. 10. That section 30 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 270), is amended to read as follows:

"SEC. 30. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture, or his designated representative, under this act, or who shall violate or fail to comply with any provision of section 8 of this act, or who shall issue or utter a false or fraudulent receipt or certificate, or change in any manner an original receipt or certificate subsequently to issuance by a licensee, or any person who, without lawful authority, shall convert to his own use, or use for purposes of securing a loan, or remove from a licensed warehouse contrary to this act or the regulations promulgated thereunder, any agricultural products stored or to be stored in such warehouse, and for which licensed receipts have been or are to be issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $10,000, or double the value of the products involved if such double value exceeds $10,000, or imprisoned not more than 10 years, or both, in the discretion of the court, and the owner of the agricultural products so converted, used, or removed may, in the discretion of the Secretary of Agriculture, be reimbursed for the value thereof out of any fine collected hereunder, by check drawn on the Treasury at the direction of the Secretary of Agriculture, for the value of such products to the extent that such owner has not otherwise been reimbursed. That any person who shall draw with intent to deceive, a false sample of, or who shall willfully mutilate or falsely represent a sample drawn under this act, or who shall classify, grade, or weigh fraudulently, any agricultural products stored or to be stored under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof fined not more than $500, or imprisoned for not more than six months, or both, in the discretion of the court."

During the reading of the bill—

Mr. TILSON. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN (Mr. HOLADAY). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from New York [Mr. CLARKE] whatever time he may desire.

The CHAIRMAN. The gentleman from New York is recognized for one hour.

Mr. CLARKE of New York. Mr. Chairman, beloved colleagues all, Government in its final objects should render service to its people. Representatives, if true to their duty, should see to it that the departments of our Government are kept working to the "nth" power in rendering that service.

The one great unorganized branch of productivity amongst our people is agriculture. To give to the people upon the farms their fair meed of protection and their inalienable right to organize is fundamental.

The ultimate answer of agriculture, or the producers of any particular commodity to economic equality, lies in the cooperative movement, along with the orderly assembling at points of production of the particular commodities that shall be fed into the national and international markets of the world through a farm board knowing market conditions, and rationally shipping their products into those markets when needed, preventing gluts, and with measured production keeping surplus from destroying the advantages we are seeking to build.

In 1916 an act known as the Federal warehouse act was passed by the Congress and sent on its mission of helpfulness to agriculture. It has gradually developed into a great institution, where these warehouses not federally owned, are licensed and bonded and farm products can be stored, warehouse receipts issued, and money borrowed thereon at fair rates of interest.

In 38 different States, largely at points of production, these warehouses are established that feed into interstate business in their normal market these commodities when needed.

With the gradual growth of these supervised warehouses bankers have come to rely on them and the warehouse receipts issued on products therein, as well as the Federal reserve and the intermediate credit banks, so that the receipts have become an important part in the economic and financial machinery of the country sponsored by Uncle Sam in the great cause of agriculture.

For the last several years 13 different farm products aggregating about $1,000,000,000 in value were assembled at or near points of origin, stored in these supervised warehouses, and warehouse receipts issued thereon, and money borrowed on these receipts at a fair rate of interest.

This bill has been unanimously reported by the Committee on Agriculture for the simple purpose of amending the warehouse act and enlarging it in its mission of helpfulness to our farmers.

The sections 4, 8, 9, 11, 12, and 25 simply amend the act by inserting after the words "the Secretary of Agriculture" the words "or his designated representative." The object of these amendments is to relieve the Secretary of Agriculture of a multitude of details without weakening the act. All these amendments relate to routine actions in connection with the bonds, issuing of licenses, and so forth.

The purpose of the amendment to section 10 is that the Secretary of Agriculture shall be allowed to and authorized to charge such a license fee as he deems reasonable whenever a license is issued to a warehouseman, a sampler, inspector, weigher, or grader.

The only section of that bill that should raise any question at all in any Member's mind is the section 29 amendment. Under the present law, if the Federal act in any way conflicts with State laws, the Federal act becomes subservient to the State law in so far as there is conflict. The result is that the Federal law can be negatived by State legislation. This condition has put a severe limitation at times on Federal warehouse receipts attaining that degree of usefulness that they should have, and that the Congress intended they should have for collateral purposes. In fact, this very limitation can defeat the very intent of Congress and render worthless as collateral the receipts issued under the law. Any clause or phase in the law which raises a doubt in the banker's mind about the

receipts casts a cloud on their collateral value. As the one big purpose of the warehouse act was and is to convert the farm products into collateral value and as this act, during the past 10 years, has proved its value to the farmer and his cooperative associations we should not hesitate to perfect it and make the warehouse receipts issued thereunder above suspicion.

More than any other Congress this Congress has evidenced, irrespective of party, a sincere desire to give to agriculture that equality of opportunity that rightly belongs to her.

This bill, if enacted, promises a safe, economically sound step in that direction.

I respectfully present to you this bill in the hope again, that from the North, East, South, or West, there will be no discordant note in the effort of Uncle Sam and his representatives in their endeavor to give to the farmers a little larger chance to help themselves. [Applause.]

Mr. CRISP. Will the gentleman yield for a question?

Mr. CLARKE of New York. Yes.

Mr. CRISP. I am seeking information. I did not hear the first part of the gentleman's speech. Under the bill is it possible for a State warehouse to obtain the privilege of being bonded as a Federal warehouse and only be bonded for part of the products of the warehouse? In other words, where a State warehouse is bonded under this act, are all the commodities stored in that warehouse protected by the bond or can just a part of them be protected by the bond?

Mr. CLARKE of New York. All that goes into the warehouse is protected by the bond.

Mr. CRISP. I think that is the way it should be. There has been some criticism that the bonding has been limited. I do not think that is right. I think that where the warehouse advertises that it is a bonded warehouse all those dealing with it should have the right to presume that everything in it is bonded.

Mr. CLARKE of New York. I reserve the balance of my time.

Mr. ASWELL. Mr. Chairman, there is no request for time on this side and I think there is no opposition to the bill.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill for amendment.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SIMMONS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 7 and had directed him to report the same back with the recommendation that it be passed.

Mr. HAUGEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

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

A motion by Mr. HAUGEN to reconsider the vote whereby the bill was passed was laid on the table.

COMMITTEE ON EDUCATION

Mr. REED of New York. Mr. Speaker, I ask unanimous consent that the Committee on Education may be permitted to sit to-morrow afternoon and for the balance of the week.

The SPEAKER. The gentleman from New York asks unanimous consent that the Committee on Education may, beginning to-morrow afternoon, sit for the remainder of the week. Is there objection?

There was no objection.

AMENDING THE FEDERAL FOOD AND DRUGS ACT

Mr. HAUGEN. Mr. Speaker, I call up 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 SPEAKER. The gentleman from Iowa calls up the bill, which the Clerk will report.

The Clerk read as follows:

H. R. 730

A bill 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

Be it enacted, etc., That section 8 of the act of June 30, 1906, 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," as amended, is amended by adding at the end thereof the following:

"Fifth. If it be canned food and falls below the standard of quality, condition, and/or fill of container, promulgated by the Secretary of Agriculture for such canned food and its package or label does not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that such canned food falls below such standard. For the purposes of this paragraph the words 'canned food' mean all food which is in hermetically sealed containers and is sterilized by heat, except meat and meat food products, which are subject to the provisions of the meat inspection act of March 4, 1907 (34 Stat. 1260), as amended, and except canned milk; the word 'class' means and is limited to a generic product for which a standard is to be established and does not mean a grade, variety, or species of a generic product. The Secretary of Agriculture is authorized to determine, establish, and promulgate, from time to time, a reasonable standard of quality, condition, and/or fill of container for each class of canned food as will, in his judgment, promote honesty and fair dealing in the interest of the consumer; and he is authorized to alter or modify such standard from time to time as, in his judgment, honesty and fair dealing in the interest of the consumer may require. The Secretary of Agriculture is further authorized to prescribe and promulgate from time to time the form of statement which must appear in a plain and conspicuous manner on each package or label of canned food which falls below the standard promulgated by him, and which will indicate that such canned food falls below such standard, and he is authorized to alter or modify such form of statement, from time to time, as in his judgment may be necessary. In promulgating such standards and forms of statements and any alteration or modification thereof, the Secretary of Agriculture shall specify the date or dates when such standards shall become effective, or after which such statements shall be used, and shall give public notice not less than 90 days in advance of the date or dates on which such standards shall become effective or such statements shall be used. Nothing in this paragraph shall be construed to authorize the manufacture, sale, shipment, or transportation of adulterated or misbranded foods."

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Speaker, the bill under consideration is the identical bill that passed the House in the Seventieth Congress under the number H. R. 15128. This bill passed the House February 25, 1929. At that time extended hearings were held on the bill, and the report of the committee, as I recall it, was practically unanimous.

Now, the purpose of the bill can be stated in a very few words. It is in the nature of an amendment to the general food laws, and it amends them to this extent: That it gives the Secretary of Agriculture the authority to require in the interest of the consuming public distinctive and informative labeling of canned goods below a certain minimum of requirement.

This legislation is approved by the Department of Agriculture and is presented for your consideration for two or three reasons, which I will state in a word. First, as a matter of the protection of the consumer. We have found that where canned goods are to-day coming to be a very prominent part of the food industry that they have been put on the market without uniform labeling; that men who have been in business a long time have established their own grade and we have accepted the trade and grade name of the article in lieu of well-established legislative standards and grades. Very naturally, of course, the label and the grade of a certain manufacturer depended upon his own notion with respect to it, but there seemed to be no definite standard that meant something to the people of the whole United States. Therefore, the Committee on Agriculture, considering this matter, deemed it advisable to provide that in canned goods there should be a certain legislative standard established, and that goods below this standard should be marked with a distinctive label so that when the individual purchaser went into the market to buy goods he would know that there had been a standard established by the Government itself and that the goods that he purchased without this particular label were above the minimum standard.

Following this if the individual manufacturers desire to establish higher grades above these standards and establish trade names in connection with them, all well and good. So this bill is presented with that idea in mind.

An additional thought is worthy of a moment's emphasis. The canning industry has come to be one of our very great and important industries, and to-day it is making use of the warehouse act, which we just amended, in this very interesting way. The canned goods to-day are taken to the bonded warehouses, and when they do have a distinctive grade which is indicated by the label and which under this legislation would be protected by the Government itself, then the warehouseman will know that

those goods are up to standard, and the facilities of the warehouse act can be made to apply very much more generally than they do at the present time. I am sure that all of you who are familiar at all with the canning business understand very well that it is necessary for them during the canning season to use tremendous sums of money, and this act will enable them to make use of the Federal warehouse act, and the warehouse certificates for the purpose of borrowing money to finance their operations.

As a matter of protection to the consumers, and as an advantage to those who are engaged in the canning business by enabling them to secure advances upon products which they can, we present this legislation and trust it will meet with the unanimous approval of the House of Representatives.

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. PALMER. Each State now has its board of food and drug inspectors. They have a standard, say, on a certain class of canned goods. Suppose the department prescribes a different standard. Is it liable to conflict with the canner who has a great supply on, and will it likely put his goods out of the market?

Mr. KETCHAM. I think not. The experience your committee has had is this, that many State authorities desire a modification of the act by providing grades above the minimum, but that is to be cared for in subsequent legislation; as I understand it, in a bill already introduced by a member of our committee, the gentleman from Kansas [Mr. HOPE]. That will cover the point the gentleman has in mind.

Mr. PALMER. Each State has its standard, of course.

Mr. KETCHAM. It would not interfere at all unless some of these standards put out by the State did not come up to the minimum standard provided here.

Mr. PALMER. I think this is a good bill and that the public needs protection.

Mr. KETCHAM. And, more than that, it would not affect at all unless the goods move in interstate commerce.

Mr. BRIGHAM. As a matter of fact, would not the Secretary of Agriculture probably give the canning industry time to work off the goods already on hand?

Mr. KETCHAM. Without any question.

Mr. MENGES. Mr. Speaker, I offer the following amendment which I send to the Clerk's desk.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Pennsylvania for the purpose of offering an amendment?

Mr. HAUGEN. Yes.

The SPEAKER. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MENGES: Page 2, line 23, after the word "require" insert a colon and the following: "*Provided*, That the standards of quality and condition for any canned foods which have been or which in the future may be established by or under authority of any other act of Congress shall be and are hereby adopted for the purpose of this act as the official standards of the United States for canned foods."

Mr. CHINDBLOM. Mr. Speaker, I reserve the point of order on that.

The SPEAKER. The gentleman from Illinois reserves the point of order.

Mr. MENGES. Mr. Speaker, I told the committee that I was going to offer an amendment to this bill. I do not think that anybody was allowed to be under any delusion about it. At the present time the Department of Agriculture has established standards for the various kinds of canned goods. They have established a standard for peas, a standard for beans, and for any other canned product. The thing that I want to guard against with this amendment is that these standards shall not be interfered with. There is another thing to which the gentleman from Michigan [Mr. KETCHAM] referred, and that is that there is a bill in the hands of the committee now which establishes grades, and in order that this legislation may not interfere with the grades that are to be established in the bill now before the committee, and which has not been reported out, this amendment is offered.

There is no intention to interfere with the legislation here; only to safeguard what we now have and what we propose to have. That is the idea I have in mind. If the committee chooses to accept the amendment, I shall be glad.

Mr. BRIGHAM. Mr. Speaker, will the gentleman yield?

Mr. MENGES. Yes.

Mr. BRIGHAM. Does not the bill proposed contemplate permissive grades, and not compulsory grades?

Mr. MENGES. They are permissive now.

Mr. BRIGHAM. I understand the only grades that are promulgated by the Department of Agriculture are for the purpose of assisting the operation of the warehouse act.

Mr. MENGES. Answering the gentleman from Vermont, permit me to say that this amendment that I have offered is intended to protect the small canner, so that if he puts out a package of a superior character he can have it stamped by the Government, and then he can go and store these goods in the licensed warehouse of the Government and get a draft on them to finance him for the time being.

Mr. BRIGHAM. Will not the effect of the gentleman's amendment be this, that if the so-called Hope bill be passed, permitting the Government to promulgate permissive grades, the amendment he offers will then become compulsory?

Mr. MENGES. I think not, because the Hope bill states that the grades shall be permissive.

Mr. BRIGHAM. Does not your amendment provide that any grades promulgated by the Secretary of Agriculture shall become compulsory in effect?

Mr. MENGES. I do not read it so. I do not think so.

Mr. HALSEY. Mr. Speaker, will the gentleman yield there for a question?

Mr. MENGES. Yes.

Mr. HALSEY. Your amendment provides that canned goods going into interstate commerce must comply with this standard set up by the United States Government?

Mr. MENGES. If they are shipped in interstate commerce, if graded and stamped by the United States Government as the Hope bill requires, grading above the substandard here established.

Mr. HALSEY. That is, the goods shipped in one State must be of the same standard as those shipped in another State—for instance, canned goods in Missouri, as compared with those canned in Wisconsin, shall comply with a certain standard?

Mr. MENGES. Certainly. The Government requires the standard in Missouri to be the same as in Wisconsin.

Mr. HALSEY. Goods going from one State to another must be controlled by your amendment as fixed by the United States standard?

Mr. MENGES. That is the same thing as exists now. I do not see that there is any trouble in the amendment or that it would interfere with the act we are now about to pass. In fact, I feel that it will safeguard the present standards or grades that have been established by the Government and will safeguard future legislation so that it will not be interfered with by this bill. That is my idea about it.

Mr. CHINDBLOM. Mr. Speaker, I am ready to argue the point of order.

Mr. MENGES. I am not sufficiently familiar with points of order to know how to argue one. I am not a lawyer. I am simply offering this amendment to safeguard the small canners, such as those who live in my district.

Mr. HUDSON. Mr. Speaker, will the gentleman yield?

Mr. MENGES. Yes.

Mr. HUDSON. As I sense the gentleman's argument, he believes that later on, if we pass the so-called Hope bill, we shall have to amend this to provide for the provisions established in the Hope bill?

Mr. MENGES. Yes. This bill establishes only one standard, and that is a substandard; and it not only establishes a substandard but puts these goods under the food and drugs act, a penal law. Anybody who ships a carload of canned goods, say, from my district to Missouri may have a certain grade on them; but suppose some one finds a can in that shipment not poisoned, but damaged. He can condemn the whole car and give that canner all the trouble he is looking for. To prevent that I am offering this amendment.

I think this is a damaging and dangerous thing to put the canning industry definitely under the food and drugs act. You will find it out in your State later if you do not find it out now. My idea is that this is a bill to protect the big canner and put the small canner out of business. That is my idea about it.

If there are any other questions to be asked I shall be glad to try to answer.

Mr. BRIGHAM. If the bill introduced by the gentleman from Kansas [Mr. HOPE] shall become a law, providing for permissive grades above the standard grade, grades A, B, C, and so forth——

Mr. MENGES. But this bill does not provide for that.

Mr. BRIGHAM. It will enable the Secretary of Agriculture to promulgate such grades, and the canning factories can, if they choose, use those grades and label containers accordingly. Why will it be necessary to have additional legislation?

Mr. MENGES. To safeguard what we now have and to safeguard the future.

Mr. BRIGHAM. I do not see how it interferes with anything in the least as it is now.

Mr. MENGES. That is where I differ with the gentleman.

First. It will not and can not do what the proponents of the bill and those who testified before the House and Senate Agricultural Committees represent it will, namely: Enable the consumer to purchase canned fruits and vegetables more intelligently. It will fail in this respect because the bill provides for the establishment of but one standard by the Secretary of Agriculture, and everything which falls below this standard shall be designed on the label as falling below the standard. Through this standard it is hoped to brand low-quality foods in the eyes of the public so as to limit their consumption and thereby force a reduction in the amount produced. But quite obviously the proponents of the bill do not expect that the standard that would be established would be any higher than the line that now marks the bottom of the commercially accepted standard grade. If the standard should be set at that point, then very obviously this bill will accomplish little, for not more than between 5 or 10 per cent of the present pack of canned fruits and vegetables now fall below this line. What happens with the other 90 to 95 per cent of the pack? This bill does not attempt to reach it. Yet within that 90 or 95 per cent there is just as much room and more for deceiving the public. Take tomatoes as an illustration to see how far this bill will really help the consumer. Approximately 20,000,000 cases of No. 2 cans of tomatoes are packed annually.

If 5 per cent of this amount would fall below the to be established standard, that would mean only 1,000,000 cases would be labeled. What about the other 19,000,000 cases? They go unlabeled. And yet in these 19,000,000 cases you will find plenty of tomatoes that just barely pass above the line but which will reach the consumer under fancy labels representing the product to be fancy, and at fancy prices. How, then, is the consumer—the housewife—enabled by this bill to buy more intelligently?

Second. This bill is just a make-believe. Framed to make Congressmen and Senators believe a certain result will follow when the very wording of the bill precludes such a result.

Third. If the proponents of this bill want to help the consumer to buy intelligently, why do they not provide for a complete system of standardization? Before the Agricultural Committees they have referred to work that has been done by the Department of Agriculture in standardizing raw fruits and vegetables and the benefits that have resulted therefrom. Very well, but that work is based upon a standardizing of the entire crop and not 5 or 10 per cent of it.

Fourth. This bill attempts to amend the Federal food and drugs act. That law is a mandatory and a criminal statute. The intent of that statute is to protect the public against poisonous, filthy, decomposed, and putrid matter and against the addition of deleterious ingredients. It has been admitted before the committees that the canned fruits and vegetables against which this bill is aimed are wholesome and do not fall in any sense under any of the classifications against which the food and drugs act is directed. This bill aims to create a standard—it is an entry into the field of standardization. If standardization of canned fruits and vegetables is what is wanted, then why not provide for a complete system of standardization and not a one-twentieth way measure? And if standardization has proved so beneficial in the raw fruit and vegetable field, why not make provision for standardizing of the canned fruits and vegetables in exactly the same manner that provision has been made for the raw product? That is done through the annual appropriation bill for the Department of Agriculture.

No one will question the benefits this service has conferred upon the fresh fruit and vegetable industry from the producer down to the final retailer and consumer. It has expedited and simplified commercial transactions. It has given the farmer and all handlers common standards or grades. It has laid the foundation for establishing a nation-wide market news service, thus enabling the farmer to know what his product ought to bring in different markets. It has also made a basis for the settlement of disputes. In fact, it has eliminated and reduced to a minimum the number of disputes, for the certificates which are issued by the Government become prima facie evidence as to the grade and condition of the product in all courts.

The need for common and official standards and an inspection service is just as pressing now in the canned-foods field as it was 15 years ago in the field of fresh fruits and vegetables. There are no common standards in the canned fruit and vegetable field. What one canner or broker or retailer may call a fancy product and ultimately sell as such to the consumer may not be a fancy or No. 1 product at all, but may be the lowest recognized quality, and not at all infrequently it is substandard. There are many canners who want to pack and who do pack a good product. They want to give the consumer his money's worth. There are hundreds of small canners throughout the country who are rendering a distinct service to hundreds of agricultural sections. They enable the farmers in those sections to diversify.

By adopting this amendment it will be possible to give the canner what the fresh fruit and vegetable industry, the hay industry, the tobacco industry, the cotton industry, the butter and egg and poultry industry, and other industries now enjoy. You will help many farmers financially and at the same time help just that much in holding down our unwieldy surpluses in staple crops. You will help canners to protect themselves and you will make it possible for the housewife ultimately to buy her canned foods on the basis of Government standards and not like buying a pig in a poke.

I am not speaking for Pennsylvania canners alone; other States are engaged more heavily in canning than Pennsylvania. I know what is happening to our Pennsylvania canners is happening to your canners in Maryland, Delaware, New Jersey, New York, Maine, Ohio, Indiana, Illinois, Wisconsin, Virginia, Tennessee, Michigan, Minnesota, Iowa, Nebraska, Kentucky, Missouri, Arkansas, Georgia, Mississippi, Colorado, Utah, Oregon, Washington, and California; in fact, in every State where fruits and vegetables are canned. Here is an opportunity to put an end to this kind of business.

Mr. ADKINS. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER. Does the gentleman from Iowa [Mr. HAUGEN] yield to the gentleman from Illinois?

Mr. HAUGEN. I understand there is a point of order pending.

The SPEAKER. There is no point of order pending.

Mr. CHINDBLOM. Mr. Speaker, I reserved a point of order, and I now make it.

I wish to call the attention of the Speaker to the language in the proposed amendment to section 8 of the pure food and drugs act.

On page 2 of the pending bill, immediately preceding the sentence to which the amendment of the gentleman from Pennsylvania [Mr. MENGES] is offered, I read the following, beginning on line 7:

> For the purposes of this paragraph the words canned food mean all food which is in hermetically sealed containers and is sterilized by heat, except meat and meat food products, which are subject to the provisions of the meat inspection act of March 4, 1907 (34 Stat. 1260), as amended, and except canned milk.

Then, I call the attention of the Chair to the following words, which follow immediately:

> The word class means and is limited to a generic product for which a standard is to be established, and does not mean a grade, variety, or species of a generic product. The Secretary of Agriculture is authorized to determine, establish, and promulgate, from time to time, a reasonable standard of quality, condition, and/or fill of container for each class of canned food as will in his judgment promote honesty and fair dealing in the interest of the consumer; and he is authorized to alter or modify such standard from time to time as in his judgment honesty and fair dealing in the interest of the consumer may require.

All of these provisions are limited to class, and the term "class" is specifically defined to be limited to a generic product and does not include a grade, variety, or species of a generic product. The amendment offered by the gentleman from Pennsylvania [Mr. MENGES] is not limited to class. It includes grades, varieties, and species of classes; that is, of generic products; for the amendment offered by the gentleman reads as follows:

> *Provided*, That the standards of quality and condition for any canned foods which have been, or which in the future may be, established by or under authority of any other act of Congress shall be, and are hereby, adopted for the purpose of this act as the official standards of the United States for canned foods.

This amendment brings in every other act which has been passed by Congress relative to canned foods, aside from the pure food and drugs act, which alone is amended by the pending bill, and it is not limited in its operation to the class in a generic sense but may be applied to grades, varieties, and species of generic products. Therefore, it goes beyond the purposes of the bill as reported by the committee, and, it seems to me, is subject to the objection which I am making.

The SPEAKER. The gentleman from Illinois [Mr. CHINDBLOM] has made an argument which impresses the Chair in regard to the definition of class, but the Chair does not see where the word "class" is mentioned before.

Mr. CHINDBLOM. It is mentioned in the sentence beginning on page 2, line 7 of the bill, and the definition comes

farther down, in line 12—"the word 'class' means and is limited to a generic product for which a standard is to be established, and does not mean a grade, variety, or species of a generic product." That is the definition for the purposes of this bill. In fact, it is the definition for the purposes of the entire pure food and drugs act.

The SPEAKER. As the Chair understands, the gentleman from Illinois [Mr. CHINDBLOM] founds his point of order on the ground that the class is defined in this act and that the amendment of the gentleman from Pennsylvania [Mr. MENGES] goes beyond the class as defined in the bill?

Mr. CHINDBLOM. Yes, sir; that is correct, Mr. Speaker.

The SPEAKER. The Chair rather thinks that it does, and sustains the point of order.

The question is on the engrossment and third reading of the bill.

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

Upon motion by Mr. PURNELL, a motion to reconsider was laid on the table.

PROMOTE THE AGRICULTURE OF THE UNITED STATES

Mr. HAUGEN. Mr. Speaker, I call up the bill H. R. 2152, to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes.

Mr. TILSON. Mr. Speaker, I hope the gentleman from Iowa [Mr. HAUGEN] will not call up that bill until next Calendar Wednesday.

Mr. HAUGEN. Is that agreeable to the gentleman from Michigan [Mr. KETCHAM]?

Mr. KETCHAM. I would say that while I am loath to have the bill go over, yet, to meet the wishes of the gentleman from Connecticut [Mr. TILSON] I would be very willing to accede to his request, if it is understood that it will be the first bill called up when the committee has its next Calendar Wednesday.

Mr. TILSON. The gentleman will have the right to call it up first.

Mr. JONES of Texas. Mr. Speaker, are we assured of another Calendar Wednesday? I think this is the most important bill the committee has reported.

Mr. TILSON. I think there is no question about having another Calendar Wednesday. I am quite sure that there is no question about it.

Mr. CANNON. Mr. Speaker, will the gentleman yield for a question? There seems to be a general demand for this legislation.

Mr. TILSON. But there seems to be some little difference of opinion in regard to it.

Mr. CANNON. The bill has the indorsement of the Federal Farm Board. It has been officially approved by the last three Secretaries of Agriculture. President Hoover, during his service as Secretary of Commerce, strongly urged its enactment. It has the unqualified support of every farm organization in America. It was passed in this form by the House in a former Congress by a practically unanimous vote. It is an essential part of the program for farm relief and apparently there is no opposition to the bill on the part of agricultural interests from any quarter. In view of the situation the request for delay is doubtless prompted by weighty considerations, and I wonder if the gentleman from Connecticut [Mr. TILSON] is in position to give some intimation as to the reasons which render it advisable to postpone consideration at this time?

Mr. TILSON. Because there seems to be some little doubt as to just what this bill provides, and whether it conflicts with some of the other activities of the Government. I wish the gentleman would let it go over another week.

Mr. CANNON. It is the general understanding that the Committee on Agriculture reported out the bill and recommended its passage without division and that the committee is unanimous in directing the chairman of the committee to call it up for consideration this afternoon.

Mr. TILSON. Oh, yes; I so understand.

Mr. CANNON. And we are assured that if postponed it will be brought up one week from to-day?

Mr. TILSON. The gentleman's committee has the right to bring it up on that day.

Mr. JONES of Texas. Is it the intention of the chairman of the committee to bring this bill up first on next Calendar Wednesday?

Mr. HAUGEN. I am calling up the bills according to the instructions given by the committee.

Mr. TILSON. It rests with the gentleman from Iowa [Mr. HAUGEN] entirely.

Mr. HAUGEN. It will rest with the gentleman from Michigan [Mr. KETCHAM], whenever he wishes to bring it up.

Mr. KETCHAM. It will be brought up first, then, on next Calendar Wednesday.

Mr. CANNON. We are glad to have that assurance.

The SPEAKER. Does the gentleman from Iowa [Mr. HAUGEN] withdraw his request for the present consideration of the bill H. R. 2152?

Mr. HAUGEN. Yes, Mr. Speaker; I withdraw that request.

Mr. Speaker, I call up the bill, H. R. 10877, authorizing appropriations to be expended under the provisions of sections 4 to 14 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

PROTECTION OF THE WATERSHED OF NAVIGABLE STREAMS

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] calls up the bill H. R. 10877, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10877, with Mr. HOCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10877, which the Clerk will report.

Mr. CLARKE of New York. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, to be expended under the provisions of sections 4 to 14 of the act of March 1, 1911 (U. S. C., title 16, secs. 513–521), as amended by the acts of March 4, 1913 (U. S. C., title 16, sec. 518), June 30, 1914 (U. S. C., title 16, sec. 500), and June 7, 1924 (U. S. C., title 16, sec. 570), not to exceed $3,000,000 for the fiscal year beginning July 1, 1931, and not to exceed $3,000,000 for the fiscal year beginning July 1, 1932.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from New York [Mr. CLARKE]. [Applause.]

Mr. CLARKE of New York. Mr. Chairman, ladies and gentlemen of the committee, the purpose of this bill is to extend the purchasing program entered into by the Federal Government of lands that not only reach into the upper reaches and protect the watersheds of navigable streams but down into the lower parts, where it has been shown it is necessary as well to have a purchase program. This purchase program in its larger aspects takes in 32 particular units in regions northeast, south, west, and east of the Great Plains. The present authorization expires with the end of the present fiscal year.

This bill simply authorizes the expenditure of $3,000,000 per year for two years in this land-purchase program. We had hoped we could have a 10-year purchase program, and the National Forest Conservation Commission recommended such a program, that commission being composed of 3 members of the Cabinet, 2 Senators, and 2 outstanding Representatives of this House. But the Bureau of the Budget has felt we would have to hold ourselves down a little, so we have fallen into the spirit of that suggestion, and we now urge the Congress of the United States to go forward with this 2-year purchase program. That is all there is to the bill.

Mr. KINCHELOE. Will the gentleman yield?

Mr. CLARKE of New York. Yes.

Mr. KINCHELOE. This is really an extension of what is called the Weeks Act.

Mr. CLARKE of New York. The Weeks Act and the Clarke-McNary Act.

Mr. KINCHELOE. Does the gentleman know of any laws on the statute books of the United States to-day that are of greater use in conservation than these acts?

Mr. CLARKE of New York. They are outstanding acts, and the gentleman from Kentucky was one of the outstanding men in helping to get those bills through the House.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. CLARKE of New York. Yes.

Mr. COCHRAN of Missouri. Have the areas to be purchased with this money been selected or are they to be selected in the future?

Mr. CLARKE of New York. Thirty-two have been selected and I will put in my remarks a description of the further areas in the enlarged picture of the bill itself.

Mr. COCHRAN of Missouri. The reason I ask the question is that the Secretary of Agriculture advised me that two areas in the State of Missouri, one bordering the St. Francis and the other the Current River, of 200,000 acres each, would be recommended to the commission.

Mr. CLARKE of New York. They are included in the units right now.

Mr. COCHRAN of Missouri. Provided the Legislature of Missouri takes the proper action necessary under the Weeks law, and it is hoped our legislature will take that action next January, and if it does, the State of Missouri will have the opportunity of getting in under this bill?

Mr. CLARKE of New York. It would.

Mr. COLTON. Will the gentleman yield?

Mr. CLARKE of New York. Yes.

Mr. COLTON. I know the gentleman is a great authority on reforestation.

Mr. CLARKE of New York. I thank the gentleman for the compliment.

Mr. COLTON. In my State we have a movement, particularly among the ladies' clubs, looking to the planting of trees, not on lands, perhaps, that come strictly under this law but on lands that will do a great deal of good in the way of conservation and the protection of watersheds, but we have had trouble in getting the trees. Can the gentleman tell me whether there has been any provision made for the raising of trees or of any place where the ladies' clubs can get trees with which to do their planting?

Mr. CLARKE of New York. Under the original Clarke-McNary Act there was a provision included for the establishment of small nurseries, but that has not been enlarged and there has been no active cooperation, because some of the States themselves have had their own nurseries. Take the State of New York. This spring we are distributing over 20,000,000 trees, and in the fall there will be another distribution of some 5,000,000 or 6,000,000 trees. Those trees are taken from our own State nurseries and distributed to clubs such as the gentleman mentions and they are furnished to them at a cost of $1, $2, $3, or $4 a thousand. However, I do not believe the Federal Government should get into that phase of the conservation movement.

Mr. COLTON. Then there is probably no source from which these trees can be obtained unless a State itself goes into that work?

Mr. CLARKE of New York. State and private nurseries; yes.

Mr. KNUTSON. Will the gentleman yield?

Mr. CLARKE of New York. I yield to the distinguished son of Minnesota.

Mr. KNUTSON. The gentleman has given a great deal of time and effort to reforestation work, and I would like to have him explain to the committee just how much we can hope to do under the appropriations authorized in this measure in the way of reforestation work, and where it is contemplated to do the most of it.

Mr. CLARKE of New York. I will set out specifically in the extension of my remarks the particular work we intend to do. There are 32 established units in 17 States. Some of these units are in the State of Minnesota and in the Great Lakes region; 2 of them are in the New England country, 2 in the Ozark plateau, and 5 in the southern plateau. I think there are 10 units all together in and around the Great Lakes region.

Mr. KNUTSON. Does this legislation supplement the so-called Clarke-McNary Act?

Mr. CLARKE of New York. It does.

Mr. KNUTSON. What is the acreage in the country that has been denuded and should be reforested? Has the gentleman any figures on such lands that are peculiarly adapted to forestry?

Mr. CLARKE of New York. According to a survey made some three or four years ago there are practically 81,000,000 acres in the United States that ought to be reforested. In my own State of New York there are approximately 5,000,000 acres that ought to be reforested. These are just small steps we are taking in what ought to be an enlarged program.

You may take, for instance, the flood-control problem that is so menacing. Any man who knows anything about the control of the floods of the Mississippi Valley knows that at least 40 to 60 per cent of the volume of stuff that goes down the Mississippi is the soil. Now, why is it going down there? Because our great plains are not growing trees. And what effect have the trees on it? First, there are the root systems that prevent erosion and prevent this soil from getting into the flow of these floods; and more than this, the setting out of trees in the watersheds of these great streams means that you delay the melting of the snow, and if you delay the melting of the snow a week or 10 days you take off the crest of the wave which creates the damage and loss of life in these floods. Trees also slow up the "run off" of the rains, and so forth.

Mr. KNUTSON. Does not the gentleman think that the several States should supplement this work, and would it not be possible for the Federal Government to match money with the States as we do in road building?

Mr. CLARKE of New York. That is exactly the theory of the Clarke-McNary bill. When the States show a willingness to cooperate with the Federal Government, the Federal Government seeks to match appropriations with them and furnishes leadership and furnishes information with respect to taxation methods and various other matters. To-day one of the greatest black marks we have in the conservation movement is the attitude of the State legislatures in taxing the people that show a desire to set out trees. Along will come some unsympathetic assessor who notices that some one has taken an unadorned hundred acres of land and set it out with trees. He says that it is more valuable and proceeds to tax it. The enterprise and the public spirit of the man who sets out the trees is taxed, and then he says, "What's the use."

Mr. KNUTSON. I thank the gentleman for his very able explanation.

Mr. ANDRESEN. Will the gentleman yield?

Mr. CLARKE of New York. I yield.

Mr. ANDRESEN. I would like to say to my colleague from Minnesota that there is probably no man in the United States who has given more study to the conservation problem with respect to our forestry resources than the gentleman from New York.

Mr. CLARKE of New York. I thank the gentleman.

Mr. ANDRESEN. The gentleman has had broad vision. He has soared over the entire country, as the bald eagle would soar over the wide spaces, and has not confined his activities to any one particular locality. Therefore we are glad to follow his program.

Mr. CLARKE of New York. I thank the gentleman from Minnesota.

Mr. COLE. Will the gentleman yield?

Mr. CLARKE of New York. I yield.

Mr. COLE. I am very glad to hear we have with us a most eminent authority on conservation, the gentleman from New York.

Mr. CLARKE of New York. I thank you, sir.

Mr. COLE. I would like to ask a question of such a great authority. Have we in reforestation ever succeeded in growing timber from which we could cut saw logs?

Mr. CLARKE of New York. I can give the gentleman an example even now in the State of New York. Twenty-six or twenty-seven years ago a large estate in an adjoining county began a program of reforestation and in the last four years in a thinning process, because their trees were planted too thick originally, they have sold off in trees more than the original cost in trees, labor, and taxes. This was timber that could be used for poles and posts and things like that.

Mr. COLE. And for saw lumber?

Mr. CLARKE of New York. Not saw lumber; no.

Mr. COLE. Can the gentleman cite such an instance?

Mr. CLARKE of New York. No; because the reforestation program has not been established long enough. But here is what the history of the Old World demonstrates. Under forest management, countries like Switzerland, Germany, and the Scandinavian countries are having returned to them to-day through forest management $5 per acre per year on the average, which is looked upon as a harvest growth of timber.

Mr. COLE. The reason I am submitting these questions to this eminent authority is because the statement was made to me recently that there is no instance in the United States where reforestation had resulted in producing a crop of lumber from which saw logs could be cut.

Mr. CLARKE of New York. That is because the policy has not been established long enough.

Mr. ARENTZ. If the gentleman will pardon me, it has been established long enough. If you will ride on the Union Pacific or any of the other railroads passing through that area where settlers had the right to make a timber claim, you will notice

that adjoining the house or adjoining the farm lot sometimes as much as 20 acres of trees that were planted in the seventies and eighties. To-day they are saw-log trees. I think this is a visual demonstration of what can be accomplished on a large scale by showing what has actually been done on a small scale.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. CLARKE of New York. Yes.

Mr. O'CONNOR of New York. I was interested in the figures of 81,000,000 acres having been denuded. Are there any figures as to the proportion that was denuded by the cutting down of trees and that which was destroyed by fire?

Mr. CLARKE of New York. We have in the hearings an approximation of that, but I have not those figures in mind.

Mr. O'CONNOR of New York. What I have in mind, as the gentleman probably divines, is right now in our own State of New York we are losing during these days thousands of acres of timber by fire, which is one of the serious problems involved in such conservation.

Mr. CLARKE of New York. But we had in the State of New York one of the finest and most outstanding men as a leader in the forestry movement. Clifford Pettus was the second graduated forester in the United States. To-day he is really the father of the two great parks we have there, the Adirondacks and the Catskill Parks, that comprise, in their total area, probably three or four million acres. Alexander McDonald, the conservation commissioner, is also a fine, outstanding man in this work. These men have had the cooperation of the legislature and the governor; and I will say for Governor Smith that he maintained Aleck McDonald in office as conservation commissioner, although he is an outstanding Republican, because of his recognized work in this field.

Mr. O'CONNOR of New York. And the present governor has likewise done it.

Mr. CLARKE of New York. Yes.

Mr. BRIGHAM. Will the gentleman yield?

Mr. CLARKE of New York. I yield.

Mr. BRIGHAM. The gentleman is familiar with the proposal frequently made that the Government should buy submarginal land, not suitable for cultivation or which could only be cultivated at a loss, and reforest those lands. Will the gentleman give us his opinion as to the feasibility of a program of that kind as contributing to the solution of the problem of reducing the surplus of farm products, which are now resulting in unprofitable prices?

Mr. CLARKE of New York. Economically there is no question about that in my humble judgment. It is just growing a crop like any other crop—wheat or rye.

Mr. ARENTZ. If the local authorities would not levy tax assessments on it.

Mr. CLARKE of New York. One of the great difficulties with this program has been the unsympathetic attitude of the tax authorities, whether local or State. Under the Clarke-McNary Act we have had a complete study made, and while the Government has no jurisdiction it has made recommendations for sounder tax laws in relation to the planting of trees.

Mr. BRIGHAM. One further question: In the State of New York is it customary for banks in making appraisals of farms for loans to take into account the stumpage value of the timber?

Mr. CLARKE of New York. Within the last three or four years it has been, because the head of the Federal bank at Springfield, Mr. Thompson, was the pioneer of that movement and hoped to bring that about. We have had people come up from the hard-coal regions to take off the last stand of the little hardwood for timber for mines.

Mr. BRIGHAM. The Federal farm loan act does not permit the Federal farm loan banks, including the one at Springfield, Mass., of which Mr. Thompson is the able president, to take into account the stumpage value of the timber. Does not the gentleman think that the Federal farm loan act ought to be amended in that particular?

Mr. CLARKE of New York. I would want to ponder on that, but, offhand, I would think so.

Mr. LEAVITT. Will the gentleman yield?

Mr. CLARKE of New York. I yield.

Mr. LEAVITT. I consider this one of the most important bills before Congress. I am interested in the gentleman's statement regarding the reason why only a 2-year program is provided for in this authorization. It occurs to me that it may be necessary because of the Budget situation; but, looking into the future, it must also be realized that this appropriation will not be large enough, and the program will have to be extended as years go by.

Mr. CLARKE of New York. There is no question about it. Mr. Chairman, I yield back the balance of my time, and I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

(The following is the extension of the remarks of Mr. CLARKE of New York:)

Mr. CLARKE of New York. Mr. Chairman, God Almighty made our land rich in forests—rich above any other land. In area our original forests exceeded 800,000,000 acres; in volume of saw timber, 5,000,000,000,000 board feet. In the eastern half of the country they covered approximately 675,000,000 acres with 3,400,000,000,000 board feet of saw timber.

From the earliest days of settlement forests have been indispensable to our economic life. The colonists not only drew upon them for their buildings, their fuel, and the material for fashioning the most varied articles of everyday use; they derived from them a large part of the products that sustained their foreign trade. The first cargo sent back from Jamestown, in 1608, included pitch, tar, soap ashes, wainscoting, and clapboards; the first from Plymouth, in 1621, was made up of clapboards and beaver skins. Ships, masts and spars, staves, lumber, naval stores, pearlash and potash, and furs constituted important items of commerce throughout the eighteenth century.

But the forests also stood in the settler's way. To conquer the continent for civilization it was necessary to drive back the forest; to open room for the plow. And so began the long story of antagonism and destruction.

Our eastern forest area has, it is true, not quite been cut in half; for, despite three centuries of abuse, neglect, and wasteful exploitation, the tree cover has clung stubbornly to the land not wrested from it by the plow. But from its remaining 350,000,000 acres has been mined or burned nearly all the original forest wealth, through destructive lumbering and the hand of indifference or hostility. Although remedial measures are being resorted to in limited regions, each year sees the process of depletion carried further. We are still abusing and devastating; still converting what might be productive land for all time into virtually idle waste. This physical and economic tragedy of forest neglect and forest abuse touches our life upon every hand.

The need of an adequate national policy of forestry has long been recognized; but progress in its attainment has been slow and halting. The reservation of the western public-domain timberlands began, after years of agitation, nearly 40 years since. In 1911 the Weeks Act inaugurated the purchase by the Federal Government of eastern forest lands at the headwaters of our principal rivers.

Deforestation of the mountains menaced navigation, therefore commerce; impaired beauty; laid waste the haunts of wild life, the paradise of hunters and recreation seekers; needlessly curtailed the supplies of timber for the use of industry; diminished power resources; placed on washing hillsides temporary and unprofitable farms, that add to our agricultural problem.

Before these fields were shorn and tilled
Full to the brims our rivers flowed,
The melody of waters filled
The fresh and boundless wood,
And torrents dashed and rivulets played,
And fountains spouted in the shade.

For 13 years the Weeks law alone governed the Federal acquisition policy. At the outset it was an experimental venture into a new field, entered upon by Congress with hesitancy and misgivings. To what extent its continuance would be sanctioned was for a time uncertain. With various ups and downs, however, the work went on. It was handicapped by inability to plan ahead with greater certainty and by the necessity to adjust its organization to fluctuating supplies of funds; but at the close of the fiscal year 1924 the area acquired under the Weeks law totaled 2,123,000 acres, of which the cost had been slightly less than $10,889,000. The purchased lands lay within 19 so-called purchase areas in 11 Eastern States, from Maine to Georgia, and in Arkansas. The purchase program under the Weeks law was confined to the acquisition of mountain lands at the headwaters of navigable streams, and its ultimate goal had been fixed at a total of 1,000,000 acres in the White Mountains of northern New England and 5,000,000 acres in the southern Appalachian region.

But in 1924, following an extensive inquiry into the whole forestry situation and needs, a new policy was established by Congress through enactment of the Clarke-McNary Act. Its objectives were comprehensive and designed to bring about a solution of the national problem of forestry in as large a degree as possible by public aid and encouragement to private timber growing. This was sought through provisions for greatly enlarged cooperative activities of the Federal Government and the States in fire protection, aid to forest planting, and other measures promotive of private forest management. But the law

recognized also the need for a broader policy of Federal acquisition and administration of forest lands in the East.

Private forestry needs the help of public example, to demonstrate sound practices. There is need, too, of public ownership to make productive forest areas that will not, under present conditions, attract private forestry. The forest problem of the country can not be solved solely through private forestry. It is too big and too urgent. It is of deepest national concern.

The National Forest Reservation Commission has studied the problem, with a view to applying to it most effectively the policy of acquisition enacted by Congress in the Clarke-McNary law. That law removed the limitation which under the Weeks law confined purchases to lands on the headwaters of navigable streams and necessary to regulate their flow. The National Forest Reservation Commission is composed of three members of the Cabinet, two Senators, and two Congressmen. It has formulated a program. The execution of that program, of course, is contingent upon the approval of Congress through appropriations to enable the purchases called for under the program to be made. The purpose of the program, it should be remembered, is to carry out the policy already laid down by Congress in the Weeks law.

The proposed program, in substance, contemplates four general proposals. The first is to consolidate Federal ownership within the 16 purchase units, in 12 States, hitherto established under the Weeks law primarily to protect navigable streams. Roughly, this will involve the further purchase of 4,000,000 acres of land. The second is to further extend the protection of the headwaters of navigable streams by the establishment of five additional purchase areas, in three States, primarily for watershed protection; this involving the eventual purchase of an additional 1,100,000 acres of land. So much for watershed protection as a major or dominant purpose of the program.

The Clarke-McNary Act of June 7, 1924, however, gave this Federal movement a new purpose and a broader field, by prescribing timber production as a major objective, still limiting the purchases to the watersheds of navigable streams, but removing the requirement that they be confined to the headwaters and definitely related to the maintenance of navigability. Since its enactment 13 additional purchase units have been established in the lake States and southern pine regions. Many of these contain lands reserved from the public domain, in addition to which the purchase of 500,000 acres already has been authorized by the National Forest Reservation Commission.

The third step, therefore, is to complete the consolidation of these approved units by the further purchase of approximately 1,500,000 acres of land. But there is need for still further units, some 22 or so, in 10 States, containing about 3,000,000 acres, consequently the fourth step is the eventual acquisition of so much as may be necessary of that acreage, the most, or probably all of it. This, in brief, is the program.

The National Forest Reservation Commission has indicated the need for authorization of a purchase program that can be prosecuted in an orderly manner as a definitely approvel plan It has recommended authorization of a rate of purchase that will complete the program in 10 years through an outlay of $5,000,000 annually. The Director of the Budget has recognized the desirability of authorization of an orderly program covering a period of years, subject, however, to the condition that the program is subject to readjustment should a future financial situation of the Government make advisable a retrenchment of the expenditures and a slackening of the pace.

A new authorization is a necessity for any continuance of the work beyond the end of the fiscal year, when the present authorization expires. That authorization was given by Congress in 1928. It provided for acquisition appropriations over a 3-year period, beginning in the fiscal year 1929 with $2,000,000 and increasing to $3,000,000 for the fiscal years 1930 and 1931.

The high purpose of H. R. 10877, that I introduced in the House of Representatives March 18, 1930, is to provide for the continuance of this important work without retraction from the present rate. It does not authorize the 10-year program that the National Forest Reservation Commission has recommended, nor does it authorize prosecution of that program at the recommended rate. In the soundness of the commission's proposed program and the desirability of providing for its execution I heartily concur; but with the present financial requirements of the Government as they are, and in order to cooperate with the Bureau of the Budget, I have compromised by introducing a bill that authorizes only continuance of the work at the present rate of $3,000,000 a year for two years, instead of at the recommended rate of $5,000,000 a year for 10 years.

This bill has the unanimous support of the great Agricultural Committee. It is your high privilegg, as it is mine, to speed it on its way toward the making of better to-morrows for the children who shall follow us—of a fairer land and a nation more prosperous and secure.

Mr. MICHENER. Mr. Chairman, I would like to ask the chairman of the committee if he is going to call up the bill H. R. 11389?

Mr. HAUGEN. These bills were ordered to be called up by the committee in their order, but a number of gentlemen have asked that that bill go over. That is agreeable to me, to let it go over to-day and call it up next Wednesday.

Mr. ASWELL. Mr. Chairman, there is no objection to this bill, and I have no requests for time. So, I will not use my hour.

Mr. HAUGEN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill for amendment.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. MICHENER having assumed the chair as Speaker pro tempore, Mr. HOCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10877 and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. HAUGEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

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

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

TO SUPPRESS UNFAIR PRACTICES IN MARKETING PERISHABLE COMMODITIES

Mr. HAUGEN. Mr. Speaker, I call up the bill S. 108, to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, which I send to the desk and ask to have read.

The SPEAKER pro tempore. The gentleman from Iowa calls up the bill S. 108. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Montana [Mr. LEAVITT] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 108, with Mr. LEAVITT in the chair.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I now yield to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, ladies and gentlemen, S. 108—the Borah-Summers bill—is to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce. It passed the Senate many months ago. At a little earlier date I introduced H. R. 5663, which was amended very generously by the House Committee on Agriculture, and was then substituted for Senate bill 108.

The bill defines unfair practices on the part of dealers, commission merchants, and brokers in handling perishable agricultural commodities.

Every one familiar with the situation knows that the farmers have suffered from the unscrupulous handlers for ages. Of the many men who handle these fruits and vegetables, the great majority are honorable, upright men, but unfortunately there are some unscrupulous people mixed in all trades and professions, and these take advantage when the market declines, or when there is a long distance intervening between the point of shipment and the point where the goods are received, and insist on discounts before they will accept the goods or make settlement.

The bill declares that it shall be unfair conduct for them to misrepresent the quality of the product, or the market price or conditions or to dump the product and do several other things which no honorable dealer or broker would be supposed to do.

The bill provides that the handlers of perishable farm products shall be licensed by the Secretary of Agriculture, and shall pay a license fee of $10 a year, which will make the bill self-supporting, so that it will not cost the Federal Treasury any-

thing. This measure will benefit the producers and the consumers and honest dealers.

It undertakes to secure fair dealing all the way between the farmer and the consumer's table. It does not propose to accomplish anything which might not be accomplished under existing law, but it does eliminate the necessity of going into court before a jury at a long distance and at great expense in order to secure an adjustment of a hundred dollars or two or three hundred dollars difference. It is a common custom among the unscrupulous to make claim of from one to three hundred dollars. The Department of Agriculture says the average claim in these unwarranted cases is about $196.50—not enough to go into court for.

The bill provides that when complaint is made the department may make an investigation and hear both sides of the case. If the dealer, commission merchant, or broker is guilty of unfair conduct as defined in the bill, then his license may be suspended for 10 days and the unfair conduct may be published to the trade. On second or subsequent offenses the suspension may be for 90 days or complete forfeiture in case of gross injustice being done.

The bill has been three times approved by the Secretary of Agriculture, twice by the present Secretary under a little different form, and once by the previous Secretary. It has been studied and approved by 25 or 30 commissioners of agriculture in the different States of the Union. It is approved by the Federal Farm Bureau Federation and the National Grange. It has been approved by a very large number of individual producers of fruits and vegetables, and by all the reputable handlers so far as I know over the United States.

Mr. PURNELL. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. I yield.

Mr. PURNELL. When the gentleman says the bill has been approved by these various groups, does he mean the bill in its entirety as it applies now to poultry and eggs?

Mr. SUMMERS of Washington. No. I am very glad the gentleman called attention to that. The bill originally covered fruits and vegetables, and did not cover poultry and eggs. The approval of these many different agencies to whom I have referred was of the bill in its original form, covering fruits and vegetables only.

Mr. PURNELL. And in its very essence it is a fruit and vegetable bill, is it not?

Mr. SUMMERS of Washington. That is what it was intended to be when it was introduced on three different occasions, and when it was presented to the Senate, and as I presented it on several occasions to the House and to the Agriculture Committee. The provision covering poultry and eggs is an amendment inserted by the House Committee on Agriculture.

Mr. PURNELL. Of course the gentleman understands that the poultry and egg people have not asked to be included in this, and they have not had an opportunity to be heard, because the gentleman was a regular attendant at all of these hearings and instrumental in bringing about the progress that has been made up to date.

Mr. SUMMERS of Washington. That is correct. My own position was that I did not oppose the inclusion of anything else, but I thought nobody should be included without a hearing, and that the inclusion of too many commodities would overload the administrative bureau.

Mr. WILLIAMSON. If the gentleman will permit, I have received a good many protests from my State, from poultry and egg dealers. They claim that they have had no hearing on this matter and that the bill deals unfairly with them. I have not had an opportunity to study the substitute bill. I did read the gentleman's bill and am familiar with its provisions. How does this affect the poultry and egg dealers?

Mr. PURNELL. If the gentleman will permit, I want to say that at the proper time I shall move to strike that from the bill, and I am glad to know that I shall have the support of the gentleman from South Dakota.

Mr. SUMMERS of Washington. This in a general way covers the bill. As I said, in its original form it has been indorsed East, West, North, and South.

My files show indorsements from practically every State in the Union. Local and Pomona granges, and county and State farm bureaus are strongly urging it.

The President of the United States in his special message to Congress recommended legislation "to provide for licensing of handlers of some perishable products so as to eliminate unfair practices. Every penny of waste between farmer and consumer that we can eliminate, whether it arises from methods of distribution or from hazard or speculation, will be a gain to both farmer and consumer."

Alexander Legge, chairman Federal Farm Board, says:

There appears to be no conflict between the operations proposed under this bill and the work of the Federal Farm Board. The board is working toward the development of cooperative associations for the marketing and distribution of fruits and vegetables and other agricultural products. The bill provides primarily for the regulation of and the suppression of unfair practices, among dealers handling such products in the terminal markets. The elimination of unfair practices should enable cooperative associations handling perishable products to obtain greater returns for their members, and the proposed legislation, therefore, should supplement the work of the Federal Farm Board.

This statement was considered and indorsed at a regular meeting of the board.

The Department of Agriculture made an investigation a few years ago of the cost of these unfair practices to the producers of apples in the State of Washington, and it reached a total of $812,000 in one year. That loss has to be reflected back to the producer because the handler of the product does not have a separate bank account to provide for such losses. Another year the loss was $435,000. Another year, $235,000.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. MILLER. How does this bill affect the unfair practices in connection with the apple crop of our State?

Mr. SUMMERS of Washington. The apple crop of our State is shipped under a Federal shipping point inspection certificate, and this law would undertake to have the man who agrees to ship and the man who agrees to buy to carry out the contract they have made. It would be very beneficial to the producers of apples, peaches, pears, cherries, potatoes, grapes, citrus fruits, lettuce, beans, cabbage, berries, melons, and all other perishable products. There are more than a million fruit and truck growers in the United States.

Mr. BRIGHAM. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. BRIGHAM. The gentleman referred to contracts of purchase.

Mr. SUMMERS of Washington. I was speaking in a broad way.

Mr. BRIGHAM. Let us assume a commission man has made a contract with a producer of apples in the gentleman's State for a car of apples of a certain grade at a certain price. Now, during the transit of those apples across the continent several days must elapse, and during that time the market might go down. Is it not the practice of unscrupulous dealers to turn down such a shipment under those circumstances on the ground that it does not come up to the specified grade, and the shipper is compelled to accept some reduction in order to save a greater loss?

Mr. SUMMERS of Washington. Yes; exactly so. I have in mind a 2-car shipment of apples—twice federally inspected and found up to contract, but refused; the case was taken into court, and after three years it has not yet come to trial because a shrewd lawyer in some way secured postponement. The loss is charged back to the shipper and the farmer. These crooks have been robbing farmers and honest dealers right and left. This legislation is an honest attempt to stop them.

Mr. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. ANDRESEN. I call the gentleman's attention to paragraph 8 on page 18. My construction of the language would be that the Federal Government would have the right to control intrastate shipments of commerce if the product was ultimately to go into interstate commerce. For instance, a dealer would raise a carload of peas. Suppose they were picked and loaded and delivered to the processing plant within the State, and then they would go into interstate commerce. Does the gentleman think that the Congress should legislate in cases of that kind that are purely intrastate?

Mr. SUMMERS of Washington. This applies to interstate commerce. This measure was given careful and long consideration by the drafting service of the House and of the Senate, and also by the legal adviser of the Department of Agriculture, so that I could only answer in a general way that they have considered the matter and have not put anything in the bill that is not proper to be put there, or anything that would conflict with other established law.

Mr. ANDRESEN. It might be a good and desirable provision in the bill, but as a matter of principle I am opposed to the Government interfering with intrastate transactions.

Mr. SUMMERS of Washington. It is not intended to do that, and in the opinion of those who have examined it I say it does not.

Mr. ANDRESEN. If the product does go into interstate commerce it concerns interstate commerce.

Mr. SUMMERS of Washington. This applies only to those articles going into interstate shipments.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. BURTNESS. Will the gentleman state what is contemplated by this rather technical provision? I must confess I do not fully understand it.

Mr. SUMMERS of Washington. It is a bill referring to interstate commerce, and in many parts of the bill reference is made to interstate commerce.

Mr. BURTNESS. I understand that; but if it attempts to control intrastate commerce by any of its language, to the extent it did that the legislation would simply be void. As I read it, I think I would be inclined at first blush to agree with the construction given by the gentleman from Minnesota [Mr. ANDRESEN], but I know we have had a number of decisions from the Supreme Court of the United States which, in defining interstate commerce, go very far in so far as concerns commerce moving only within one State but where the ultimate intention is to move it eventually into another State.

I was wondering how far this language conforms to the decisions of the Supreme Court, such decisions as we have in connection for instance, with the stockyard legislation and Federal grain grades. Of necessity, the language is technical.

Mr. SUMMERS of Washington. I am glad to say that the drafting service of the House and of the Senate and the attorneys of the Department of Agriculture and other attorneys have given it their careful consideration, and it is their opinion that it applies to interstate and foreign commerce, and not to intrastate commerce.

Mr. ANDRESEN. I will say this to the gentleman from North Dakota, that the intention is to provide so that the Federal Government will have control over interstate shipments when the processed product ultimately goes into interstate and foreign commerce.

Mr. BURTNESS. Then that may raise a constitutional question.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. HOPE. Is it not a fact that this paragraph is the usual provision in all of our laws on such subjects? I am quite sure that this bill is drawn in accordance with other acts on the same subject.

Mr. ANDRESEN. I think the gentleman is correct, and if the producer and retail merchant were not exempted under the provisions of this bill I would move to strike this paragraph from the bill.

Mr. HAUGEN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Louisiana [Mr. ASWELL] is recognized for one hour.

Mr. ASWELL. Mr. Chairman and members of the committee, this is the worst bill that has come before the Committee on Agriculture during this session. It is the most indefensible and undesirable, in my opinion. The bill to follow it is a little worse, but that has not come up yet.

This bill has two specific purposes. One is to eliminate competition among commission men. That is the primary purpose. The other is to make the Government a collection agency, to interfere with the operations of the Federal Farm Board.

The commission men of the country were on record before our committee in opposition to this measure for years. The farm marketing act was enacted, as you know. Clearing-house provisions were provided in the farm marketing act and the Farm Board was ready to start. There was a great gathering in Detroit about January 18 of this year. They had the gentleman from Washington [Mr. SUMMERS] there and gave him a great ovation. During this ovation, in this annual national convention of the commission men of America, they had a conversion equal to that of Saul of Tarsus. They said among themselves "that the clearing-house provisions of the Farm Board will likely create an instrumentality that will interfere with our business; so, let us take up this so-called Summers bill and get the Government to do our collecting, and at least 60 per cent of the men who buy and sell fruits and vegetables will never join the cooperatives and never join the Farm Board."

Mr. CLARKE of New York. Will the gentleman yield?

Mr. ASWELL. I yield.

Mr. CLARKE of New York. If you go along with the Summers bill, is there any reason in principle why every industrial activity, every agricultural activity, every other financial activity, has not the right to expect the same treatment from the Federal Government?

Mr. ASWELL. They will have that right.

Mr. CLARKE of New York. And therefore we establish a national collection agency for every branch of industry in the world?

Mr. ASWELL. There is no reason why we should not if we pass this bill. There is no reason why poultry and eggs should not be included in this bill. There is no reason why muskrats in my State should not be included in this bill, because when the producers ship them they do not always collect for them. There is no reason why every farm commodity should not be included in this bill. Yet these commission men had a conversion at Detroit, and they started a campaign that has stampeded the Members of the Congress in some cases, and has made them afraid. It is not a bill that proposes to increase the price of fruits and vegetables one penny to the producer; not one penny. There is no proposition to do that. This is a bill directly created, stimulated, and supported and ruled by the commission men of America, and the poor fruit and vegetable grower is to be put into the hands of this organization so that they can not compete. It lets the commission men have a free hand among themselves.

Mr. ABERNETHY. Will the gentleman yield?

Mr. ASWELL. I yield.

Mr. ABERNETHY. Does the gentleman not think we need something to curb the commission men that do not treat the producers fairly? Do you not think we should have something to protect them? That seems to be the idea in our country. I usually follow the gentleman——

Mr. ASWELL. I will answer the gentleman if the gentleman will not make a speech.

Mr. ABERNETHY. I am not making a speech.

Mr. ASWELL. I can answer that. I say "yes," emphatically. The gentleman is right. But we have labored in this Congress for eight long years to get something in the nature of farm relief legislation that would be at least partially effective. It is now on the statute books, and the act provides a clearing house, an ample provision for the Farm Board to take charge and do what the gentleman is talking about, and familiarize the producers everywhere with the merchants who are doing the buying. This bill steps in and takes the place of the Farm Board, and encourages 60 per cent of the vegetable producers in America to stay out of the cooperatives, and therefore out of the Farm Board.

Mr. ANDRESEN. Will the gentleman yield?

Mr. ASWELL. I yield.

Mr. ANDRESEN. Could the dealers become members of the cooperatives? The gentleman said this bill will keep the dealers from going into the cooperatives.

Mr. ASWELL. I intended to say it would keep the producers out.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. ASWELL. I yield.

Mr. CLARKE of New York. Therefore, it would be one of the greatest blows at the cooperative movement that we could possibly have?

Mr. ASWELL. Without doubt it will, and allow me to explain further that in the farm marketing act there is a provision for educational purposes. There is money appropriated liberally to induce the farmers to come back into the cooperatives. This bill that is now before this body provides that the cooperative shall pay a license of $10 a year. Do you believe you will get many cooperatives who come in under the new law, abide by these regulations, pay a $10 license fee, subjecting themselves to having the license taken away and destroyed, and still join the cooperatives? This is a thrust at the cooperative movement of America.

I know what some gentleman is going to say, and I want to speak of it first. The gentleman from Washington [Mr. SUMMERS] had a letter sent to Chairman Legge, of the Farm Board, asking him something about this bill, when it was first introduced at this session, several months ago. The bill has been now amended until it would not know itself if it met it in the road. The farm cooperatives were not touched then. The letter went to a subordinate in the Farm Board. It had no Farm Board action. A subordinate wrote a letter and brought it to Mr. Legge, saying he did not think this bill would do any harm, and Chairman Legge signed it. That is the letter on which they are basing everything here.

Now, this is the proposition that is clearly set forth, and I speak with authority when I say what I have said about Chairman Legge. It was simply a letter written by a subordinate, and Mr. Legge signed.

Now, if this Congress wishes to embark upon a policy of this kind—to have this Government become a collection agency and chase down every crook in America—you should do it with every other commodity. It is a bad precedent that you are trying to

establish. It is a dangerous movement. In my humble opinion, it should be stricken from the records, and the enacting clause should be stricken out.

Mr. ABERNETHY. Will the gentleman yield?

Mr. ASWELL. I yield.

Mr. ABERNETHY. I understand the Secretary of Agriculture, who is a member of the Farm Board, has unqualifiedly indorsed the bill. What is the gentleman's answer to that?

Mr. ASWELL. I will answer the gentleman. I have great respect for the Secretary of Agriculture. I like him personally. He is a charming gentleman. But the Department of Agriculture—or any other department of the Government, for that matter—will support and indorse any measure if it has one of three things in it: First, if it provides more money for that department they will be for it. If it provides more jobs in the department they will be for it. If it provides more authority for the department they will be for it. Those three things are all in this bill—and, of course, the Department of Agriculture is for it.

Mr. ROMJUE. Will the gentleman yield?

Mr. ASWELL. Yes.

Mr. ROMJUE. I will ask the gentleman if the bill as written does not empower the department to put commission merchants out of business if it desires to do so?

Mr. ASWELL. Yes.

Mr. ROMJUE. It seems to me to be a very vicious piece of legislation.

Mr. Chairman, I reserve the balance of my time and yield five minutes to the gentleman from South Carolina [Mr. FULMER].

Mr. FULMER. Mr. Chairman and gentlemen of the committee, I am supporting this bill with fear and trembling, not that we do not need legislation to take care of certain fraudulent trade practices on the part of commission merchants and dealers in handling perishable fruits and vegetables, but because of the hearty support given this bill by dealer associations. Of course the proponents of this bill, as well as dealer associations, have much to say about crooked dealers and the benefits that will be carried back to the producers of these commodities under the bill.

I have witnessed the passage of so many bills that were sponsored for farmers and in the interest of the public that turned out under the administration of the law to be in the interest of everybody else except the farmers and the public. This bill is indorsed by cooperatives and dealers of these commodities in my State; also by the South Carolina Produce Association, which is the largest in the Carolinas and is located at Meggetts, S. C. I am going to quote their letter written on March 12, 1929, in behalf of this legislation:

MEGGETTS, S. C., *March 12, 1929.*

Subject: Summers bill (H. R. 16796).

Hon. GILBERT N. HAUGEN,
Chairman Committee on Agriculture,
Member of Congress, Washington, D. C.

HONORABLE SIR: As the largest distributors of vegetables in the Carolinas, we are writing to strongly urge favorable consideration to bill H. R. 16796.

The abuses that shippers are obliged to suffer in the handling of perishables on account of the dishonest practices of certain dealers is beyond your imagination, and legislation such as is proposed in the bill referred to above will go a long way to drive this type of fellow out of business or force him to change his methods, all to the benefit of the shipper.

Thanking you, yours very truly,
SOUTH CAROLINA PRODUCE ASSOCIATION,
T. W. BENNETT,
General Manager and Treasurer.

Mr. PURNELL. Will the gentleman yield?

Mr. FULMER. Yes.

Mr. PURNELL. The gentleman states that a number of organizations are for this bill. Does he mean that these organizations are for this bill with the inclusion of poultry and eggs?

Mr. FULMER. I understand these organizations are against the inclusion of poultry and eggs.

Mr. PURNELL. Their original indorsement went to what we know as the original Summers bill, which dealt with fruits and vegetables?

Mr. FULMER. That is right.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. FULMER. Yes.

Mr. CLARKE of New York. Does not the gentlemen think it is fair to include poultry, eggs, and other agricultural products?

Mr. FULMER. I will say to the gentleman that, inasmuch as this bill has been worked out for fruits and vegetables, I do not think we should at this time include poultry and eggs or any other products. I believe that ought to come in later in a separate bill.

Mr. ABERNETHY. Will the gentleman yield?

Mr. FULMER. Yes.

Mr. ABERNETHY. I understand the gentleman is in favor of the bill as now amended. He is supporting this measure, as I understand it.

Mr. FULMER. That is right, except I will vote for an amendment to strike out poultry and eggs, which these organizations do not want.

Mr. JONES of Texas. Will the gentleman yield?

Mr. FULMER. Yes.

Mr. JONES of Texas. Does not this bill cover in some measure the same ground covered by the bill proposed by the gentleman from South Carolina [Mr. HARE]?

Mr. FULMER. It covers some of the ground, but I understand it will not interfere with the operation of Mr. HARE's bill.

Mr. JONES of Texas. Will it cause any duplication?

Mr. FULMER. I do not think so.

It is the purpose of this bill to suppress unfair and fraudulent practices in marketing perishable agricultural commodities. I am absolutely for this because my people are being robbed of thousands of dollars annually by unfair and fraudulent practices by the handlers of these commodities. They need the protection that this bill, if properly interpreted and administered, will give them.

UNFAIR CONDUCT

SEC. 2. It shall be unlawful in or in connection with any transaction in interstate or foreign commerce—

(1) For any commission merchant or broker to make fraudulent charge in respect of any perishable agricultural commodity received in interstate or foreign commerce.

I can see how commission merchants and brokers could charge items in making returns that could not be recovered by the shipper except in an expensive lawsuit. Under this bill a complaint could be made to the Agriculture Department and satisfactory results obtained promptly and without so much expense.

(2) For any dealer to reject or fail to deliver in accordance with the terms of the contract without reasonable cause, any perishable agricultural commodity bought or sold, contracted to be bought or sold in interstate or foreign commerce by such dealer.

Some years ago a party shipped two cars of sweet potatoes to a dealer here in Washington. On the arrival of the potatoes, the dealer wired the shipper, as follows:

The potatoes do not come up to the grade as bought. Can offer you so much for them.

The price offered was much lower than what they were bought for. The shipper immediately came to Washington and found that the cars had not been opened. They opened the cars then and found the potatoes O. K. in every respect, and the shipper was paid full price for them. Shippers can not always follow up their shipment as in this case. Fruits and vegetables can not stand any delay for adjustment of these matters. If this shipment had come from a distance of a thousand or fifteen hundred miles perhaps the shipper would have accepted the offer and therefore would have been robbed out of the difference. A number of cases similar to this one were given in the hearings. For instance, Congressman BURTNESS gives one case in his statement:

A concern in Iowa ordered a car of seed potatoes and when they arrived they rejected them on the ground that they were very very dirty, large amount of small potatoes, wet, and moldy. We sent C. L. Fitch, of the Agricultural College of Ames, to inspect the car and he wired us that they were strictly U. S. 1, no small potatoes, no wet potatoes, and no mold, and stock bright and clean, all of which was directly opposite to the statement made to justify the buyer's rejections.

(3) For any commission merchant to discard, dump, or destroy without reasonable cause any perishable agricultural commodity received by such commission merchants in interstate or foreign commerce.

The Elloree Sweet Potato Association, which is located in my district, shipped two cars of potatoes to a commission merchant here in Washington on consignment. After about two months this association, composed of some of the best farmers in the district, requested me to call on this firm and ascertain why they could not get a settlement for this shipment. I went down to see these people and was given a very pleasant reception. After referring to their books they stated that the potatoes came in bad condition and that they had to dump most of them. They further stated that they did not sell enough to pay freight on the two cars. You see, my people not only lost their potatoes but the expense of loading and the price of the barrels in which the potatoes were shipped. Farmers of South Carolina and

Georgia have been robbed out of millions of dollars on watermelons and cantaloupes because of the dumping or fraudulent reports of dumping. In a great many instances dealers come back on the shippers for freight. These requests for freight not being paid by the shipper in a great many instances caused the railroads to refuse shipments unless freights were prepaid by the shipper. I hope this bill will take care of these fraudulent practices.

(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement concerning the condition, quality, quantity, or disposition of, or the condition of the market for, any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold or contracted to be bought or sold in such commerce by such dealer; or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account promptly in respect of any such transaction in any such commodity to the person with whom such transaction is had.

(5) For any commission merchant, dealer, or broker, for a fraudulent purpose, to represent by word, act, or deed that any perishable agricultural commodity received in interstate or foreign commerce was produced in a State or in a country other than the State or country in which such commodity was actually produced.

(6) For any commission merchant, dealer, or broker, for a fraudulent purpose, to remove, alter, or tamper with any card, stencil, stamp, tag, or other notice, placed upon any container or railroad car containing any perishable agricultural commodity, if such card, stencil, stamp, tag, or other notice contains a certificate under authority of any Federal or State inspector as to the grade or quality of the commodity contained in such container or railroad car or the State or country in which such commodity was produced.

(7) For any commission merchant, dealer, or broker to conspire, combine, agree, or arrange among themselves to manipulate or control prices of any perishable agricultural commodity in interstate or foreign commerce; provided this does not apply to cooperatives.

This subsection was placed in the bill as an amendment offered by me, and I think it is as important as any other part of the bill.

This is a day of merging, combining, and price fixing. We read and hear Members and the public talking about this daily, and various investigations are now going on by the Federal Trade Commission and special committees. During and since the Harding administration it seems that these combinations and centralized monopolies are being encouraged by the party in power.

The Federal Trade Commission, an agency of the Federal Government, used to investigate and report to the Department of Justice fraud and the formation of monopolies, but during the past few years this commission apparently has sold out. At any rate, they are the prime movers in holding trade conferences and helping to organize industry and trade corporations, as well as giving them their indorsement to their rules and trade practices.

Under the indorsement of the Federal Trade Commission the cottonseed-oil mills industry has absolutely shut out competition, and to-day have a hog-tied monopoly in price fixing, buying, and selling cottonseed and their products, which is costing cotton producers millions of dollars annually. I have the facts to prove these statements and propose to give them to you and the public later. In subsection 7 I am trying to give a second check to the Department of Agriculture, who will administer this law. This section only applies to commission merchants, dealers, and brokers, not to cooperatives and producers. Here are the concerns that are sponsoring this legislation:

International Apple Association, Rochester, N. Y.

National League of Commission Merchants, Indianapolis, Ind.

American Fruit and Vegetable Shippers' Association, New York, N. Y.

They stated before the committee that they have been working on this bill for several years. Listen to the statement made by Mr. Fraser in answer to a question of my colleague, Mr. ANDRESEN, of Minnesota:

Mr. ANDRESEN. How many dealers in the country would come within the provisions of this act if it becomes a law?

Mr. FRASER. Probably—I do not know; somewhere between 20,000 and 40,000.

At the present moment we have 2,500 firms in the organization represented here. The organization which Mr. Keach represents, the Western Fruit Jobbers, the International Apple Association combined, probably represent 2,500 firms, cooperatives, growers, and distributors.

There are probably 20,000 up to 40,000 men who handle fruits and vegetables in car-lot quantities, and they are floating around and giving the rest of the dealers trouble, while doing only at the most 10 to 15 per cent of the business, the 2,500 represented here do 75 to 90 per cent of the business of the country.

With this statement I can see the great need of subsection 7. These dealer associations control 75 to 90 per cent of the fruit and vegetable business of the country. As stated by Mr. Fraser, they are deeply concerned about the twenty-odd thousand dealers, whom they claim are floating around and giving them trouble. It will be an easy matter for the Federal Trade Commission to get these highly organized dealer associations together in a trade-practice conference and do as they did with the cottonseed-oil industry. These dealer associations are the ones that object to subsection 7. It is my intention, under this section, to safeguard the interest of cooperatives, producers, and consumers and not allow those controlling 90 per cent of the country's business to combine, monopolize, and fix prices.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. ASWELL. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Chairman, I would like to have a little further explanation from the gentleman from South Carolina. I tried to get it, Mr. Chairman, when the measure was before the committee for hearing. I would like to ask the gentleman from South Carolina [Mr. HARE] if this measure does not undertake to cover at least in some degree the ground covered by his measure or the ground intended to be covered by his measure, which has already been enacted into law and which is now being administered by the same department that would administer this proposed law.

Mr. HARE. I can say to the gentleman that this measure, as I understand it, is almost identical with existing law except it takes in or includes brokers or dealers, whereas existing law applies only to commission merchants. An amendment has been asked to the existing law to include dealers and brokers or those who purchase outright when making fraudulent representations, and so forth, and this amendment is now pending before the Agricultural Committee.

Mr. JONES of Texas. Would it not have been simpler then, and I am asking this for information, to take the present law and amend it so as to make it cover what the gentleman had intended it should cover in the beginning and thus simplify not only the law but the administration of the law?

Mr. HARE. If the gentleman is asking for my individual opinion I would say yes, and I say yes for the following reason: Under the existing law, where a man violates any of its provisions, it is made a misdemeanor and a fine not to exceed $3,000, or imprisonment not to exceed one year, may be imposed, whereas under the proposed bill there is no penalty further than the taking away of the license of the man who holds it.

Mr. JONES of Texas. I would certainly like to have an explanation of that.

Mr. ADKINS. May I ask the gentleman from South Carolina if he knows of any person who has ever been sent to prison for violating the law to which he refers?

Mr. HARE. Yes; in several cases that have been tried since March 3, 1927, the Department of Justice has secured convictions. I may say to the gentleman that I do not want to be placed in the position of opposing this bill, because if there is anything not taken care of by existing law I am anxious to see some legislation passed to take care of it, and while I think the bill is quite imperfect it is my purpose to support it.

Mr. JONES of Texas. I am not in position to argue with gentlemen on that proposition. I do not have any appreciable amount of this character of shipments, or at least not in commercial quantities in the district I represent, but just as a matter of orderly procedure and in the interest of good government, I can not see any reason for having any sort of duplication here. I can not see any reason for complicating administration for those who will have the business of administering the matter by having two separate laws that at least partially overlap, or appear to do so. It seems to me as we have a law which covers a portion of the proposal that is sought to be covered in the proposed measure, it might be much simpler for the department to administer if we simply enlarged the operation of that law in so far as that may be necessary in order to make it cover what is sought to be covered by the pending measure; and if I read this bill aright it provides a complete, different, and independent administration in and of itself and does not in any way refer to or provide for collaboration with the measure of the gentleman from South Carolina.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. JONES of Texas. Yes, I yield.

Mr. SUMMERS of Washington. This proposed legislation is not meant in any way to interfere with the other law, which is a criminal statute and necessitates going into court for relief. This bill sets up a licensing system whereby you may get relief in a shortage of $100 or $200, where you can not afford

to go into court. An unscrupulous dealer or commission merchant at a distance will not take chances on forfeiting his license in order to inflict a fraud of $100 or $200 against his customer.

Mr. JONES of Texas. But they both strike at the same problem.

Mr. SUMMERS of Washington. Yes; and there was general law before either one of them was enacted, I dare say, covering the question, but it necessitated going into court, and a trial by jury, maybe a thousand or two thousand miles away from where one of the parties to the suit resided.

Mr. JONES of Texas. I have not read recently the act of which the gentleman from South Carolina is the author, but I was on the committee when hearings were had, and it seems to me it provided a means whereby Government agencies would see that the matter was searched out and that some sort of relief was granted.

Mr. SUMMERS of Washington. Under the Hare bill?

Mr. JONES of Texas. Yes. Of course, there is a penal provision in it also; but, as I remember, it set up certain machinery for administration.

Mr. SUMMERS of Washington. There is no licensing under that law.

Mr. JONES of Texas. There is no licensing, but it provides a penalty and also provides that the Government shall undertake to see that fraud is not practiced in operating under the contracts.

Mr. SUMMERS of Washington. Let me say just this, and I will not argue the matter further. This bill undertakes to adjust the small infractions where they can not afford to go into court, and they constitute 90 per cent of the offenses.

Mr. ASWELL. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. NELSON].

Mr. NELSON of Missouri. Mr. Chairman and gentlemen of the committee, I dislike to oppose this bill. It comes from the Committee on Agriculture, of which I am a member, yet I can not indorse it.

In the main, as I see it, the question is whether or not the Government is going further into the licensing business. Speaking for myself, I believe the people are fed up on licenses at this time. On the other hand, I want to read from the official proceedings of the National League of Commission Merchants of the United States at their thirty-eighth annual convention, held at Detroit, Mich., on January 16 to 18, 1930, Mr. J. J. Castellini speaking:

> Personally I hope to see the day when every line of business will be licensed. When every individual, regardless of his profession, will receive a license to do business in that line and in no other line until he qualifies for something else. I think we have reached that point. It has taken a good many years for us to think that way, but we are traveling fast, gentlemen.

Yes, we are traveling fast, gentlemen, very fast, if we pass this bill to-day—traveling in a dangerous direction. Commission merchants of this country, numbering, according to the testimony offered before our committee, from 20,000 to 40,000, would take out licenses at a cost of $10 each, while many other thousands, small operators, would go out of business, thus reducing competition.

For myself, I believe we have gone far enough in this licensing system. We require licenses for too many things now. I hope that this bill will be very carefully considered before it receives the approval of this committee.

Mr. SLOAN. Will the gentleman yield?

Mr. NELSON of Missouri. I yield.

Mr. SLOAN. Can the gentleman conceive of any reason, as poultry and eggs are now marketed, for including dressed poultry and eggs in this bill?

Mr. NELSON of Missouri. I can not; and, furthermore, many people in Missouri, a leading poultry-producing State, are against it.

Mr. ANDRESEN. Can the gentleman explain why so many commission men appeared before the committee in favor of the license system?

Mr. NELSON of Missouri. No; unless it were to have the Government make them be good. I can not believe that the first interest of the commission men is to protect farmers.

Mr. ANDRESEN. The original bill provided that the farmers should be licensed, and I was of the opinion that when we removed the farmers the commission men would not be so keen for this bill.

Mr. LEA. Will the gentleman yield?

Mr. NELSON of Missouri. With pleasure.

Mr. LEA. Does not the gentleman recognize that if a man is engaged in a commission business, if he is an honest dealer, he suffers a great deal at the present time on account of the fraudulent practices of other men engaged in the same business, and that he may desire to clean up a business and get the confidence of the people with whom he deals, and so would be in favor of the system?

Mr. NELSON of Missouri. That argument was advanced before the committee, but frankly I did not see much force in it.

Mr. BRIGHAM. Will the gentleman yield?

Mr. NELSON of Missouri. Certainly.

Mr. BRIGHAM. Is it not true that during the war period the commission dealers were licensed by the Food Administration, and in the light of that favorable experiment they are now in favor of this license?

Mr. NELSON of Missouri. In reply to my esteemed colleague, for whom I have great respect, I want to get far away from that war-time license system, necessary as it may have then been. The people of my State remember something of it, and virtually in every line in which the farmers were concerned, those memories are not altogether pleasant.

Mr. ASWELL. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Chairman, every time I look at a bill of this character my thoughts revert to the political platforms of both parties and I recall that popular paragraph in both platforms—"less government in business and more business in government." That is the pledge you make every four years. It is indeed popular during the campaigns, but soon forgotten when you commence to legislate.

What does this bill do? It provides that all who handle perishable products must apply to the Secretary of Agriculture and secure a license at a cost of $10 annually before he can proceed to do business. It makes a czar out of the Secretary of Agriculture, as he can take away the license, thus putting the holder out of business if he desires. He can investigate any dealer on receipt of a letter from some shipper that he has not been fairly treated in that the price he received from his product did not suit him although the market might have fallen while the shipment was en route.

As I see it, the Secretary is the sole arbitrator and his decision will require the one who handles the goods to comply or he will lose his right to do business.

Where are the State rights' men? Where are the people who rise in their seats and clamor for the Congress to let legitimate business alone. The farm-relief label is attached to this bill, and it seems every time the label is in evidence the bill is passed without due regard for the ultimate result.

It is another step toward centralization of power.

This bill will result in another horde of Federal agents interfering with legitimate business. It means more jobs for the faithful, more snoopers. We have enough Federal agents now. Why, the bill even requires a certain method of bookkeeping. I suppose if that paragraph is not complied with he will be subject to forfeiture of license.

You have no more right to license those who handle perishable products than you have to license the furniture or any other dealer. You are establishing a policy that is absolutely unsound.

Why, the statement was made the Secretary would even have control over one doing an intrastate business.

You are making a collecting agency of the Government, something heretofore not attempted. The Secretary of Agriculture, in deciding a complaint, can hold the dealer should reimburse the shipper. If the dealer does not, no doubt the license will be revoked, so in order to remain in business the dealer must pay.

The Secretary of Agriculture will be continually settling petty quarrels.

I say that bills of this character have no place on the statute books of this country, and I propose to vote against this measure.

The commission men of my city—St. Louis—are not asking for this bill so far as I know. They are honest men, some in business over 50 years. If they were not honest, they could not exist. They are organized, and for their own protection get rid of those who are not fair to the shipper.

There is no need for such legislation and I hope the bill is defeated.

Mr. HALL of North Dakota. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. ADKINS].

Mr. ADKINS. Mr. Chairman, I do not know that I have ever been crazy about this kind of legislation myself, but this matter was agitated for a long time in the State of Illinois. Perhaps there is more business done in the city of Chicago than in any other food-distributing center in the country, if not in the world. More perishable commodities are handled there through the commission houses than in any other place in the country. They never formed an exchange to control the conduct of the men doing a commission business, and a system grew up whereby shysters would come in and get people to consign goods to them, and then move off after they had gyped

the consignor. For session after session there came before the State legislature a demand upon the part of the farmers of the country to control this situation. After many sessions and hearings and argument, we adopted a much more stringent law than the one now proposed, putting all of the commission men under a license of $10. The fear expressed by the gentleman from Missouri [Mr. COCHRAN] who just preceded me was not warranted. There have been very few prosecutions under that law, and I happen to be in a position to administer it for four years myself. The men know that if a complaint is made from any State in the Union over a shipment sent there, the department of agriculture of that State will investigate it, and that they have a right to come in and demand their books, and if they find that the shipper has been unfairly or dishonestly treated, the commission man forfeits his right to do business. No reputable commission firm that is worthy of the confidence of the producers of the country has any chance of being put out of business by conducting their business in any other way than in a reputable way.

Mr. JONES of Texas. Does not the Illinois law have an antimonopoly provision in it?

Mr. ADKINS. It has.

Mr. JONES of Texas. And that is still in the law?

Mr. ADKINS. Yes.

Mr. PATTERSON. Then, this particular law is not needed in the State of Illinois if there is a State law for it?

Mr. ADKINS. No; and if the gentleman will just be patient I shall come to that provision in a moment. So far as Illinois is concerned it does not make any difference from what State the shipment of fresh fruits and vegetables comes. If a consigner notifies the department of agriculture, making the complaint, that department will step in and investigate the matter, and if a wrong has been done the consignor the department sees that it is made right, and the consignee is made liable to suspension for a time or loss of license. That is true, also, of your livestock commission merchants. That has been invoked by the department of agriculture. It has been a mighty fine thing for the cattlemen and for the producers in our State that we do have such a Federal and State club over these men engaged in the business of handling livestock and commodities for the farmers. Of course, I am never strong for duplication. The men most vitally affected are those who have to ship long distances, a thousand or two thousand miles, to find a market for their goods in the great consuming centers. We had a man in our State whom we called the goose king. He raised geese and chickens and sent them alive to New York. Because there was no law to protect him, he always went with the consignment of goods himself, because he would not trust the commission men.

A demand has come from these places for a Federal law, because it is found that there are only 22 States that have such a law as we have in Illinois. There is not sufficient interest in the other States to put a law of that kind on the statute books. After listening to all the needs and demands and where they came from I said to myself that I would not object to this bill. I think the States ought to handle this, and they all ought to have a law like the State of Illinois, but they are not all as large food distributing centers as that State. Because of the insistent demand coming from various quarters that have to ship into communities where they are unprotected, I feel that a Federal law is a very good thing.

There are something like 367 commission merchants in the State of Illinois paying a $10 license fee, subject to all of the penalties that go with a violation of the law. So far as putting a man in the penitentiary is concerned, I do not take any stock in that. The penitentiaries are too full now. Take any business man and take away his right to do business and fine him, and that is a sufficient punishment to him and a sufficient warning to others in that business.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. ADKINS. Yes.

Mr. HARE. I am interested in the statement the gentleman just made. I gather from the statement the gentleman has made that there are men in this country engaged in business and that they are using it with intention, premeditation, to defraud some man out of his earnings. The object of this legislation is to prevent that. Now, if a man goes ahead and deliberately defrauds another, do you think it a sufficient penalty just to remove his license? Do you not think he ought to be fined and imprisoned and required to pay the penalty for that fraud, just the same as any other?

Mr. ADKINS. No; I do not think so. If he commits such crimes as you outline, we have criminal statutes to prosecute him under. If every man that ships were a good business man there would be no need for a law of this kind.

I have had some experience along this line. I do not think there is much fraud in this business. When it comes to the end of a season, in the matter of shipping hay, for example, we ship only the surplus. Now, there are a good many fellows who are not reliable; and citing my own experience, I will say I went to St. Louis and to Chicago and found out good, responsible men to ship my surplus hay to. I would ship to them, and really I was surprised at the good prices I got for some of it.

Now, nobody should be gullible enough to send his products to anybody that hangs out his shingle, but we have a lot of fellows who do. I do not think that the man in the case that the gentleman from South Carolina suggests, who is careless in consigning his commodity, should receive much consideration. As I said before, when you take away from a man the right to do business and fine him, you have already provided a sufficient protection to the public to warn other men engaged in that business and to call the attention of the consignor to the importance of dealing with reliable business men to whom to consign shipments.

Those penalties already existing are sufficient. Since the law was passed in 1918 in our State we have had very few such abuses.

Mr. LEA. I call the gentleman's attention to the fact that this bill provides that no existing act on the subject shall be displaced by this bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. GARBER].

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. GARBER of Virginia. Mr. Chairman and members of the committee, there seems to me to be considerable misapprehension about the purpose and intention of this bill. We have been talking about farm relief for months and months, and I want to say that there has been no bill brought before the House that is more distinctly a bill providing for the protection of agriculture than this one. I want to be very practical in the few minutes I shall use.

What does the bill propose to do? It is simply a case of protecting the producer back home in the shipment of products—poultry and eggs and other perishable products—against reprehensible practices of irresponsible commission men.

The question is asked frequently, Why do the commission men favor this legislation? The answer is that honorable and honest commission men want to be protected against the dishonest ones. That is the reason why reliable commission merchants are in favor of this bill.

What is the practical effect of the bill and what called it into existence? Why was this legislation brought in here? As a practical grower of perishable fruit I want to be very practical for a moment. Here is what we are up against: Take, for example, the growers of peaches in our section. What happens? You will pick in your orchard perhaps 10 carloads or 20 carloads of peaches, which, as you know, are very perishable.

What is the effect when you have put your peaches on the track? You find that the New York market is glutted, that the demand for the next day will not take care of the prospective consignments. There is everything to indicate that the market will be glutted to-morrow. We pass on to Washington, Baltimore, or Philadelphia, or other markets, and we find that the commission merchants there are in a position where they can not handle those peaches. In that case we must divert the shipments to other points. We must do the best we can. We must take a chance with the man to whom we are forced to ship. What happens? The peaches pass out and get into the hands of these men that prove irresponsible. They will pay what they please, or they will condemn them, or do anything else they please to do.

Mr. HARE. Mr. Chairman, will the gentleman yield there?

Mr. GARBER of Virginia. Yes.

Mr. HARE. Does not the present law take care of that commission merchant?

Mr. GARBER of Virginia. No. I will be glad to answer the gentleman's question.

Here is the purpose of the bill: In the gentleman's State, for instance, the shipment goes into a foreign State. There may be $100 involved or $200, and that means that the producer back home can not afford to go 100 miles or 200 miles or 500 miles to fight for a small claim of two or three hundred dollars. This bill provides for the protection of the shipper, so that the commission merchant must be honest whether he would or not.

Now, I want to take just a moment to reply to one point that has been raised here, that it interferes with our present marketing act. The Farm Board was set up and the act provided

for a clearing house to be set up whereby the cooperatives back home could market and handle their home crops at the terminal. The point is raised that this interferes directly with the cooperatives. The gentleman from New York [Mr. CLARKE] takes that position. I can not understand the line of reasoning that arrives at that conclusion.

The cooperatives back home, acting under the farm marketing act, will need the benefit of this protection against the irresponsible commission merchant just as well as any individual shipper.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. GARBER of Virginia. I yield.

Mr. CLARKE of New York. Will the gentleman not concede that if the producers of a particular commodity were organized closely enough they would have their own protection?

Mr. GARBER of Virginia. Well, I concede that frankly, certainly; and the more closely the cooperatives are organized the less need there will be for this protection. But let me ask the gentleman from New York [Mr. CLARKE] in what way will this bill interfere with the cooperatives in their operations?

Mr. CLARKE of New York. Because the fundamental principle of the Farm Board is to encourage the producers of a particular commodity to go into cooperative organizations, to federate nationally and feed into markets along natural lines the commodity which they produce; and when a collection agency is proposed, it discourages the men from joining the cooperatives in order to protect themselves and market their products.

Mr. GARBER of Virginia. Does the gentleman from New York [Mr. CLARKE] take the position that protection to the shipper at the selling end will interfere with the principle of cooperation at home?

Mr. CLARKE of New York. My position is that it will discourage them, because it assists in removing the necessity for joining the cooperative movement.

Mr. GARBER of Virginia. I do not agree with that at all. I think it will encourage instead of discourage such a movement. I do not agree with the gentleman at all. What is the gentleman from New York going to do with the hundreds of shipping points all over the country where, in the very nature of things, the cooperatives will not be able to set up their own distributing clearing house?

Mr. CLARKE of New York. I think that if the producers of a particular farm commodity are not willing to evidence their interest by joining a cooperative movement, then there is no effort of law that should be set up by the Federal Government for men who are unwilling to help save themselves.

Mr. GARBER of Virginia. If the gentleman will permit, I am unable to follow the gentleman's logic as to why he takes the position that the guaranty of an honest distribution of a commodity at one end is going to in any way interfere with cooperative activity at the other end. On the other hand, it will be of just as much value to the cooperative back home as it will be to the individual.

Mr. CLARKE of New York. The Dairymen's League, the second largest cooperative, which last year did $84,000,000 worth of business, has helped through cooperative marketing to eliminate at least 80 per cent of the rascals in the milk game.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. GARBER of Virginia. I yield.

Mr. SCHNEIDER. Is it not a fact that the largest cooperative organization dealing in perishable goods now sells to commission men? I refer to the fruit industry of California.

Mr. GARBER of Virginia. Certainly. May I pursue that same line for the benefit of my friend from New York? The cooperatives need every possible guaranty at the point of distribution.

Mr. CLARKE of New York. Amen.

Mr. GARBER of Virginia. This will in no way interfere with their operation, but it will, rather, encourage them, because when they have to take a chance on a commission merchant it will guarantee them proper protection.

I would like to say further that when the time comes that the Farm Board will set up a clearing house in every distributing center of this country we will not need this protection for the cooperatives, because they will market their own commodities at the terminals; but until that time comes and until all growers become members of the cooperatives, I say that the producer back home certainly needs this sort of protection.

Mr. CLARKE of New York. Will the gentleman yield again?

Mr. GARBER of Virginia. I yield.

Mr. CLARKE of New York. Then we began one of the greatest things to-day when we enlarged the Federal warehouse act, because under this enlarged act we permit the assembly of commodities which the farmer produces at the points of production, and naturally in feeding out to the markets of the United States and the markets of the world the Farm Board will regulate the flow of those commodities so that there will not be the gluts in the markets that there are now.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. GARBER] has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman and members of the committee, this is a very important bill, and I hope you will give very careful thought to one or two phases of the discussion that have taken place this afternoon.

In the first place, considerable emphasis has been laid on the fact that this bill was undertaken as a sort of a slap against the splendid new Federal farm marketing act, and the splendid Farm Board. I think that is unjust to the committee, because when we recall the years that have been spent in the matter of evolving something in the way of a farm relief measure, I feel certain we would be the last to propose any legislation that would in any way cripple the efficiency of that fine, new organization.

I think there is considerable merit in the contention of my good friend from New York [Mr. CLARKE] to the effect that cooperatives ought to be encouraged, and that farmers, when they do go into the cooperatives, will be able to handle this matter. But in a very practical way will the members of the committee please consider how soon they expect the farmers of the United States to be so thoroughly organized that they will be able to function in the way that has been described. I may say that in my judgment it will be at least 10 and possibly 15 years before that long, hard road of thoroughgoing organization of cooperatives will be achieved, and in that time I want to say to you that literally thousands of dollars will be taken out of the pockets of the producers of this country by the unfair practices that have been so well described this afternoon.

It seems to me that, as practical men and women, we should not emphasize the other idea, but we should face this situation exactly as it is. When men who are interested in the commission business come before a great committee of Congress and ask that legislation be enacted in order that they may improve their own business, it seems to me that at least Congress might well go halfway and write a statute that would be of assistance to them in lifting the level of their business, which I think we all agree is important.

I come from a section of the country where we have great quantities of perishables, and I am very certain indeed that no proposition that will come before this Congress will more adequately meet the needs or will be more enthusiastically supported than this particular proposition, because men who ship fruit and men who ship potatoes have literally been gouged out of thousands and hundreds of thousands of dollars. If by this measure we may correct that situation, I am certain we should do it.

Now turning for a moment to the other side of the picture, considerable has been said about the injustice that is being done to the commission merchants. I say that my observation of this kind of legislation, when applied, instead of being a handicap has been a very great encouragement to commission men, and therefore I can not see the persecution and the harm that a great many of the gentlemen think will be done to legitimate business, as the commission business of many excellent men can well be described.

So, Mr. Chairman and ladies and gentlemen, speaking particularly now to those who have agricultural constituencies, and I say that of the measures reported by our Committee on Agriculture, I can not think of one that will be of more importance and more direct or more material benefit to the farmers and producers than this measure, and therefore I ask your favorable consideration of this act. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan [Mr. KETCHAM] has expired.

Mr. ASWELL. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. ABERNETHY.]

Mr. ABERNETHY. Mr. Chairman and members of the committee, there should be no objection to this bill on the part of anybody, unless one wants somebody to take advantage of the growers and engage in unfair competition. [Applause.] I can not see why anybody should object to it. The fee of $10 is a mighty small fee. The thing that appeals to me is set forth on page 19, section 2. A further thing that appeals to me is that if one of these commission men undertakes to take away the produce of a shipper, then the shipper has some forum to which he may appeal and have the commission man's license taken away from him. I think that is the strongest thing in this bill.

Mr. KNUTSON. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. KNUTSON. Does not the gentleman think this is an invasion of State rights?

Mr. ABERNETHY. I do not think there is any question about State rights in this bill. I am very much in favor of State rights, but you folks on the Republican side of the House have been tearing them down—State rights—so much lately that I have begun to believe it would probably take another war before we could get State rights even then.

The folks in my country, the people who ship truck, are very much in favor of this bill.

Mr. KETCHAM. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. KETCHAM. Does not the gentleman think the provisions of this bill with reference to taking away the license is a much more direct and effective means of correcting the injustice rather than to take a man into court?

Mr. ABERNETHY. I think so. Objectionable practices by commission men have been going on for years. You take a man who sends a carload of produce to New York or some other northern market. In many instances they take his produce and then write him for the freight. He hardly gets a postage stamp in return. This bill is an absolute check, and the only power that can check it, the shipments being interstate commerce, is the Department of Agriculture, as provided for in this bill.

We all voted for the farm bill. I do not know whether it is a good thing or not, because it does not seem to be working out just now. However, the farmers said they wanted it; but I notice quite an attack is being made on it by certain interests of the country.

As far as I am concerned, I think this is a good bill, and my folks are strongly back of it. I always like to stand by my folks. [Applause.]

Mr. ASWELL. Mr. Chairman, I yield 25 minutes to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman, in view of the statements that have been made in reference to this bill, I feel that many of us are not exactly prepared to vote intelligently on the proposed legislation at present. I think there should be a more definite and thorough understanding of its scope and purposes. I feel that probably some of us are not familiar with the details of existing law on the subject involved in this legislation. A great deal has been said about the operations of commission merchants who defraud producers out of the value of their perishable crops. This bill is designed to prevent that in the future. I want to say that there is already a law designed to prevent this practice, and I ask unanimous consent that the Clerk may be permitted to read two sections of the existing law, not within my time, in order that we may know just what its provisions are.

Mr. LARSEN. Did the gentleman, in his unanimous-consent request, ask that these two sections be read not within his time?

Mr. HARE. Not within my time; yes.

The CHAIRMAN. If these sections are read they will have to be read in the gentleman's time.

Mr. LARSEN. It ought to be taken out of the gentleman's time because he has 25 minutes.

The CHAIRMAN. This is in the nature of debate and the rule allows only two hours, one hour on a side. If time is taken for the reading of these two sections, it will have to be taken from the time of debate.

Mr. HARE. Mr. Chairman, that is entirely satisfactory, and I think if due attention is paid to the reading of these two sections better information will be given than may be obtained by argument, and I ask unanimous consent, therefore, that the first two sections of the law be read.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That after June 30, 1927, any person, firm, association, or corporation receiving any fruits, vegetables, melons, dairy or poultry products, or any perishable farm products of any kind or character, hereinafter referred to as produce, in interstate commerce, or in the District of Columbia, for or on behalf of another, who, without good and sufficient cause therefor, shall destroy, or abandon, discard as refuse, or dump any produce directly or indirectly, or through collusion with any person, or who shall knowingly and with intent to defraud make any false report or statement to the person, firm, association, or corporation from whom any produce was received, concerning the handling, condition, quality, quantity, sale or disposition thereof, or who shall knowingly and with intent to defraud fail truly and correctly to account therefor, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than $100 and not more than $3,000, or by imprisonment for a period of not exceeding one year, or both, at the discretion of the court. The Secretary of Agriculture shall by regulation provide for the making of prompt investigations and the issuing of certificates as to the quality and condition of produce received in interstate commerce or in the District of Columbia, upon application of any person, firm, association, or corporation shipping, receiving, or financially interested in, such produce. Such regulations shall designate the classes of persons qualified and authorized to make such investigations and issue such certificates, except that any such investigation shall be made and any such certificate shall be issued by at least two disinterested persons in any case where such investigation is not made by an officer or employee of the Department of Agriculture or of any State or political subdivision thereof or of the District of Columbia. A certificate made in compliance with such regulations shall be prima facie evidence in all Federal courts of the truth of the statements therein contained as to the quality and condition of the produce; but if any such certificate is put in evidence by any party, in any civil or criminal proceeding, the opposite party shall be permitted to cross-examine any person signing such certificate, called as a witness at the instance of either party, as to his qualifications and authority and as to the truth of the statements contained in such certificate.

SEC. 2. The Secretary of Agriculture is hereby authorized and directed to enforce this act. It is hereby made the duty of all United States attorneys to prosecute cases arising under this act, subject to the supervision and control of the Department of Justice.

Mr. ANDRESEN. Will the gentleman yield?

Mr. HARE. Yes.

Mr. ANDRESEN. The provisions of the law just read relate to commission men and a license fee for commission men.

Mr. HARE. They relate to commission men but not to a license fee.

Mr. ANDRESEN. The bill before the committee at this time was presumed to be a commission man's bill, fostered by the commission men of the country. The bill took in dealers other than commission men and attempted to take in retail and wholesale merchants, men engaged in the retail business and also brokers and producers. The Committee on Agriculture amended the bill and eliminated the small retail merchants, eliminated the farmers and producers, and confined the bill in its present form to commission men and dealers handling perishable products in quantities over 20 carloads. So the provisions of this bill are broader than the provisions of the law just read.

Mr. HARE. That is right. The provisions are broader in that, whereas the existing law takes care of only the unscrupulous commission merchants, the proposed bill takes care not only of the commission merchants but the dealers, brokers, purchasers, or any other class named in the bill. I do not want to be placed in the position of opposing this bill, because I am in favor of the purpose of it; but what I am afraid of is that, if it is enacted into law, it will operate as a repeal of the existing law, and this is the reason I am insisting that it be discussed in detail, for, if I find it means the repeal of the existing law, I will vote against this bill.

In so far as the penalty is involved, I will endeavor to explain the difference between the existing law and the bill before us. Under the existing law, if a commission merchant is found guilty of dumping, destroying, making false reports, or false representations so that it becomes a fraud upon a producer, and if he is convicted therefor, he can be imprisoned for one year and fined as much as $3,000. But under the proposed bill, if he robs a man of $500 or $5,000, the only penalty attaching to him would be the withdrawal of his license.

Mr. ADKINS. Will the gentleman yield?

Mr. HARE. Yes.

Mr. ADKINS. Does the gentleman know that if a man does that we have a criminal statute under which he could be prosecuted?

Mr. HARE. No; I do not know that.

Mr. ADKINS. If a man robs a man of $500?

Mr. HARE. Not under the Federal statutes, provided it is done under the circumstances or conditions I have enumerated. The existing law makes it possible for the Secretary of Agriculture to turn reported violations over to the Department of Justice for prosecution. They have done it and are doing it to-day.

Mr. HOPE. Will the gentleman yield?

Mr. HARE. Yes.

Mr. HOPE. Does the gentleman feel that the law which he sponsored and which has been on the statute books for some three years has entirely done away with the practices which the bill we are discussing aims to prevent?

Mr. HARE. No; not entirely. My understanding is that commission merchants, since the passage of this law, are not receiving consignments in the same manner they did before. They are becoming dealers, brokers, and purchasers instead of commission merchants.

In other words, they are abandoning the old policy of receiving consignments and instead of having you consign them a carload of watermelons, cantelopes, or peaches, they will say to you by letter, by telegram, or by telephone, "We will give you $200, or $400, or $600, for the car." Then when it arrives, they will make the complaint that it does not come up to standard, that it does not come up to requirements, and, therefore, they are not subject to the law, although their representations may operate as a fraud on the producer. I am anxious to see the existing law amended so as to include the purchaser, the dealer, and broker, as well as the commission merchant.

Mr. HOPE. Does not the gentleman think that the statement he has just made is the very best argument possible for the enactment of this law, so we may take care of the gentlemen who are engaging in the practices of which he speaks?

Mr. HARE. I will answer that question in this way, and I want the gentleman to understand that I am not unfriendly to the purpose of this bill. If we enact this bill into law and adopt the licensing system and it is left to the Secretary of Agriculture as to what he will do when he finds a man has violated the law, it will be left to him to say whether he shall be prosecuted and imprisoned, or whether he will simply cancel his license. To illustrate, suppose the Secretary of Agriculture should find in the city of Washington or in the city of Baltimore or in some other city, that a commission merchant has robbed a farmer of $500 or $1,000, for that matter, it will be left to the Secretary of Agriculture to say whether that man shall be prosecuted and imprisoned or fined, or whether he will tap him on the wrist and say, "We will take your license away from you and let you go," then give him a license to operate under another name and allow him to continue to rob the people.

Mr. HOPE. Will the gentleman yield right there?

Mr. HARE. Yes.

Mr. HOPE. In that case the Secretary of Agriculture will have two remedies, and does not the gentleman think there is an advantage in having both of these remedies, particularly because the offense under the gentleman's bill is a criminal offense, which would require the Secretary to go into court, offer proof, and obtain a conviction before a jury? The gentleman well knows from his study of this matter that in many cases this is impossible. Does not the gentleman think it would be better to have these concurrent remedies?

Mr. HARE. If the gentleman could assure me that the administrator of the law would not consider the existing law virtually repealed, then I would say yes, let us have both of them.

Mr. SUMMERS of Washington. Will the gentleman yield there, because I have had some correspondence on that question?

Mr. HARE. Yes.

Mr. SUMMERS of Washington. I took that question up specifically with the Department of Agriculture to know if this proposed law would duplicate or interfere with the other, and they wrote me a definite letter to the effect that it would not, that this was needed in addition to the other statute, and they covered that very specifically.

Mr. HARE. You know I would be prepared to accept that as absolutely final if the Department of Agriculture had not recently assumed the attitude of wanting to amend the existing law so as to eliminate several of its very vital provisions, for when we went before the Agriculture Committee a few days ago and asked that the existing law be amended so as to include purchasers, dealers, and brokers, as well as the commission merchants, the Department of Agriculture recommended against it. In other words, you will be confronted with a serious situation if this bill passes without amendment. Under the proposed law if a dealer is found guilty of violating it, he would not be subject to a penalty of $3,000. The only penalty you could impose upon him would be to withdraw his license, but if he were a commission merchant he would be subject to a penalty of $3,000. In other words, you would have a different penalty applying to a commission merchant and a dealer, although they may be guilty of the same and identical offense. Let me illustrate the point I am endeavoring to make.

Suppose Brown, a commission merchant, defrauds a farmer out of $100 and it is proven on him in court, under the existing law he may be fined from $100 to $3,000, or imprisoned for not more than one year, or both, within the discretion of the court; but suppose Jones, a dealer or broker, defrauds a farmer out of $100 and it is proven on him in court or elsewhere, under the proposed law the only thing you could do to Jones is to take his license away from him. That is, in the enforcement of the two laws the penalty to be imposed would not be based on the offense committed but according to the name of the title under which the business is operated. You can readily see that under this arrangement you would soon have no one doing business under the style and name of "commission merchant," and it is for this reason I am contending that the passage of this bill without amending the provision as to penalties will be, in effect, a repeal of existing law, because it applies only to commission merchants. It should be made to include dealers and brokers. If you will agree to amend existing law to provide the same penalty for a violation of the law, I am with you.

Mr. SUMMERS of Washington. I would be more inclined to join the gentleman in amending his law to provide a penalty for the dealers.

Mr. HARE. In that event we will have but little trouble in getting together.

Mr. JONES of Texas. Will the gentleman yield?

Mr. HARE. Yes.

Mr. JONES of Texas. As I understood the gentleman in a statement which I heard him make once before, he said the only change that would be necessary in his law would be to add the names, "dealers, brokers," and the other names necessary to the term "commission men." In other words, the law is complete in itself except it does not name all those who need to be covered in order to make the law applicable to the situation the gentleman has in mind.

Mr. HARE. The gentleman is quite correct. Under existing law if a commission merchant makes any false representation, defrauds you in any way, shape, or form, the law takes care of it. The only thing it does not take care of is the purchaser, the dealer, the broker, or other classes who are doing pretty much the same kind of business as the commission man but under a different name or title. These titles or classes have developed and grown up since the passage of the act on March 3, 1927.

Now, gentlemen, just one more point. I am not prepared to argue against the licensing system, but I can see the possibility that under the proposed law the Secretary of Agriculture could grant licenses to only a half dozen commission merchants, dealers, or brokers and thereby weed out every other man in the business in any particular city. They could then organize in such a way there would be no competition between them; and when you destroy competition between these men the only sufferer is the man who produces the commodity they handle and the one who consumes it.

I may say I am vitally interested in this question, because my district produces perishable farm crops in large quantities. This last year we produced fruits and vegetables in 21 different varieties to the extent that they were marketed in carload lots, and 52 per cent of the entire tonnage from the State came from my district. I am, therefore, vitally interested in protecting the producer of perishable farm crops, but I am not willing to sit silently by and see a law enacted that would repeal existing law, which, to my mind, places a penalty upon the violator of the law greater and more severe than the penalty provided in the proposed law.

Mr. LEA. Will the gentleman yield?

Mr. HARE. Yes.

Mr. LEA. I would like to know if the gentleman makes that statement notwithstanding the language at the bottom of page 32 of the bill that—

> This act shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this act.

Mr. HARE. The gentleman evidently did not catch my statement a few moments ago. So I must repeat. Under existing law, if I am a commission merchant and you should ship to me a carload of California oranges and I falsely advise you that the carload of oranges is decayed, not up to grade, and I dump them and thereby defraud you of the proceeds to which you are entitled, and it can be proven that I did that, I would be subject to a fine not exceeding $3,000 or imprisonment for one year. That is existing law. But under the proposed bill if that same transaction should take place and I were found guilty then the only penalty to be meted out to me would be the withdrawal of my license.

Mr. LEA. What I would like to know is why you say that this law would repeal existing law in that respect?

Mr. HARE. If I am a dealer or purchaser or a broker and the same transaction took place and I am found guilty under existing law I could not be touched, but under the proposed law my license could be taken away. If you as Secretary of Agriculture were placed in charge to enforce this law you would naturally withdraw the license for this transaction and mete out the penalty imposed under the license system, and in effect it would operate to repeal the existing criminal statutes, because under existing law the misdemeanor applies only to "commission merchants," whereas under this bill "dealers

and brokers" are included, and the existing law therefore would not apply to them. The only way to prevent having two inconsistent laws covering the same matter is to amend the existing law so as to include "dealers and brokers" or include similar penalties in this bill.

Mr. LEA. I would take it under the circumstances that the Attorney General would prosecute the guilty man under the criminal statute, and the Secretary of Agriculture would proceed under this law. The two statutes are not inconsistent.

Mr. HARE. I do not like to disagree so emphatically with the gentleman, but he is certainly mistaken. Let me illustrate again: If A, a commission merchant, is found guilty of defrauding you by false representations out of a carload of oranges he is, under the present law, subject to a fine of not exceeding $3,000 or imprisonment not exceeding one year. But suppose, instead of A, the commission merchant defrauding you out of the car of oranges it is B, a dealer or broker that commits the fraud; he could not be handled under the existing law, and the only penalty you could impose under the proposed law would be to take his license away from him. The two propositions cover the same offense, and unless you amend the former to include "dealers and brokers," or amend the latter so as to provide the same penalties, you will have two statutes as inconsistent as it is possible for them to be.

Mr. HOPE. Will the gentleman yield?

Mr. HARE. I yield.

Mr. HOPE. Does not the gentleman think that the penalty under this law in taking away a dealer's license would be more severe than the fine of not to exceed $3,000?

Mr. HARE. I do not think so in the light of my observation and experience. When you place a man in the penitentiary you place a greater penalty on him than taking away his license. Many of these men have no place of business but a little table in a back room, and you do not punish them much by taking away the license; but you put the stripes on them and you will soon stop their nefarious business.

Mr. HOPE. Will the gentleman state how many persons have been convicted and sent to prison since the enactment of his law?

Mr. HARE. I can not tell the gentleman, but I have received notice that a good many have, but the mere fact that there may not have been many convictions is no fault of the law. That is a charge to be registered against those in charge of its enforcement.

Mr. BURTNESS. Will the gentleman yield?

Mr. HARE. I yield.

Mr. BURTNESS. As a practical proposition, is it not difficult to obtain evidence upon which to convict a man under the present law—prove him guilty beyond a reasonable doubt? But when it comes to a civil action they are not confronted with the same difficulty, as a practical proposition, and does not the gentleman think that you can get relief in a great many cases under the civil procedure, where you could not under a criminal procedure?

Mr. HARE. I can see where there might be difficulty in securing evidence of guilt, but that is no good reason why we should crawfish and get away from the present law.

Mr. GLOVER. Will the gentleman yield?

Mr. HARE. Yes.

Mr. GLOVER. I want to call the gentleman's attention to the language beginning on line 23:

> This act shall not abrogate or nullify any other statute, whether State or Federal, dealing with the same subjects as this act; that it is intended that all such statutes shall remain in full force and effect except in so far only as they are inconsistent herewith or repugnant hereto.

How could your argument hold good that it would nullify the present law?

Mr. HARE. It would not nullify it from a legal standpoint but it would nullify it in the execution of the present law. I claim that if you have a criminal law and another law dealing with the same situation we ought to have the same penalty in both statutes. Let me illustrate again: We have a law now which says, in effect, to a commission merchant that if he defrauds a consignor of a perishable farm crop by false representations as to condition, quantity, quality, and so forth, he will be subject to a fine of $3,000 or imprisonment for one year, and now we come with another law saying to the same man if he defrauds a consignor of a perishable farm crop by false representation as to condition, quantity, or quality, and so forth, the only penalty to which he may be subjected is the withdrawal of his license. This does, therefore, nullify the existing law to the extent that it will be left to the Secretary of Agriculture to say which penalty will be imposed. Furthermore, the fraud, in so far as the farmer is concerned, may be identical in every respect, but if it is committed by a commission merchant, the penalty will be one thing, but if committed by a dealer or broker it will be an entirely different thing. That is, a commission merchant, if the proposed bill passed, may perpetrate a fraud, may have both his license taken away from him and then tried under the existing law, but a broker or dealer may perpetrate the same or identical fraud and the only penalty that could apply would be to withdraw his license.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. ROMJUE. I agree with the gentleman in that construction. I call his attention to the fact that, where you have different panalties prescribed by the Federal Government for the same offense, if you can put two punishments in, what is to keep you from putting in 40 punishments and, if you are tried for one, would not the Government be barred from enforcing the other penalty?

Mr. HARE. Certainly it would, if they are both penal statutes. However, I think it would be possible under the law and under the proposed law to take away the license of a commission merchant and then prosecute him criminally, but it could not be done if the offender were a dealer or a broker, and I am anxious to see that the two laws apply to all alike, particularly where they are similar offenders.

Mr. BURTNESS. Does the gentleman contend that you can not enforce a civil remedy as well as a criminal one?

Mr. HARE. Oh, no. I do not contend that.

Mr. LARSEN. Does not the gentleman realize that in the Federal courts it takes a year or two to prosecute a man to conviction, and that under this you could stop his nefarious practices within a very few days by taking his license away.

Mr. HARE. I have no objection to taking away his license. The thing I am contending for is that when he is found guilty of these "nefarious practices" he should be punished for it as any other criminal. I doubt whether the taking away of the license will give the farmer any relief by checking these "nefarious practices," but if you will put them in the "pen" 12 months for each offense, it will not be long before these "nefarious practices" will be a thing of the past and the producer of fruits and vegetables and other perishable farm crops will have some relief from the frauds that have been and are still being perpetrated on them. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Maine [Mr. SNOW].

Mr. SNOW. Mr. Chairman, for the benefit of those Members of the House who came in after this discussion on the Summers bill started, I call attention to the fact that long and continued hearings were held on this bill before the Committee on Agriculture; that many producers and representatives of numerous producing organizations appeared before our committee in favor of this bill, and that during all of those hearings not one single person appeared before the committee in opposition to the bill in any way. Several statements have been made here to-day in opposition to the bill which I would like to answer, but time forbids. In a general way the Summers bill, if passed, will bring relief to at least a million vegetable and fruit farmers in this country and at the same time make it possible for the poorer people in the large cities to be beneficiaries when crops are abundant. This bill protects the fair commission merchant and dealer, and will put out of business the unfair commission merchant and dealer. [Applause.] It will require a very small outlay of money on the part of the United States Government, as it is practically self-supporting.

In view of the statements just made by the gentleman from St. Louis [Mr. COCHRAN], I wish he were now here to listen to my remarks. For his enlightenment let me say that this bill will prevent that vicious habit of dumping in large cities and will do more to make it possible for the poor people of his own city to enjoy fruits and vegetables when there is an abundant crop than any legislation yet devised. Unfair commission merchants and dealers in large centers, when there is a glut in the market or when prices have suddenly dropped, wrongfully reject carload shipments and let them decay on the sidings until the health authorities are forced to issue dumping orders. In this way the consumers are wrongfully deprived of the benefits of abundant crops at reasonable prices and the producing farmers are made the goats. The Summers bill will put an end to this pernicious practice.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. SNOW. I yield.

Mr. EATON of Colorado. Why do you not in section 3, which refers to that, include dealers and brokers? Why limit it only to commission merchants?

Mr. SNOW. I shall not attempt to go into the details of this bill at this time. I am only speaking in general terms.

Mr. EATON of Colorado. That is the gist of the bill.

Mr. SLOAN. Will the gentleman yield?

Mr. SNOW. Certainly.

Mr. SLOAN. In all of the evidence that was submitted to the committee, was there any evidence that related to either poultry or eggs?

Mr. SNOW. There was not. To continue, let me say that I am especially interested in this bill, coming as I do from a potato district, but this measure will protect farmers who raise any kind of vegetables or fruit.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SNOW. With pleasure.

Mr. LAGUARDIA. In this instance let me say that I am in entire accord with the gentleman from Maine.

Mr. SNOW. I am delighted to learn that you are with us in this fight.

Mr. LARSEN. Mr. Chairman, will the gentleman yield?

Mr. SNOW. Yes; I yield to my colleague from Georgia.

Mr. LARSEN. The gentleman from Nebraska [Mr. SLOAN] asked with reference to testimony coming before the committee respecting poultry and eggs. If I remember correctly, there were statements made by members of the committee as to eggs and poultry transactions which had occurred within their knowledge.

Mr. SNOW. I think the gentleman is right, but I understood the gentleman from Nebraska to ask me if there had been any evidence presented before the committee relating to eggs and poultry. There is a vast distinction between statements made by members of the committee in executive session and evidence given by witnesses with the committee reporter present.

Mr. SLOAN. Whatever was said was not made of record, so that men interested in it could examine it and meet it. My proposition is that this particular branch has not had its day in court.

Mr. LARSEN. I think the statements made by the members of the committee were put in the report. I think they are in the record.

Mr. SNOW. To conclude. In my opinion this is one of the most meritorious bills that has been brought before this present session of Congress. It is not only in favor of the producer and farmer, but it will react to the benefit of the consumer in the large cities.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. BURTNESS].

Mr. BURTNESS. Mr. Chairman, there is not much to add to what has been so well said by several gentlemen, but I appeared before the committee in behalf of the measure and in view of the opposition that has developed rather unexpectedly this afternoon I deem it proper to say a few words in reply to some contentions that have been made.

The distinguished gentleman from Louisiana, Doctor ASWELL, claims that this is the worst bill that has been brought into the Congress by the Agriculture Committee. If I understood him correctly, he presented three arguments against it. One was that it would reduce competition among commission men and dealers, another that it would make the Government serve as a collection agency, and the third that it would interfere with the activities of the Farm Board.

I admit that it will reduce competition, but to what extent? It will eliminate from the competition all commission merchants, dealers, and brokers in perishable products who have not sufficient responsibility to pay the annual license fee of $10. That is the competition that will be eliminated, and the only competition. And it would be in the best interests of the producers of this country if that type of competition were eliminated. We do not want irresponsible dealers or commission merchants of that sort continuing to bid for our farm products by means of the mail, by means of the wire, by means of long-distance telephone, and other methods available in the modern business world.

What about the charge that it will operate to make the Government a collection agency? That is not true at all. I have not the time here to set out everything which, under this bill, is regarded as unfair conduct.

True, the failure to make payments as agreed is one, but the Government does not assume any responsibility of collecting anything for anyone. The possibility of losing their licenses will tend to make the commission men and the dealers live up to their contracts. This is the purpose of many laws, but it does not make the Government a collector.

If you will turn to page 19 of the bill you will find seven practices which are declared to be unlawful. Take subdivision 1, for instance, which reads:

> For any commission merchant or broker to make any fraudulent charge in respect of any perishable agricultural commodity received in interstate or foreign commerce.

Mr. EATON of Colorado. Mr. Chairman, will the gentleman yield there?

Mr. BURTNESS. Yes.

Mr. EATON of Colorado. Why do you not include the dealers there?

Mr. BURTNESS. I am not a member of the Agricultural Committee reporting the bill. I would suggest that you submit your technical questions to members of the committee.

As a second illustration, I read subdivision 4:

> For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement concerning the condition, quality, quantity, or disposition of, or the condition of the market for, any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold or contracted to be bought or sold in such commerce by such dealer; or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account promptly in respect of any such transaction in any such commodity to the person with whom such transaction is had.

Now, those are two typical cases where this law would apply showing the responsibility placed upon the licensee. A producer or cooperative association in my State of North Dakota, for instance, sends 10 carloads of potatoes to a dealer down in St. Louis or Peoria, Ill., or some city in Iowa. The carloads have been bought by a dealer through exchange of letters or wires with the understanding they are to grade United States No. 1, at a certain price f. o. b. in my home State, for shipment to the point designated. During the time it takes those potatoes to reach their destination the market has fallen and the quotations have gone downward.

Now, what is the present situation with dealers who are not responsible and not absolutely on the square? Human nature is such that some of them can not resist the temptation to find some excuse for not accepting the potatoes. Almost any excuse will result in a big loss to the shipper, for it is impractical for him to enforce his legal remedy. There is an incentive to claim that when the potatoes arrived they were partly rotted or frozen and wet, or that they did not in some material factor grade up to the standard of United States No. 1. If that statement is false, that type of dealer or commission merchant should have his license taken away from him, as contemplated by this bill, for he has no right to continue in business. [Applause.]

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. LARSEN].

Mr. LARSEN. Mr. Chairman and ladies and gentlemen of the committee, this bill not only enables the producers of perishable products to protect themselves against dishonest handlers of his products but enables merchants and handlers of the products to protect themselves against unfair competition with men engaged in the same business. Every profession and line of business should be able to so regulate its affairs as to stamp out disreputable and fraudulent transactions but, unfortunately, business men as a rule do not have such power and authority. This bill would give the Secretary of Agriculture the right to license certain classes of business men and such regulatory authority as to force them to deal honestly with their customers, who by the very nature of their transactions are entirely at their mercy.

Commission merchants and others handling farm products are frequently in competition with men who will not play fair and who take advantage of the trade. Honest men are often at a disadvantage in trying to compete in business with dishonest men in the same line. Not only this, but those in the producing section, who are little accustomed to shipping commodities, are at the mercy of the unscrupulous man in the large community who handles their products through such transactions.

The gentleman from South Carolina [Mr. HARE] said that the penalty to be imposed upon the man would not be effective in the event that this bill is passed. I think he is in error. The difficulty of the matter is this: Under provisions of the law as now written, if a man violates the law he may or may not be punished, although he has cheated some poor fellow out of two or three hundred dollars. So small an amount is considered a trivial matter and he may never be prosecuted. The victim may say, for instance, "I can not afford to go to Chicago, hundreds of miles away, to prosecute one for a small violation of law. I have already lost enough, and I do not want to get mixed up in the courts."

The man who commits unfair practice knows this as well as the producer victim. If he is prosecuted he may not be

convicted, and even if he is convicted he may not be so greatly damaged as the person who prosecuted him.

Now instead of letting this man who has been guilty of fraudulent practice go on and swindle others for years after committing the crime, he will not, under this law, be permitted to continue his rascality or operation of business, and make enough money out of others to pay his fine.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield there?

Mr. LARSEN. Yes.

Mr. KETCHAM. Considering the effectiveness of the two methods, which does the gentleman think would be the more effective?

Mr. LARSEN. I think perhaps the law proposed would be far more effective than the present law. But in addition to that, we will have both of them. But, as before stated, I do not believe what the gentleman from South Carolina says about the repeal of the present law is well founded.

The CHAIRMAN. The Committee on Agriculture reported an amendment striking out all after the enacting clause and inserting another section, which may be considered as one amendment.

Mr. BURTNESS. Mr. Chairman, will that be offered as one amendment?

The CHAIRMAN. Yes; as one amendment.

Mr. BURTNESS. Would it be in order to ask unanimous consent that the committee amendment be read section by section for amendment, as in the case of an original bill?

Mr. STRONG of Kansas. I object.

The CHAIRMAN. To which request does the gentleman object?

Mr. BURTNESS. I just asked the Chair if I could submit that request.

Mr. TILSON. The gentleman will lose no rights. It is all one amendment. An amendment can be offered to any section of it.

Mr. BURTNESS. Then I have no request to make.

The CHAIRMAN. Without objection, the Clerk will report the committee amendment.

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause, and insert the following:

That when used in this act—

(1) The term "person" includes individuals, partnerships, corporations, and associations;

(2) The term "Secretary" means the Secretary of Agriculture;

(3) The term "interstate or foreign commerce" means commerce between any State or Territory, or the District of Columbia, and any place outside thereof; or between points within the same State or Territory, or the District of Columbia but through any place outside thereof; or within the District of Columbia;

(4) The term "perishable agricultural commodity" means any of the following, whether or not frozen or packed in ice: Fresh fruits and fresh vegetables of every kind and character, live or dressed poultry, and eggs;

(5) The term "commission merchant" means any person engaged in the business of receiving in interstate or foreign commerce any perishable agricultural commodity for sale, on commission, or for or on behalf of another;

(6) The term "dealer" means any person engaged in the business of buying or selling in carloads any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered as a "dealer" in respect of sales of any such commodity of his own raising; (B) no person buying any such commodity solely for sale at retail shall be considered as a "dealer" in respect of any such commodity in any calendar year until his purchases of such commodity in carloads in such year are in excess of twenty; and (C) no "packer" as defined in the packers and stockyards act, 1921, as amended, in respect of any transactions in live or dressed poultry and/or eggs, shall be considered as a "dealer." Any person not considered as a "dealer" under clauses (A) and (B) may elect to secure a license under the provisions of section 3, and in such case and while the license is in effect such person shall be considered as a "dealer." As used in this paragraph, the term "in carloads" includes corresponding wholesale or jobbing quantities as defined for any such commodity by the Secretary;

(7) The term "broker" means any person engaged in the business of negotiating sales and purchases of any perishable agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser, respectively;

(8) A transaction in respect of any perishable agricultural commodity shall be considered in interstate or foreign commerce if such commodity is part of that current of commerce usual in the trade in that commodity whereby such commodity and/or the products of such commodity are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where sale is either for shipment to another State, or for processing within the State and the shipment outside the State of the products resulting from such processing. Commodities normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this act.

UNFAIR CONDUCT

SEC. 2. It shall be unlawful in or in connection with any transaction in interstate or foreign commerce—

(1) For any commission merchant or broker to make any fraudulent charge in respect of any perishable agricultural commodity received in interstate or foreign commerce;

(2) For any dealer to reject or fail to deliver in accordance with the terms of the contract without reasonable cause any perishable agricultural commodity bought or sold or contracted to be bought or sold in interstate or foreign commerce by such dealer;

(3) For any commission merchant to discard, dump, or destroy without reasonable cause any perishable agricultural commodity received by such commission merchant in interstate or foreign commerce;

(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement concerning the condition, quality, quantity, or disposition of, or the condition of the market for, any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold or contracted to be bought or sold in such commerce by such dealer; or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account promptly in respect of any such transaction in any such commodity to the person with whom such transaction is had;

(5) For any commission merchant, dealer, or broker, for a fraudulent purpose, to represent by word, act, or deed that any perishable agricultural commodity received in interstate or foreign commerce was produced in a State or in a country other than the State or the country in which such commodity was actually produced;

(6) For any commission merchant, dealer, or broker, for a fraudulent purpose, to remove, alter, or tamper with any card, stencil, stamp, tag, or other notice placed upon any container or railroad car containing any perishable agricultural commodity, if such card, stencil, stamp, tag, or other notice contains a certificate under authority of any Federal or State inspector as to the grade or quality of the commodity contained in such container or railroad car or the State or country in which such commodity was produced; and

(7) For any commission merchant, dealer, or broker to conspire, combine, agree, or arrange with any other person to manipulate or control prices of any perishable agricultural commodity in interstate or foreign commerce.

LICENSES

SEC. 3. (a) After the expiration of six months after the approval of this act no person shall at any time carry on the business of a commission merchant, dealer, or broker without a license valid and effective at such time. Any person who violates any provision of this subdivision shall be liable to a penalty of not more than $500 for each such offense and not more than $25 for each day it continues, which shall accrue to the United States and may be recovered in a civil suit brought by the United States.

(b) Any person desiring any such license shall make application to the Secretary. The Secretary may by regulation prescribe the information to be contained in such application. Upon the filing of the application, and annually thereafter, the applicant shall pay a fee of $10.

SEC. 4. (a) Whenever an applicant has paid the the prescribed fee the Secretary, except as provided in subdivision (b) of this section, shall issue to such applicant a license, which shall entitle the licensee to do business as a commission merchant and/or dealer and/or broker unless and until it is suspended or revoked by the Secretary in accordance with the provisions of this act, but said license shall automatically terminate unless the annual fee is paid within 30 days after notice has been mailed that payment is due.

(b) The Secretary shall refuse to issue a license to an applicant if after notice and hearing he finds (1) that the applicant has previously been responsible in whole or in part for any violation of the provisions of section 2 for which a license of the applicant, or the license of any partnership, association, or corporation in which the applicant held any office or, in the case of a partnership, had any share or interest, was revoked, or (2) in case the applicant is a partnership, association, or corporation, that any individual holding any office or, in the case of a partnership, having any interest or share in the applicant, had previously been responsible in whole or in part for any violation of the provisions of section 2 for which the license of such individual, or of any partnership, association, or corporation in which such person held any office, or, in the case of a partnership, had any share or interest, was revoked. Notwithstanding the foregoing provisions, the Secretary, in the case of such applicant, may issue a

license if the applicant furnishes a bond or other satisfactory assurance that his business will be conducted in accordance with the provisions of this act, but such license shall not be issued before the expiration of one year from the date of such revocation.

LIABILITY TO PERSON DAMAGED

SEC. 5. (a) If any commission merchant, dealer, or broker violates any provision of paragraph (1), (2), (3), or (4) of section 2 he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation.

(b) Such liability may be enforced either (1) by complaint to the Secretary as hereinafter provided, or (2) by suit in any court of competent jurisdiction; but this section shall not in any way abridge or alter the remedies now existing at common law or by statute, and the provisions of this act are in addition to such remedies.

COMPLAINT AND INVESTIGATION

SEC. 6. (a) Any person complaining of any violation of any provision of section 2 by any commission merchant, dealer, or broker may, at any time within nine months after the cause of action accrues, apply to the Secretary by petition, which shall briefly state the facts, whereupon, if, in the opinion of the Secretary, the facts therein contained warrant such action, a copy of the complaint thus made shall be forwarded by the Secretary to the commission merchant, dealer, or broker, who shall be called upon to satisfy the complaint, or to answer it in writing, within a reasonable time to be prescribed by the Secretary.

(b) Any officer or agency of any State or Territory having jurisdiction over commission merchants, dealers, or brokers in such State or Territory and any employee of the United States Department of Agriculture or any interested person, may file, in accordance with rules and regulations of the Secretary, a complaint of any violation of any provision of section 2 by any commission merchant, dealer, or broker, and may request an investigation of such complaint by the Secretary.

(c) If there appears to be, in the opinion of the Secretary, any reasonable grounds for investigating any complaint made under this section, the Secretary shall investigate such complaint and may, if in his opinion the facts warrant such action, have said complaint served by registered mail or otherwise on the person concerned and afford such person an opportunity for a hearing thereon before a duly authorized examiner of the Secretary in any place in which the said person is engaged in business.

(d) After an opportunity for a hearing on a complaint the Secretary shall determine whether or not the commission merchant, dealer, or broker has violated any provision of section 2.

REPARATION ORDER

SEC. 7. (a) If after a hearing on a complaint made by any person under section 6 the Secretary determines that the commission merchant, dealer, or broker has violated any provision of paragraph (1), (2), (3), or (4) of section 2, he shall, unless the offender has already made reparation to the person complaining, determine the amount of damage, if any, to which such person is entitled as a result of such violation and shall make an order directing the offender to pay to such person complaining such amount on or before the date fixed in the order.

(b) If any commission merchant, dealer, or broker does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may within one year of the date of the order file in the district court of the United States for the district in which he resides or in which is located the principal place of business of the commission merchant, dealer, or broker, or in any State court having general jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages and the order of the Secretary in the premises. Such suit in the district court shall proceed in all respects like other civil suits for damages except that the findings and orders of the Secretary shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs in the district court nor for costs at any subsequent state of the proceedings unless they accrue upon his appeal. If the petitioner finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit.

SUSPENSION AND REVOCATION OF LICENSE

SEC. 8. Whenever the Secretary determines, as provided in section 6, that any commission merchant, dealer, or broker has violated any of the provisions of section 2, he may publish the facts and circumstances of such violation and/or, by order, suspend the license of such offender for a period not to exceed 90 days, except that, if the violation is a flagrant or repeated violation of such provisions, the Secretary may, by order, revoke the license of the offender.

ACCOUNTS AND RECORDS

SEC. 9. Every commission merchant, dealer, and broker shall keep such accounts, records, and memoranda as fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. If such accounts, records, and memoranda are not so kept, the Secretary may publish the facts and circumstances and/or, by order, suspend the license of the offender for a period not to exceed 90 days.

EFFECTIVE DATE AND FINALITY OF ORDER

SEC. 10. Any order of the Secretary under this act other than an order for the payment of money shall take effect within such reasonable time, not less than 10 days, as is prescribed in the order, and shall continue in force until his further order, or for a specified period of time, accordingly as it is prescribed in the order, unless such order is suspended, modified, or set aside by the Secretary or is suspended, modified, or set aside by a court of competent jurisdiction. Any such order of the Secretary, if regularly made, shall be final, unless before the date prescribed for its taking effect application is made to a court of competent jurisdiction by the commission merchant, dealer, or broker against whom such order is directed to have such order set aside or its enforcement, operation, or execution suspended or restrained.

INJUNCTIONS

SEC. 11. For the purposes of this act the provisions of all laws relating to the suspending or restraining of the enforcement, operation, or execution, or the setting aside in whole or in part, of the orders of the Interstate Commerce Commission are made applicable to orders of the Secretary under this act and to any person subject to the provisions of this act.

GENERAL PROVISIONS

SEC. 12. The Secretary may report any violation of this act for which a civil penalty is provided to the Attorney General of the United States, who shall cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay. The costs and expenses of such proceedings shall be paid out of the appropriation for the expenses of the courts of the United States.

SEC. 13. (a) In the investigation of complaints under this act, the Secretary or his duly authorized agents shall have the right to inspect such accounts, records, and memoranda of any commission merchant, dealer, or broker as may be material for the determination of any such complaint. If any such commission merchant, dealer, or broker refuses to permit such inspection, the Secretary may publish the facts and circumstances and/or, by order, suspend the license of the offender until permission to make such inspection is given.

(b) The Secretary, or any officer or employee designated by him for such purpose, may hold hearings, sign and issue subpœnas, administer oaths, examine witnesses, receive evidence, and require by subpœna the attendance and testimony of witnesses and the production of such accounts, records, and memoranda as may be material for the determination of any complaint under this act.

(c) In case of disobedience to a subpœna, the Secretary or any of his examiners may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of accounts, records, and memoranda. Any district court of the United States within the jurisdiction of which any hearing is carried on may, in case of contumacy or refusal to obey a subpœna issued to any person, issue an order requiring the person to appear before the Secretary or his examiner or to produce accounts, records, and memoranda if so ordered, or to give evidence touching any matter pertinent to any complaint; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

(d) The Secretary may order testimony to be taken by deposition in any proceeding or investigation or incident to any complaint pending under this act at any stage thereof. Such depositions may be taken before any person designated by the Secretary and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition or under his direction and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce accounts, records, and memoranda in the same manner as witnesses may be compelled to appear and testify and produce accounts, records, and memoranda before the Secretary or any of his examiners.

(e) Witnesses summoned before the Secretary or any officer or employee designated by him shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like service in the courts of the United States.

(f) No person shall be excused from attending, testifying, answering any lawful inquiry, or deposing, or from producing any documentary evidence, before the Secretary or any officer or employee designated by him, in obedience to the subpœna of the Secretary, or any such officer or employee, in any cause or proceeding, based upon or growing out of any alleged violation of this act, or upon the taking of any deposition herein provided for, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty of forfeiture for or on account of any transaction, matter, or thing, concerning which he is compelled under oath so to testify, or produce evidence, documentary or otherwise, before the Secretary or any officer or employee designated by him, in obedience to the subpœna of the Secretary, or any such officer or employee, or upon the taking of any such

deposition, or in any such cause or proceeding: *Provided,* That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 14. The Secretary is hereby authorized, independently and in cooperation with other branches of the Government, State, or municipal agencies, and/or any person, whether operating in one or more jurisdictions, to employ and/or license inspectors to inspect and certify, without regard to the filing of a complaint under this act, to any interested person the class, quality, and/or condition of any lot of any perishable agricultural commodity when offered for interstate or foreign shipment or when received at places where the Secretary shall find it practicable to provide such service, under such rules and regulations as he may prescribe, including the payment of such fees and expenses as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided,* That fees for inspections made by a licensed inspector, less the percentage thereof which he is allowed by the terms of his contract of employment with the Secretary as compensation for his services, shall be deposited into the Treasury of the United States as miscellaneous receipts; and fees for inspections made by an inspector acting under a cooperative agreement with a State, municipality, or other person shall be disposed of in accordance with the terms of such agreement: *Provided further,* That expenses for travel and subsistence incurred by inspectors shall be paid by the applicant for inspection to the disbursing clerk of the United States Department of Agriculture to be credited to the appropriation for carrying out the purposes of this act: *And provided further,* That certificates issued by such inspectors shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

SEC. 15. The Secretary may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, binding, telegrams, telephones, law books, books of reference, publications, furniture, stationery, office equipment, travel, and other supplies and expenses, including reporting services, as shall be necessary to the administration of this act in the District of Columbia and elsewhere, and as may be appropriated for by Congress; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for such purpose. This act shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this act; but it is intended that all such statutes shall remain in full force and effect except in so far only as they are inconsistent herewith or repugnant hereto.

SEC. 16. In construing and enforcing the provisions of this act the act, omission, or failure of any agent, officer, or other person acting for or employed by any commission merchant, dealer, or broker, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure of such commission merchant, dealer, or broker as that of such agent, officer, or other person.

SEPARABILITY

SEC. 17. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SHORT TITLE

SEC. 18. This act may be cited as the perishable agricultural commodities act, 1930.

Mr. HAUGEN. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment by Mr. HAUGEN: Page 17, line 20, after the semicolon following the word "raising," insert the word "and."

The amendment to the committee amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment by Mr. HAUGEN: Page 17, line 24, after the word "twenty," strike out down through and including the word "dealers," on page 18, line 3.

The amendment to the committee amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. HAUGEN: Page 19, after line 5, insert a new paragraph, as follows:

"9. No packer as defined in the packer and stockyards act, 1921, as amended, in respect of transactions in live or dressed poultry and/or eggs, shall be considered as a commission merchant, dealer, or broker."

The amendment to the committee amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. HAUGEN: Page 24, after subsection (d), add a new subsection, (e), as follows:

"In case complaint is made by a nonresident of the United States before any action is taken thereon, that the complainant shall be required to furnish a bond of double the amount of the claim, the bond to be conditioned upon the payment of costs, including attorneys' fees, of respondents in case of failure to sustain the case."

Mr. ADKINS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, ladies and gentlemen of the committee, in discussing the matter, several Members thought that some unscrupulous dealer outside of the United States would be claiming discounts, rebates, and so forth, and might abuse the right by complaining to the department, and having the department continually investigating commission merchants, and in order that that might be obviated, this amendment to the committee amendment was proposed, that in the event complaint was brought, a bond to cover the costs would have to be furnished, and they would have to pay the costs provided they did not make out a case. Now, if a man were honest and had a just complaint, he will suffer no hardship, but this provision would be a deterrent to some unscrupulous dealer outside of the country.

Mr. HARE. As I understand it, this amendment to the committee amendment applies only to a producer or a complainant outside of the territorial boundaries of the United States?

Mr. ADKINS. Yes. Outside of the United States. I think it is a good provision.

The CHAIRMAN. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. HAUGEN: Page 20, line 24, strike out subparagraph 1, section 2.

Mr. FULMER. Mr. Chairman, I offer a perfecting amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. FULMER] offers a perfecting amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered to the committee amendment by Mr. FULMER: Page 20, line 25, after the word "arrange" strike out "with any other person" and insert "among themselves"; so that, as amended, the lines will read "for any commission merchant, dealer, or broker to conspire, combine, agree, or arrange among themselves to manipulate or control," etc.

The CHAIRMAN. In the opinion of the Chair, the amendment offered by the gentleman from South Carolina [Mr. FULMER] is a perfecting amendment and is in order.

Mr. JONES of Texas. May I suggest that the words "commission merchant, dealer, or broker" should be in the plural. It requires more than one to conspire or agree among themselves.

Mr. FULMER. Yes; that is correct.

Mr. JONES of Texas. I think the amendment offered by the gentleman from South Carolina [Mr. FULMER] should read "commission merchants, dealers, or brokers."

Mr. FULMER. Mr. Chairman, I ask unanimous consent to modify the amendment offered by me to read "commission merchants, dealers, or brokers."

The CHAIRMAN. The gentleman from South Carolina [Mr. FULMER] asks unanimous consent to modify the amendment offered by him to read "commission merchants, dealers, or brokers." Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FULMER: Page 20, line 24, strike out the words "merchant, dealer, or broker," and insert the words "merchants, dealers, or brokers."

Mr. LAGUARDIA. Will the gentleman yield for a parliamentary inquiry?

Mr. FULMER. Yes.

Mr. LAGUARDIA. As I understand the situation, the gentleman from Iowa [Mr. HAUGEN] offered an amendment to strike out paragraph 7. The gentleman from South Carolina [Mr. FULMER] now offers an amendment perfecting paragraph 7. Should not the amendment offered by the gentleman from Iowa be disposed of first?

The CHAIRMAN. In the opinion of the Chair the perfecting amendment should be disposed of first.

Mr. HAUGEN. I think the gentleman's amendment should have been offered first, in order that the paragraph might have been perfected and then my amendment offered.

Mr. LAGUARDIA. I want to be heard in opposition to the gentleman's amendment striking out the paragraph.

Mr. HAUGEN. The committee does not think this subsection is necessary.

Mr. LAGUARDIA. Will the gentleman from South Carolina yield?

Mr. FULMER. Yes.

Mr. LAGUARDIA. I want to ask the gentleman if he really intends to do what his amendment might do. He strikes out the words "with any other person." I can understand the gentleman's purpose in providing against a combination or conspiracy among themselves, but it is very easy for any of the classes mentioned in paragraph 7 to conspire with a third person not mentioned in the paragraph. I think the gentleman would accomplish what he desires if he would provide "with any other person or among themselves," because to conspire you need two or more persons. It is quite possible that commission merchants might conspire among themselves and a commission merchant might conspire with a dealer or broker, but, on the other hand, you might have a retailer, you might have a health officer, and you might have lots of other persons conspire together and defeat the very purpose the gentleman seeks to accomplish in paragraph 7.

Mr. FULMER. I do not think there would be any inclination on the part of a producer or anyone on the outside to conspire with a commission merchant or broker who attempted to fix prices.

Mr. LAGUARDIA. He might conspire with a banker. Suppose the market were glutted and suppose a banker should say to a commission merchant, "The only way you can save the paper you have in our bank, Mr. Commission Merchant, is by dumping," and he goes ahead and conspires with them to dump his produce.

Mr. FULMER. I think it would be better like it is.

The CHAIRMAN. Without objection, the Clerk will again report the modified amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FULMER: Page 20, in line 24, strike out the words "merchant, dealer, or broker" and insert the words "merchants, dealers, or brokers," and strike out, in line 25, the words "with any other person" and insert "among themselves."

Mr. ADKINS. Mr. Chairman, I rise in opposition to this amendment. This section was copied from the Illinois statutes. The Illinois statutes had no statute providing for combinations to control prices and then this was put in the law. We found after it was incorporated into law that we have a statute which takes care of this proposition. I do not recall an instance where this provision was ever used to prosecute anybody.

Mr. FULMER. I understand the gentleman is opposed to subsection 7?

Mr. ADKINS. Yes.

Mr. FULMER. Suppose we let this amendment take its course, and then the gentleman can speak on the amendment offered by the gentleman from Iowa to strike out subsection 7. There is no controversy about this perfecting amendment.

Mr. ADKINS. I am rising in opposition to it. I hope it will be defeated and I am trying to tell you why. The shippers who are interested in shipping raised this objection to this clause, that if they are guilty of conspiracy we have conspiracy laws to take care of them, but these associations—they may be cooperatives or they may be individuals—may be directing the movement of strawberries, for instance. This is strawberry time. If they found there were too many strawberries being sent to the New York market or to the Philadelphia market, they might check up the consignments that were on the road and they might deflect a part of these shipments to some other market, so as not to break down the market in New York.

With this section they felt they would be subject to conspiracy and subject to all the fines, and so forth, and it was at their earnest request that it is sought to be taken out. I think the amendment offered by the gentleman from Iowa should be adopted and the amendment offered by the gentleman from South Carolina (Mr. FULMER) should be defeated.

Mr. FULMER. In answer to the gentleman from Illinois, let me say I hope the members of the committee will not become confused on the amendments they are to vote on. This is a perfecting amendment to subsection 7 and then we will have a chance to vote on the amendment offered by the gentleman from Iowa to strike out the paragraph, along the line of the argument of the gentleman from Illinois.

Mr. ADKINS. If the paragraph is amended by adopting the gentleman's amendment where are we in offering our substitutes?

Mr. FULMER. I will answer the gentleman. You have an amendment pending proposing to strike out this section after it has been perfected.

Mr. ADKINS. It is weakening the present law and proposing an even more drastic law.

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina [Mr. FULMER].

The question was taken; and on a division (demanded by Mr. FULMER) there were—ayes 10, noes 45.

So the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I desire recognition in opposition to the amendment offered by the gentleman from Iowa.

The CHAIRMAN. Without objection, the Clerk will again report the amendment of the gentleman from Iowa.

The Clerk read as follows:

Amendment by Mr. HAUGEN: Page 20, line 24, strike out subsection 7 of section 2.

Mr. LAGUARDIA. Mr. Chairman, I want to appeal to the friends of this bill to meet us at least halfway. In all these questions of marketing you must consider both sides of the question, the producer and the consumer. You have a provision in paragraph 2 which would prevent or tend to prevent the willful dumping of perishable products. There is no objection to this, because we have suffered in the cities and have been deprived of good crops and low prices by the system of dumping, so that the consumer did not get the benefit and neither did the producer. But in all fairness I submit, gentlemen, in a bill of this kind you should at least give us protection from a conspiracy among these dealers to jack up prices at the expense of the consumers. I will go along with you on this bill, and all that I ask is not to take out paragraph 7, which is the only protection we have.

Suppose a commission merchant and a dealer and a broker conspire in violation of law to artificially fix prices, we would have no protection at all if you are going to make it all one way.

Mr. HAUGEN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HAUGEN. If they do so conspire they are liable under existing antitrust laws.

Mr. LAGUARDIA. Yes.

Mr. HAUGEN. Why should we extend this authority to two branches of the Government so that they might pass the buck?

Mr. LAGUARDIA. I will tell the gentleman why, because the machinery to proceed under the antitrust law is so slow-moving that it would not be effective in a case of this kind, and here where you have the licensing, where you have the regulation, it seems to me, in all fairness, a provision of this kind should find a place in the law.

Mr. HAUGEN. Under this bill they would come in under the licensing system, and under existing laws in respect to conspiracy and other violations of the antitrust laws.

Mr. LAGUARDIA. If they did conspire, we could take their license away under this provision, and that is at least something.

Mr. HAUGEN. And you could prosecute under the other law.

Mr. LAGUARDIA. I appeal to the friends of this bill to leave in this section; otherwise we will be constrained to oppose the whole bill.

Mr. BURTNESS. Will the gentleman yield for a question?

Mr. LAGUARDIA. Yes.

Mr. BURTNESS. Would this language in the proposed bill cover a situation such as this? A number of shipments of strawberries, we will say, go to different commission merchants. It is the duty of these commission merchants, of course, to get as good a price as they can for the person who consigns the strawberries to them. They know that these strawberries are there, and one commission merchant asks the other what he expects to ask for them, and the other commission merchant informs him. The other man says, "I think that is about right. I think that is about what they are worth, and I will ask the same price." I want to ask the gentleman, first, whether, if this language stays in the bill and they act in that way, they would be violating this provision, and they are violating the provision, then, of course, it would be grounds for canceling their licenses. Does the gentleman from New York want to prevent them from doing that?

Mr. LAGUARDIA. In his hypothetical question, does the gentleman assume these merchants control all of that market?

Mr. BURTNESS. Not necessarily; they might or they might not.

Mr. LAGUARDIA. If they do not they would not come under the provisions of this law. If they control the whole market, of course they would.

Mr. BURTNESS. The language is so broad that it seems to cover transactions and matters that might seem entirely legitimate, and this is why I am inclined to favor the motion of the chairman of the committee, although I appreciate the position taken by the gentleman, as a matter of general fairness.

Mr LAGUARDIA. Exactly; you can not have this bill so one sided as to make it inoperative and unfair.

Mr. ADKINS. Mr. Chairman, I appreciate the position of the gentleman from New York [Mr. LAGUARDIA], and I do not think the thing he has in mind would occur under this bill with this subsection out.

Now, here was a situation that arose some four or five years ago in Warren County, Ky., and this was published in all the agricultural papers. They raise there a large amount of strawberries, and the various individuals and shipping associations were shipping their berries, and they found they were running into an overloaded market in a great many cases. They found there were more strawberries in these markets than could be taken care of. Your consumers in these markets did not get all the benefit of this. They got the berries at a less price temporarily, but as a result of this many of them went bad. Now, something had to be done to meet this situation, because people will only buy strawberries in strawberry time at so high a price. So these producers put their heads together and employed a man to keep track of the shipments of strawberries from different parts of the strawberry area of the country. He got this information every morning. He had the facilities for doing this, and if he saw too many strawberries headed for New York, so that the dumping process might have to be resorted to, he would then divert so many carloads to Philadelphia or to some other town.

Mr. LAGUARDIA. That is perfectly all right. That is good business.

Mr. ADKINS. These people are contending that with this provision in the bill if they should get together and do this they would be subject to the penalties in this bill. Of course, it would be in the interest of stabilization of markets and stabilization of prices, but they fear they would be subject to the penalties of the bill if two or more undertook to stabilize the market as outlined above. If these men are right in their contention, section 7 will operate to the detriment of both producer and consumer.

Mr. LAGUARDIA. In order to sustain an indictment or a charge of conspiracy the object of the conspiracy must be an unlawful act.

Mr. ADKINS. Yes.

Mr. LAGUARDIA. The diversion of shipments of products in and of itself is not an unlawful act.

Mr. ADKINS. By reason of this you stabilize the price. That is the thing that they are afraid of, the very fact that they did that stabilization in the way of orderly marketing—whether or not that would be, they would be subject to this penalty.

Mr. LAGUARDIA. Orderly marketing is not a crime, and to agree to something that is not criminal is not a conspiracy.

Mr. ADKINS. We specify what it consists of, and when they stabilize the price it does keep the price up.

Mr. MICHENER. What is orderly marketing? This section clearly contemplates a conspiracy for the express purpose of controlling the market. It seems to me that the thing the gentleman said could be done is in violation of the section.

Mr. ADKINS. And all of the marketing associations take that view of it. Orderly marketing as commonly used is distributing a commodity around to the various marketing places in such a way as not to overload the market at one point and break the market, and not have enough at another point to meet the demand and raise the price there to the consumer.

Mr. LAGUARDIA. The section provides that you shall not manipulate or control prices.

Mr. ADKINS. In the case I put, it stabilizes the price and does not penalize consumer at one market, and does not penalize the producer at the other point where the market is overloaded. Taken as a whole, both producer and consumer are better off financially by having a stabilized market.

Mr. MICHENER. The very purpose is to secure a higher price to the producer. There is no exact definition of "orderly marketing."

Mr. LAGUARDIA. Instead of sending your product to one market you send it to another market in order to prevent glutting of the market. The purpose is not to manipulate the price.

Mr. MICHENER. They would not do that if it were not to manipulate the price.

Mr. FULMER. Mr. Chairman, I rise in opposition to the amendment offered by my good friend Mr. HAUGEN, chairman of the Agricultural Committee, wherein he proposes to strike out subsection 7.

I would like to say that the thing we hope to remedy under subsection 7, is that these commission merchants, brokers, and dealers, get together, combine and conspire to fix prices in buying from producers. The gentleman from Iowa makes a statement that there is a law and other machinery to take care of this. The Federal Trade Commission has the right to investigate attempts to create a monopoly, fix prices, and report to the Department of Justice. But as stated before, this commission apparently has sold out. They are giving their indorsements to various industries. You have investigations by the Federal Trade Commission and by the Senate now to investigate these combinations, and this is only offered as a second check in the hands of the Department of Agriculture, who will administer this law. If the Department of Agriculture find these people are combining and conspiring to control prices, they can report to the Department of Justice so that that department can take action.

These people under this bill are highly organized, about 2,500 in the organization, controlling 90 per cent of the business of the country. They stated before the committee that there are about 20,000 others who are outside giving them trouble and that they want to get rid of them. What will happen when they are able to weed out competition? They will call in the Federal Trade Commission and get their indorsement to rules and trade practices like the cottonseed-oil industry has done.

Orderly marketing does not fix high or low prices. The Farm Board has been trying to bring about orderly marketing in wheat and cotton, and the prices of these commodities have been going down. It is a matter of supply and demand. Section 2 provides that it shall be unlawful in or in connection with any transaction in interstate or foreign commerce, to do that which is contained in subsection 7. You take away from the Department of Agriculture the right to investigate any complaint that might be made, and some of these days you are going to find that in the shipment of perishable products, you are in the same fix that we are now, in connection with the cottonseed business in the South. I hope you will vote down this amendment and leave subsection 7 in the bill.

Mr. JONES of Texas. Mr. Chairman, I think this is a very important provision. This is a bill that has for its purpose, if it is enacted, the throwing of a cloak of protection around certain commission merchants, brokers, and dealers. They say it is necessary. Perhaps it is. We are giving them a special law for their benefit and protection as well as for the protection of the public. When you throw that cloak around the commission merchants, dealers, and brokers, if they undertake to get off in a corner and agree to manipulate or control prices, it seems to me at least they should have their special privilege taken away from them. It is idle to talk about prosecuting them under the antitrust laws of the country. What trust or monopoly is being prosecuted to-day? Here is a bill which provides for licensing, and when they are licensed they have certain privileges. Are you going to strike out from the provisions of the bill the only protection which the public has? What protection would the public have if you are going to permit them to get together and agree to manipulate or control the prices? That does not mean simply adjusting a situation, where there is congestion or something of that kind. When they conspire to control prices, to monopolize the situation, it seems to me it should at least be considered an unfair practice and their licenses should be canceled.

Mr. GLOVER. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. GLOVER. If this provision in this bill is cut out, the consequence will be quite serious. Under the law it authorizes the licensing of brokers and dealers. Let us say that in a market like Chicago or St. Louis there would be perhaps 10. With this provision out, could not those 10 get together without violation of the statute and fix the price and skin everybody that shipped into that market?

Mr. JONES of Texas. It seems to me that if we license them to operate and then strike out of the bill the provision which forbids those things, in so far as this bill is concerned, there is nothing to prevent that action.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. ABERNETHY. Do I understand that there is a serious intention here on the part of some Members to cut out subsection (7)?

Mr. JONES of Texas. Oh, yes; the chairman of the committee has offered as a committee amendment an amendment to strike out section 7.

Mr. ABERNETHY. On what theory?

Mr. JONES of Texas. Ask him. Here is a bill where you are licensing people and giving them certain privileges under that license, which any other person who does not have a license can not exercise. Are you then going to let them go off into a corner and enter into an agreement to undertake to control the situation? I think this is something that the committee should seriously consider before striking it out. I do not have any particular objection to the bill as such, if you have this provision in there, whereby with that license and privilege they do not still have another privilege. With this provision stricken out of the bill, the Government licensing them to operate, how are you going to make them subject to the antitrust laws? The Government issues them a license to do a certain thing. How can the Government complain if they do it? At any rate, the quickest way to stop such an unfair practice would be the simple method of canceling licenses.

Mr. HARE. Mr. Chairman, in view of statements made that paragraph 7, section 2, of the bill is unnecessary, I would like to read it into the RECORD. It is as follows:

> It shall be unlawful for any commission merchant, dealer, or broker to conspire, combine, agree, or arrange with any other person to manipulate or control prices of any perishable agricultural commodity in interstate or foreign commerce.

It is contended by some that this provision ought to be stricken out, saying that it is unnecessary for the reason that if commission merchants, dealers, or brokers should combine for the purpose named they could be prosecuted under the antitrust laws. This may be true, but suppose you leave this out and, under other provisions of the bill, issue license to these commission merchants, dealers, and brokers, would they not be able to say that if they were brought into court under the antitrust law that they had been given a license, under an act of Congress, to do the very thing they are now prohibited to do? That is, they would be able to say, under the license given them by the Government, they would be able to combine or agree without a conspiracy to fix and determine the price of such farm products, both that to be paid the producer as well as that to be required of the consumer. If so, they would be able to defraud the producer and at the same time rob the consumer, and the licensees would be the only ones to profit by the law, for in actual operation the producer would certainly get less for his products and the consumer would certainly pay for them. It looks to me that if this provision is taken out of the bill the commission merchants, dealers, and brokers will have a free hand in fixing the price to the producer as well as the consumer—that is, they will be able to burn the candle at both ends.

Mr. Chairman, we heard at the beginning of the discussion this afternoon that this bill was designed to protect producers from unscrupulous commission merchants. We started out with the fact, alleged, that there were men in this country engaged in a business that was being conducted in an unscrupulous manner, and the committee brings before us a proposal to make that conduct illegal and punish those who violate the law. Yet they are saying by this amendment to strike out this provision of the bill that these same unscrupulous men, this gang which has been referred to as a "bunch of robbers," will be able to continue to combine, organize, manipulate, and defraud the very people the bill aims to protect.

Mr. ADKINS. For any of those things the gentleman speaks of the license could be taken away.

Mr. HARE. Yes; but that does not give the producer any relief.

Mr. ABERNETHY. Will the gentleman yield?

Mr. HARE. Yes.

Mr. ABERNETHY. I say this in all seriousness to the committee. If you take this section out, you give a monopoly to these commission men and allow them to carry on, and if you want to pass this bill with some of our votes over here, you better not pass this amendment.

Mr. HARE. I agree with you entirely.

Mr. ADKINS. The gentleman from South Carolina has use for this legislation?

Mr. HARE. You are correct in that statement, but I do not want paragraph 7 stricken out as proposed by this amendment.

Mr. ADKINS. Our people do not, but I think the country as a whole generally does. Does the gentleman think if this bill is defeated that this Congress will relieve that situation?

Mr. HARE. I believe that if this paragraph is taken out of the bill, the bill will mean nothing more than a sounding brass or tinkling cymbal to the fruit and vegetable growers of the country.

Here is a class of people admitted to be unscrupulous, and yet you say that we will take this provision out of the law because they will not combine with each other, because they are too high minded, too honest, too sincere, too much devoted to the people they are serving to combine. On the other hand, without this bill you admit they are unscrupulous enough to rob the people of the country who are producing perishable farm crops, and to this latter statement I subscribe.

I think this provision ought to stay in here, because, as I said in the beginning, I wanted it made so that I can support it, because I am heartily in favor of it. But I am not willing to support a proposition here when you say in the first instance that these men are unscrupulous and unworthy and unreliable, and then take out the provision by which you ought to protect the producers or the shipper against them.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. HOPE. Is not that provision in the bill passed three years ago?

Mr. HARE. The bill passed before has no licensing feature in it at all. It says here that if a man commits the offense of making any report which is unlawful or fraudulent he is subject to a fine and a penalty, and under the existing law I do not believe it refers to a conspiracy, as provided for in this bill, and for that reason I think the provision ought to stay in your bill.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more. I would like to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHINDBLOM. The gentleman will concede that all the offenses included in this law are not crimes in themselves, natural crimes, but crimes which are created only by the statute.

Mr. HARE. Under this act?

Mr. CHINDBLOM. Yes; under this act. Does the gentleman favor the creation of a crime of conspiracy, mala prohibita? They are not crimes under our provisions of law. Does not the gentleman think he ought to go slow in creating conspiracy crimes, as in the case of crimes that are purely statutory and not crimes against people?

Mr. HARE. I think the gentleman did not hear my statement earlier this afternoon, and I assume he is not entirely familiar with the existing law, which makes it a penal offense, a criminal offense, for a commission merchant to knowingly and intentionally make a false representation with reference to a consignment made to him.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. HARE. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARE. The point I am making is that that same penalty ought to apply to this bill, because if it is a crime for me to perpetrate a fraud, the penalty ought to be such that I can be punished for that offense.

Now, it has been argued that the existing law will be in no way repealed or affected, and I am taking that in good faith, because I assume that the proponents of this bill have looked into it; and they have assured me that it will not affect the existing law; and if it does not affect the existing law, I want this bill to carry a somewhat similar provision, so that a commission man or a dealer or a broker might be punished for

defrauding the producers from which the consignment is received.

Mr. CHINDBLOM. But the gentleman will concede that he is adding a new category to crimes by adding conspiracy.

Mr. JONES of Texas. This does not provide a new crime. It simply lists it as unfair conduct.

Mr. CHINDBLOM. But the beginning of section 2 says it shall be unlawful to do so and so.

Mr. JONES of Texas. In that case the license may be taken away from them.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. QUIN. Mr. Chairman, I rise in opposition to the amendment.

I think it would be a serious mistake to take this provision out of the bill. You have a good bill now. What does the Chairman propose? You have certain things that are stated to be unfair conduct. Among them is that which is covered by subdivision 7 on page 20, which provides—

> For any commission merchant, dealer, or broker to conspire, combine, agree, or arrange with any other person to manipulate or control prices of any perishable agricultural commodity in interstate or foreign commerce.

In my judgment there are certain things that a rascal would want to do. You have certain things designated as unfair conduct. A violation of this provision would take the license from such a concern that violates this provision.

Now, the Chairman proposes to allow the men to take the products from the vegetable and fruit farms of the United States, or have their brokers conspire to do what? Not to increase prices, but to lower prices; to lower the price that the farmer would get, and thus defraud the men who produce the commodity.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. QUIN. Yes.

Mr. MICHENER. Does this say "lower the prices"?

Mr. QUIN. You do not have to say "lower the prices." You know what they will do. Understand me, we have to proceed with some knowledge of human nature. We know people want goods in the United States at the lowest possible price from the producer, and to sell at the highest price to the consumer. You issue a license to the man engaged in certain lines of business to have a privilege as a broker in certain commodities. Tomatoes, peas, beans, strawberries, in fact, all vegetables and certain kinds of fruits that are shipped by the producers to the market.

The buyers come there and buy from them and ship to the eastern and northern markets. Who is it that will handle these vegetables? It will be the men included in section 7 of this bill. What does the chairman of this committee propose to do? He proposes to allow every one of those men to enter into a combine and conspiracy to rob that poor man back there on the farm that is raising these vegetables. It can not be argued any other way. I want to know who it was that inspired this amendment, which is asking to take out of this bill the very thing that will protect the poor man who raises the fruits and vegetables. Some men can have superior power under the license theory of this Government, which is all right; but this section now says, "You shall not conspire and combine to impose an injustice upon anybody in the United States." Here is a proposition to take this out, in order to invite all of the rascals that want to become brokers to come and rob the poor man that produces by his hard work and by the sweat of his brow, working day and night, producing the fruits and vegetables in this country, in order that they can fix the price so low that the producer will still be kept in poverty.

Mr. FULMER. Will the gentleman yield?

Mr. QUIN. I yield.

Mr. HAUGEN. Mr. Chairman, I ask that the gentleman have one more minute to answer a question. I yield him one more minute.

This amendment is at the suggestion of the producers. They have, through their representatives, been here for months asking to have the bill reported.

Mr. ABERNETHY. It will kill the bill if they insist upon it.

Mr. HAUGEN. I ask the gentleman from Mississippi [Mr. QUIN] to point out where this will do any harm as long as it is provided for in other acts. Is it necessary to incorporate the statutory provisions that apply in every act that is passed? Is it necessary to lodge its administration in two departments instead of one, which would simply give them an opportunity of passing the buck, and, as a result, neither of them would function?

Mr. QUIN. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes, to answer the gentleman.

The CHAIRMAN. The gentleman from Mississippi [Mr. QUIN] asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. SPARKS. Will the gentleman yield?

Mr. QUIN. I yield for a question.

Mr. SPARKS. It has been stated that if subsection 7 is stricken out that provision is covered by the general law. Under such conditions the license of the brokers could not be taken away, could it? Section 7 would have to remain in the bill, and then if there was a violation their license could be taken away. Is that not correct?

Mr. QUIN. With section 7 in the bill it could be taken away from him.

Mr. SPARKS. But if they were prosecuted under the general law, it would not be ground for taking it away?

Mr. HAUGEN. If the subsection is retained and violated, it would be optional with the department to proceed to revoke the license under this section or the other department to prosecute under existing law, and, judging from experience, I fear would result in neither one functioning.

Mr. QUIN. I want to state to the chairman of this committee when the gentleman says the producers suggested this amendment that there are 30,000 producers in my district in Mississippi who raise vegetables that go by the railroads to Chicago, New York, and Philadelphia, and there is not one of them that wants this section eliminated. It is that group of men who want to rob my constituents who are trying to get this amendment passed. Any man who understands the hardships of the farmers of this country can understand who is back of this amendment. Of course my friend Mr. HAUGEN thinks it is the producers, but I say it is a wolf coming in sheep's clothing who has told him that. I practiced law for 18 years before I came to Congress and I know what a rascal wants to do. I know this desire to strike out this provision 7 is founded in rascality. It is backed by men who want to exploit and rob the farmers and evade the penalties of the law; that is, to have their licenses taken away. Why? So that they can combine and conspire to manipulate and, to do what else?—it is not in here—but to lower prices that would be paid the farmer. That is, to lower the price they have to pay for produce, these fruits and vegetables raised on the farms of Mississippi, Florida, Texas, and other States. We need not misunderstand what is contemplated by this amendment. This is a good bill. The bill is all right. Whatever general law there is on the statute books is not going to interfere with this bill. But when section 7 is taken out of this good bill, you are simply turning loose brokers to go out and rob the people of this country. Does any man want to do that? Do you want to give special privilege to any group of men to prey upon the public and exploit them, especially the hard-working people who produce the perishable fruits and vegetables of the United States? They have to work hard, not all the year around, but during certain seasons of the year they work all day and part of the night.

Then you want to allow some slick-tongued broker to come along—4, 5, or 10 of them—and conspire to rob those poor people out of their hard toil. No, my friends, we can not afford to do it. Let us kill this amendment and keep section 7 in your bill; let this bill pass and become a law and do justice by the farming people of this country. [Applause.]

Mr. HAUGEN. May I state to the gentleman, speaking of the producers, that the gentleman authorized to speak for the producers favored its elimination. Mr. Chaney, chairman trade relations committee, American Fruit & Vegetable Shippers' Association, and Mr. Samuel Fraser, secretary of the International Apple Association, were authorized to speak for all of them; and Mr. Chaney spent three or four days in an effort to have this subsection eliminated and finally succeeded in convincing the committee it should not be in the bill.

Mr. QUIN. He is falling into the trap of these wolves, and we can not afford to allow this section to be stricken out of the bill, because if we do it will permit price cutting and the robbing of our producers.

Mr. FULMER. Mr. Chaney is a dealer.

Mr. QUIN. Mr. Chairman, the gentleman from Iowa called him a producer.

Mr. HAUGEN. I said he was the spokesman and the one authorized by the producers to speak for the producers.

Mr. QUIN. I am informed that this very man is the president of this dealers' association, the big he-broker of them all.

Mr. FULMER. And he lives in New York.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, it seems to me that the fear which has been expressed upon the floor of this House, that subdivision 7 of sec-

tion 2 might result in preventing a diversion of shipments of perishable farm products, is not justified. There is nothing in this section that in any way would prevent the orderly marketing of farm products. I do not think there is any question but that commission men can divert any shipment at any point and to any place they see fit, notwithstanding this section. It has nothing to do with that sort of thing. The only matter declared unlawful under this section is to enter into a conspiracy or agreement to fix prices, either lowering them or raising them or fixing them at a particular point.

Personally, I think this subdivision is a very valuable provision in this bill. It must not be forgotten that in this case you are licensing a certain class of dealers and that you are taking them out from under the general provisions of the law relating to conspiracies in restraint of trade by specifying in this bill what conduct shall be considered as unlawful. Among the things made unlawful is to enter into a conspiracy to control prices. Because you have taken them out from under the general law, and because you have licensed them, it is necessary to have a provision of this kind in the bill if you are going to have any control over them at all with respect to raising, lowering, or fixing prices.

The fact that we are licensing these dealers does not mean that we are giving them any privileges which they do not have now, but we are providing for control over them and taking away many of the privileges which they now have.

I fear that this provision will be construed as being exclusive, because we are here enacting a statute which recognizes a certain class of dealers, and which requires them to be licensed, just the same as we formerly required saloon keepers to be licensed. They are going to be regulated and controlled by this statute, and if you take out this provision, in my judgment you are not going to be able to prevent them from entering into agreements to fix prices pretty much to suit themselves. The very fact that the commission men want this subdivision out shows that they want the privilege of doing so.

Mr. ABERNETHY. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. ABERNETHY. Does not this take the very teeth out of the bill?

Mr. WILLIAMSON. I think to a certain extent it does, but, as I said before, I do not think it will in any way prevent the orderly marketing of farm products nor will it prevent their diversion to other points if there is congestion at the place to which they were originally consigned.

Mr. HOCH. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. HOCH. I agree with that part of the gentleman's statement, but it seems to me that the diversion spoken of instead of being in restraint of trade and being amenable to the antitrust laws might be the very opposite; that it might tend to promote trade instead of restraining trade.

Mr. WILLIAMSON. That is true, but this will not result in preventing the diversion of any products or prevent these men from handling their goods in any way they see fit.

Mr. HOCH. I agree with the gentleman in that, but I do not agree with the gentleman's latter statement that we have taken them out from under the antitrust laws by establishing a licensing system.

Mr. WILLIAMSON. That may be. However, I think we are taking some chances. The only punishment provided for a violation of section 2 is what? You will find it in subdivision (b) of the same section.

The only punishment provided is to take away the license. We are not going to reach them by any other method, and that is all we can do under the provisions of this bill. If you take away the restrictions of subsection 7, you can not even do that should they fix prices.

Mr. BURTNESS. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. BURTNESS. Has the gentleman considered the language at the bottom of page 32 and the beginning of page 33?

Mr. WILLIAMSON. Yes; but the language at the bottom of page 32 does not relate to section 2, because section 2 provides its own method of punishment for violating the provisions of section 2.

Mr. BURTNESS. But I refer to the contention made by the gentleman that the passage of this act as a whole will take these people out from under the operations of the antitrust laws. If it will do that, we had better kill the bill.

Mr. JONES of Texas. The language that the gentleman from North Dakota refers to relates to statutes dealing with the same subject and does not refer to the antitrust laws.

Mr. GARBER of Virginia. Mr. Chairman, if a new member of the committee may be permitted to make one general observation, I would like to make this one. It seems to me when we get into a discussion on the floor here, we seem naturally to fall into the matter of beclouding the issue in hand by the introduction of much extraneous matter. I rise in the hope that in just a moment or two I may clarify one point.

In the first place, this provision under discussion was written into the bill for one reason. Let me illustrate: As a practical proposition, it is not an uncommon thing for a good many of us who are in the habit of shipping fresh fruit to consign to a given market a certain number of carloads of fruit on a given day, and we believe there have been instances frequently where the commission merchants would get together and agree upon a price for that fruit lower than what it ought to be. In other words, the price was beaten down through agreements and understandings among the commission men. This practice is what has called for this provision of the bill. Following the writing in of this provision the State horticultural societies of the different States, my own State in particular, raised the point that under the wording of the bill the Secretary of Agriculture would have great difficulty in interpreting this technical language, and therefore it would militate against anything that honest commission merchants might do to protect the shipper.

The language here is that it shall be unlawful and so forth for "commission merchants, dealers, and brokers to conspire, agree or arrange among themselves," or as the language is here, "with any other person, to manipulate or control prices."

Now, what is the practical application of this language?

If a given market, for instance, to-day will carry 15 carloads of peaches and if that is the maximum amount they can legitimately use, and 20 carloads of peaches are coming on that market, the responsible commission merchants believe they can not, under this language, get together as they do now and say among themselves, "Our market will consume 15 cars to-day and not 20, and therefore to protect our shippers we must keep 5 cars off the market to-day. You put a car in storage, you put a car in storage—we will have 5 cars go into storage and this will guarantee a much better price for the 15 cars actually demanded by the trade."

The commission merchants believe this technical language is not clear and is susceptible of an easy misinterpretation and that legitimate combining, legitimate agreeing, legitimate getting together for the protection of the shipper is apt to be misconstrued and will be prohibited under this proposed act.

This is the reason objection has come in from the group of honest commission merchants, from horticultural societies, and from a large number of growers. I merely make this statement by way of explanation.

Mr. HOCH. Will the gentleman yield?

Mr. GARBER of Virginia. Certainly.

Mr. HOCH. Does the gentleman contend that commission merchants or dealers who do the things stated in paragraph 7 are now not violating the antitrust laws?

Mr. GARBER of Virginia. I do not get the gentleman's question.

Mr. HOCH. Is it not true that anyone who does the things stated in paragraph 7 is a violator of the antitrust laws?

Mr. GARBER of Virginia. Well, I am not a lawyer and, therefore, I do not care to get into a technical discussion of the question.

Mr. HOCH. Let us just read the language:

> Any commission merchant, dealer, or broker to conspire, combine, agree, or arrange with any other person to manipulate or control prices of any perishable agricultural commodity in interstate or foreign commerce.

If that is not a violation of the antitrust laws, which are directed against restraints of trade, then I do not know how you would write language that would declare an offense against the antitrust laws.

Mr. GARBER of Virginia. I might answer the gentleman by saying that the offender would come under the provisions of the antitrust laws, and there is, therefore, no real need for this provision in this bill.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HAUGEN. Mr. Chairman, there has been a good deal of time devoted to a discussion of these amendments, and I therefore ask unanimous consent that all debate on the amendments close in 13 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section close in 13 minutes. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Chairman and members of the committee, I am sincerely for this bill and have been working very hard with the gentleman from the State of Washington and others to put this legislation over. The people in my section of

the country are large shippers of truck crops, and they are heartily in favor of this bill. I confess to you that if this amendment offered by the chairman—for whom I have a great respect, and I have followed him generally all these years in farm-relief legislation, and I was an original Haugenite in this House and was the only man in my section of the country who voted for the McNary-Haugen bill in all its virility when it was first put in the hopper—I am strong for this bill, but if you adopt this amendment I have very serious doubts in my mind in regard to it. I will be compelled to vote against this bill.

I think when you take out the conspiracy provision and you license these men and give them a privileged status in this country, and fail to surround them with the ordinary provisions of the law for conspiracy, you will have one of the greatest monopolies that the country has seen. I hope the gentleman from Iowa will withdraw the amendment; if he does not, I shall be compelled to vote against the bill.

Mr. HAUGEN. This is a committee amendment, offered by order of the committee.

Mr. ABERNETHY. But there is a division in the committee on it. Subsection 7 has been written into the bill by the committee. I understand the gentleman from Texas [Mr. JONES], the gentleman from South Carolina [Mr. FULMER], and the gentleman from Georgia [Mr. LARSEN], all able members of the committee on this side of the House, all are supporting the bill and want this subsection 7 to remain in it.

Mr. HAUGEN. There is no controversy among the members of the committee. The power is now lodged in one department to enforce what is provided in this subsection 7, and the question is whether it is to be lodged in one department where it now is or in more than one.

Mr. ABERNETHY. I want to follow the chairman, but I must go against him this time as far as this amendment is concerned.

Mr. HAUGEN. We think that it would be better to lodge the responsibility in one head, in one department, rather than in two.

Mr. PALMER. Mr. Chairman, I am opposed to this amendment. I think this is a good bill, and if we take out this section we take out the real substance of the measure. [Applause.]

Now, let us see to whom this bill is directed. First, it shall be unlawful for any commission merchant or broker to make any fraudulent charge in respect of any perishable agricultural commodity received in interstate or foreign commerce.

Second, for any dealer to reject or fail to deliver in accordance with the terms of the contract, without reasonable cause, any perishable agricultural commodity bought or sold, contracted to be bought or sold, in interstate or foreign commerce, by such dealers.

Third, for any commission merchant to discard, dump, or destroy without reasonable cause any perishable agricultural commodity.

Fourth, for any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement concerning the condition, quality, quantity, or disposition of, any perishable commodity, and so forth.

Fifth, for any commission merchant, dealer, or broker, for a fraudulent purpose, to represent by word, act, or deed that any perishable agricultural commodity was produced in a State or in a country other than the State or country in which it was actually produced.

Sixth, for any commission merchant, dealer, or broker, for a fraudulent purpose, to remove, alter, or tamper with any card, stencil, and so forth.

Seventh, for any commission merchant, dealer, or broker to conspire, combine, agree, or arrange with any other person to manipulate or control prices of any perishable agricultural commodity in interstate or foreign commerce.

Now, that is the very meat in the coconut to keep them from conspiring. You do not find that language anywhere else in the bill. That is the object of this legislation, as I understand, to keep the commission merchants from conspiring, combining, and agreeing or arranging with another person to manipulate and control prices of any perishable agricultural commodity in interstate or foreign commerce.

Now, then, what objection, what damage is this going to do if you leave it in the bill? And, in conclusion, I say that you will take out the real meat if you adopt this amendment. [Applause.]

Mr. GLOVER. Mr. Chairman, I am heartily in favor of this bill. I believe that it is a bill which will do as much for agriculture as the Haugen bill which we have already passed. In fact, the results of it will be very much quicker if you leave it in the form in which it is now. We are seeking to correct an evil which has existed for some time. We people of the South ship our products in the St. Louis and Chicago markets. We have no one there to look after it, and much of the stuff shipped in there has fallen into the hands of corrupt people who have taken the product away from the farmer. This bill seeks to correct that. You are giving a privilege here when you license persons to do business of this kind in the city of Chicago or the city of St. Louis or any other city. There will be only a limited number who will be licensed to do business of that kind. Others will not be allowed to perform that sort of trade. You are giving a privilege to those people. That is all right. I have no objection to it. But when you come here now and have a provision that is to look after the bunch that you license to do that kind of business, the man who ships his goods into them would like to know that it will be unlawful for those people who are licensed to get together in a corner and form a conspiracy by which to control prices. I say to you that 10 men could be licensed in the Chicago market and that they could get together in a corner and fix the price, control the commodity, and rob every farmer in the South who ships into that market. The antitrust law as it is now will not touch them, as this will. This bill provides that when they violate its provisions, a complaint is made and it is the duty of the department to investigate the complaint, and prosecute it. You have the machinery set up here to get after that man when he tries to make that kind of a combination.

This provision, subsection (7), is the life of the bill. The bill provides that if this man that is licensed violates the provisions of the bill, his license is to be taken away from him, and it should be, and then if you can get him under the antitrust law and send him to the penitentiary, you ought to do it.

Mr. FULMER. If you strike subsection (7) out, these people will have a right not only to conspire to fix the prices to the producers but they can conspire to fix the prices to the consumer and rob him out of the difference.

Mr. GLOVER. Absolutely.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. GLOVER. Yes.

Mr. MICHENER. The gentleman from Arkansas is wrong or the gentleman from Texas [Mr. JONES] is wrong, because Mr. JONES told us that under this provision the most that could be done would be to revoke the license, and the gentleman from Arkansas suggests that we catch the man and prosecute him.

Mr. GLOVER. Let me read it to the gentleman:

> It shall be unlawful in or in connection with any transaction in interstate or foreign commerce—
>
> (7) For any commission merchant, dealer, or broker, to conspire, combine, agree—

And so forth.

That makes it a violation of the law.

Mr. MICHENER. Yes; but where is the penalty?

Mr. GLOVER. It is in the statute here.

Mr. MICHENER. The gentleman from Texas says that it is not.

Mr. JONES of Texas. They can take his license away from him.

Mr. GLOVER. And without this you could not do it.

The CHAIRMAN. The time of the gentleman from Arkansas has expired. All time has expired. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I offer the following amendment to the committee amendment.

The Clerk read as follows:

> Committee amendment by Mr. HAUGEN: Page 21, strike out the period in line 2, insert a colon and the following:
>
> *Provided*, That this paragraph shall not be construed in any way to abridge or alter any of the rights or privileges under any other provision of law of any cooperative association qualified under the act entitled "An act to authorize an association of producers of agricultural products," approved February 18, 1922.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 108 and had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of

the two Houses on the amendments of the Senate to the bill (H. R. 6564) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes."

The message also announced that the Senate further insists upon its amendments to the bill (H. R. 2667) entitled "An act 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," numbered 364, 371, 885, 893, 903, 904, 1004, 1006, 1091, 1093, 1095, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1138, 1139, 1140, 1141, and 1151, relating to matters of substance; and amendments numbered 40, 41, 42, 43, 48, 49, 65, 66, 67, 374, 375, 377, 379, 380, 381, 383, 385, 386, 387, 895, 896, 897, 898, 899, 901, 902, 905, 906, 907, 908, 909, 910, 911, 913, 914, 915, 916, 917, 919, 920, 921, 922, 923, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 940, 942, 945, 946, 947, 948, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 987, 989, 992, 993, 995, 997, 999, 1002, 1003, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1066, 1067, 1068, 1070, 1071, 1072, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1085, 1086, 1087, 1089, 1090, 1094, 1096, 1098, 1099, 1102, 1103, 1104, 1105, 1109, 1111, 1112, 1156, 1157, 1171, and 1179, of a clerical nature, disagreed to by the House, asks a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMOOT, Mr. WATSON, Mr. SHORTRIDGE, Mr. SIMMONS, and Mr. HARRISON to be the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL

Mr. FRENCH, by direction of the Committee on Appropriations, reported the bill (H. R. 12236, Rept. No. 1395) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes, which was referred to the Union Calendar and ordered printed.

Mr. LAGUARDIA and Mr. JONES of Texas reserved all points of order.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I submit for printing the conference report on the bill H. R. 6564, the Interior Department appropriation bill.

RELATION OF THE FEDERAL WAREHOUSE ACT TO THE FEDERAL MARKETING ACT

Mr. GARBER of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating therein a memorandum from the chief of the warehouse division of the Department of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GARBER of Oklahoma. Mr. Speaker, Members of the House, the recent resolution of the board of directors of the National Chamber of Commerce, under the direction of Benjamin Butterworth, its president, and Julius Barnes, as chairman of the board, demanding a repeal of the effective provisions of the Federal marketing act and criticizing its administration by the Federal Farm Board, does not represent the consensus of opinion of the business men of the country, and by business men I include the men engaged in business throughout the entire country and who are members of their various chambers of commerce in their respective localities. The resolution referred to was simply jammed through the chamber under the leadership of Julius Barnes, chairman of the board, representing the grain interests of the country, with the aid of big business. No referendum was ever submitted to the membership of the organization. They were not consulted, and the high-handed action taken is a direct repudiation of the action taken by the membership by referendum vote demanding the enactment of remedial legislation.

The business men's commission on agriculture, appointed by the National Chamber of Commerce to investigate conditions and report and suggest remedial measures, was composed of some of the ablest representative executives in the United States, as is shown by the following list of its membership:

Charles Nagel, St. Louis, Mo. (chairman), of Nagel & Kirby; E. N. Brown, New York City, St. Louis-San Francisco Railway Co.; E. M. Herr, New York City, president Westinghouse Electric & Manufacturing Co.; J. G. Lonsdale, St. Louis, Mo., president National Bank of Commerce; A. F. McKissick, Greenville, S. C., vice president Alice Mills; Clay Miller, San Francisco, Calif., of Clay Miller & Co.; Arthur R. Rogers, Minneapolis, Minn., president Rogers Lumber Co.; John Stuart, Chicago, Ill., president Quaker Oats Co.; Alfred H. Swayne, New York City, vice president General Motors Corporation; Paul M. Warburg, New York City, chairman International Acceptance Corporation.

After a thorough investigation and study of the conditions of agriculture they made their report to the chamber, which included the following suggestions:

The commission suggests, therefore, that a Federal Farm Board, consisting of a small number of men appointed by the President, should be established to aid in the stabilization of prices and production in agriculture by advising farmers and farm organization fully and promptly regarding the planning of production and the marketing of crops. This board should make use of the facilities of the United States Department of Agriculture and be assisted in its work by advisory committees composed of persons adequately representing each important branch of agriculture and directly responsible to farmers and farm organizations who would cooperate with it both in supplying information and advice and in making its influence effective in the production and marketing of crops.

With the advice and assistance of the Federal Farm Board effort should be made to organize stabilization corporations to engage in the buying and selling of farm products for the purpose of stabilizing prices. Such corporations should be established through the cooperation of farm organizations, of private business organizations and of the Government acting through the Federal Farm Board, each of these supplying a part of the capital necessary. The Federal Government should at no time hold a controlling interest in the corporations, although it should participate in their management and be in a position to exercise such supervision over them as it does over the national banks, the Federal land banks, and the intermediate credit system.

These suggestions were incorporated in the Federal marketing act of 1929 and are essential to the vitality of the act although it is bottomed upon the effectiveness of cooperative organizations composed of the producers of agricultural products.

Just now the act and its administration by the Federal Farm Board are going through a crucial test of vicious criticism and attack by those interests making millions out of the merchandising of farm products. In other words, their position is that they only should exercise the privilege of marketing farm products and that the producers, through their organizations, should not be permitted to do so.

One of the main objectives of farm relief was to cut out the unnecessary overhead between the producer and the consumer. That overhead of so many different agencies handling the farmers' products exacted an average annual toll of $11,951,000,000; or, in other words, out of every dollar's worth of farm products the farmer produced he was only permitted to retain 45 cents.

The present criticism, denunciation, and violent assault of the law and its administration is the best evidence of its effectiveness in gradually attaining the above objective. As Chairman Legge put it: If the law did not work, there would be no objection. Or, in other words, they only favor farm relief so long as it does not work.

Supplementing the agricultural marketing act is the warehouse act, enacted in 1916. The proposed amendments now pending should be adopted. The act should be strengthened. It supplements the Federal marketing act. It is essential to storage. Storage is essential to orderly marketing. Orderly marketing is essential to the stabilization of the prices of farm products and their stabilization is essential to the exaction of reasonable prices to the producers. The Federal warehouse act is gradually winning its way into greater and wider usefulness. The following statement furnished me by H. Stanford Yohe, principal marketing specialist of the warehouse division of the Department of Agriculture, gives valuable information as to the utilization of storage through the act. Mr. Yohe is recognized as one of the leading marketing specialists of the United States, in full sympathy with the farmers and their efforts to better their conditions through cooperative organizations. His services in this connection will be appreciated upon a careful perusal of the statement which I append.

MEMORANDUM ON UNITED STATES WAREHOUSE ACT

The Federal warehouse act was passed in August, 1916. Little use was made of it for the first five years following its passage. Since then its use has increased substantially each year until to-day 635 warehouses of various sizes and storing various agricultural products are operating under its provisions.

The following table shows the number of warehouses by commodities and the amounts of such commodities that are storable in these warehouses at one time:

Commodities stored in warehouses

Commodity		Number	Capacity
Cotton	bales	332	4,022,310
Grain	bushels	185	42,585,497
Wool	pounds	20	37,158,940
Tobacco	do	7	202,700,000
Peanuts	tons	11	14,955
Broomcorn	bales	1	1,000
Dried beans	hundredweight	12	575,760
Sirup	gallons	13	1,079,610
Dried fruit	pounds	1	4,000,000
Canned foods	cases	45	2,424,900
Cottonseed	tons	4	16,000
Cold-pack fruit	pounds	4	4,235,000

During the past eight years farmers' cooperative marketing associations, handling products which are eligible for storage under the act, have used these federally licensed warehouses on a large scale. With the exception of two, all of the large cotton-growers' associations have been using, and are using, Federal warehouse receipts as a basis of their financial operations. The various cooperative wheat-growers' associations, including the Central States Wheat Growers' Association, the Southwest Wheat Growers' Association, the Oklahoma Wheat Growers' Association, the Texas Wheat Growers' Association, the Kansas Wheat Growers' Association, and the Northwest Wheat Growers' Association, have used Federal warehouse receipts. The large tobacco cooperative growers' associations, when they were functioning, depended entirely upon such receipts for their financing. The Colorado Bean Growers' Association has been using them exclusively from the beginning of their organization. The same is true of the Idaho Bean Growers' Association. The Arkansas Rice Growers' Association has been depending on Federal warehouse receipts. There are any number of other cooperative associations handling dried fruit, canned foods, wool, and other commodities which store their products in federally licensed warehouses with the idea of getting a receipt which will aid them to the utmost in financing their members.

In addition to the use made by these various cooperative associations of the warehouse act, there are thousands of handlers of agricultural products and tens of thousands of individual farmers who are also using federally licensed warehouses. The very largest cotton dealers of the country are using these federally licensed warehouses because both these dealers and their bankers have come to recognize that when products are stored in these federally licensed warehouses they will be there when delivery is desired and the banks recognize the merits of the many safeguards that are thrown about these warehouses to protect the collateral.

Quotations from a few letters regarding the warehouse act may be of service.

A large grain operator in Omaha, who stores for the farmers and for cooperative associations, advises in part as follows:

"Everyone admits that if we are working under the Government system we have everything that could be desired. Our operating under the law has made it possible for us to borrow about double the funds we did before and at lower interest than the prevailing rates."

From the Colorado Bean Growers' Association came this word:

"We have found the warehouse act invaluable in financing the operations of our association during the past two years."

From the operator of perhaps the largest tobacco warehouses in the country comes this word:

"I have sixty and odd warehouses here covering more than one and one-quarter million square feet of space, and have had them all bonded under the warehouse act for more than five years. * * * I have, at the present time, more than 85,000 hogsheads and cases of tobacco, something over 80,000,000 pounds in weight and $20,000,000 in value. I simply mention this to give you some idea of the volume of business being handled. I do not see how your association can fail to realize what a great help this branch of the Department of Agriculture is to the farmer, the dealer, and the warehouseman."

In the attached circular, on pages 6, 7, 8, and 9, certain paragraphs are marked in the margin with blue pencil, directing attention to the opinions of leading bankers concerning the warehouse receipts issued under the United States warehouse act.

The proposed amendments to the warehouse act now under consideration have several objectives:

First, the present law imposes certain administrative duties upon the Secretary, which, as a matter of fact, because of the volume, must be handled by subordinates. It is, therefore, proposed in some of the amendments to relieve the Secretary of this detail, placing it in the hands of persons whom he will designate. In other words, these amendments are made for administrative convenience.

The amendment to section 10 authorizes the collection of a fee from persons who are licensed to inspect, grade, and/or weigh agricultural products. At present no such fee is authorized, and since the license is of distinct service to the persons who are licensed there is no reason why a reasonable fee should not be charged.

The amendment to section 29 is one of the most important now suggested. In a good many States there are State warehousing laws, many of which are merely declaratory of what the law should be and have no administrative machinery. The Federal warehouse act as now worded provides that where there is a conflict of law between the State and Federal law that the State law shall prevail.

Experience has demonstrated that this is an unsound provision. As a general thing it is an easy matter to have a statute in a State amended. The result is that when the Federal act has a specific provision which does not meet the approval of some people they promptly attempt to have the State law amended regardless of the fact that the Federal requirement is absolutely sound. With the State law the opposite of what the Federal law is, and with section 29 of the Federal act worded as it now is, it at once is apparent that the Federal act is defeated in it purpose.

Several such instances have already taken place, with the result that either unsound conditions were created or that unnecessary hardships were imposed upon the warehousemen or they were driven from the Federal warehouse system. Either of these conditions is undesirable, because the Federal act and the warehouse receipts issued thereunder have both been recognized by the leading bankers of the country from one end to the other.

The Federal warehouse act has played no small part in the large scale financing which many of our leading cooperative growers' associations have required, and everything should be done to strengthen this act rather than to weaken it.

Only recently the vice president of one of the largest banks in the Pacific Northwest, where they have cooperative growers' associations handling various commodities, in writing an article in one of the leading banking journals made the following statement regarding federally licensed receipts and the amendments now pending in Congress to the Federal warehouse act:

"Fortunately, so far as those interested in the products of agriculture are concerned, the Federal Government several years ago recognized the necessity of protecting the farmer by the proper storage of his products. * * * Federal licensing has spread rapidly over the country, and wherever it is employed has proved its worth and demonstrated the value of a receipt that can be absolutely relied upon as collateral security. In the case of a federally licensed warehouse, the banker is relieved of the necessity of determining the standing and integrity of the warehouseman, his ability, and the quality of his equipment. * * *

"A bill now pending in Congress, known as Senate bill 1202, provides for amending the Federal warehouse act. Briefly stated, the purposes of the amendment are to fortify the act in a few places where experience has demonstrated such need. Perhaps the most important of these needed changes is to relieve the operation of the act from interference by State laws, as has been permitted in some parts of the country. This is reasonable and in accord with other Federal enactments, such as the national bank act, the Federal reserve act, and others. The Federal warehouse act is not mandatory legislation, and the warehouseman only operates under it when he chooses to do so and is able to meet its requirements. To strengthen this law is to strengthen the collateral issued thereunder, and not have it subject to attack by those who do not want to practice sound warehousing."

RECOMMITTAL OF THE BILL H. R. 8461

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to vacate the proceedings under which the bill H. R. 8461 was laid on the table, and that the bill be recommitted to the Committee on War Claims.

The SPEAKER. The gentleman from Kansas asks unanimous consent to vacate the proceedings by which the bill H. R. 8461 was laid on the table, and that the bill be recommitted to the Committee on War Claims. Is there objection?

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, what is the purpose of the bill?

Mr. STRONG of Kansas. To make a refund to a steel company. The bill was reported adversely, and then the committee had additional testimony, so that we ask to have the proceedings vacated and the bill recommitted to the committee.

Mr. SCHAFER of Wisconsin. It was a unanimous report, was it?

Mr. STRONG of Kansas. Yes.

Mr. SCHAFER of Wisconsin. What do you want it to go back for?

Mr. HARE. This bill was reported from the committee of which I have the honor to be a member. It was reported adversely, but since then information has been received to the effect that our previous information was erroneous.

Mr. LAGUARDIA. What action of the House is the request of the gentleman intended to vacate?

Mr. STRONG of Kansas. The proceedings by which the bill was reported adversely.

The SPEAKER. A bill reported adversely under the rules shall lie on the table unless a request is made within three days that it be referred to the calendar. That request not having

been made, the bill automatically went to the table. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 11780. An act granting the consent of Congress to Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky.; and

H. J. Res. 305. Joint resolution providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930.

The SPEAKER announced his signature to a bill and joint resolution of the Senate of the following titles:

S. 2076. An act for the relief of Drinkard B. Milner; and

S. J. Res. 135. Joint resolution authorizing and requesting the President to extend to foreign governments and individuals an invitation to join the Government and people of the United States in the observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval a joint resolution of the House of the following title:

H. J. Res. 305. Joint resolution providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930.

ADJOURNMENT

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned, to meet to-morrow, Thursday, May 8, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, May 8, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON EDUCATION

(10.30 a. m.)

To provide for the further development of vocational education in the several States and Territories (H. R. 10821).

COMMITTEE ON WAR CLAIMS

(4.30 p. m.)

For the relief of George B. Marx (H. R. 1611).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend section 4530 of the Revised Statutes of the United States (H. R. 6789).

To amend section 2 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea" (H. R. 6790).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(11 a. m.)

To reorganize the Federal Power Commission and to amend the Federal water power act (H. R. 11408).

SUBCOMMITTEE

(10 a. m.)

To amend an act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926 (H. R. 9890).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the naturalization law (H. R. 3547).

COMMITTEE ON FLOOD CONTROL

(10.30 a. m., 2.30 p. m., and 8 p. m.)

To provide for a survey of the Colorado River, Tex., with a view to the prevention and control of floods (H. R. 11659).

To consider the economics involved in flood control in areas affected by backwaters of the Mississippi River.

To amend section 7 of Public Act No. 291, Seventieth Congress, approved May 15, 1928 (H. R. 8479).

To amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, approved May 15, 1928" H. R. 11548).

The committee will hear proposals to construct a spillway below New Orleans.

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(10.40 a. m.)

Authorizing any executive department or independent establishment to do work for any other executive department or independent establishment and prescribing the method of payment therefor (H. R. 10199).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 9601. A bill to provide for the appointment of an additional circuit judge for the third judicial circuit; without amendment (Rept. No. 1389). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Printing. H. R. 8653. A bill to authorize Members of Congress to exchange with the Public Printer Government publications for public distribution; without amendment (Rept. No. 1390). Referred to the House Calendar.

Mr. KOPP: Committee on Labor. H. R. 995. A bill to create in the Bureau of Labor Statistics of the Department of Labor a division of safety; without amendment (Rept. No. 1392). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 10880. A bill authorizing the construction of the Michaud division of the Fort Hall Indian irrigation project, Idaho, an appropriation therefor, and the completion of the project, and for other purposes; with amendment (Rept. No. 1393). Referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH: Committee on Appropriations. H. R. 12236. A bill making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes; without amendment (Rept. No. 1395). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on Military Affairs. H. R. 11899. A bill to make a correction in an act of Congress approved February 28, 1929; without amendment (Rept. No. 1391). 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. BRITTEN: A bill (H. R. 12229) to amend the act of March 4, 1911, entitled "An act for the establishment of marine schools, and for other purposes"; to the Committee on Naval Affairs.

By Mr. JAMES (by request of the War Department): A bill (H. R. 12230) to permit naval and Marine Corps service of Army officers to be included in computing dates of retirement; to the Committee on Military Affairs.

By Mr. McDUFFIE: A bill (H. R. 12231) authorizing the exchange of certain real properties situated in Mobile, Ala., between the Secretary of Commerce on behalf of the United States Government and the Gulf, Mobile & Northern Railroad Co., by the appropriate conveyances containing certain conditions and reservations; to the Committee on Interstate and Foreign Commerce.

By Mr. WURZBACH: A bill (H. R. 12232) authorizing P. D. Anderson and W. B. Johnson, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rio Grande River between Presidio, Tex., and Ojinaga, Mexico; to the Committee on Interstate and Foreign Commerce.

By Mr. KNUTSON: A bill (H. R. 12233) authorizing the Robertson & Kanine Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at or near Baudette, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 12234) to authorize the use of certain land owned by the United States in the District of Columbia for street purposes; to the Committee on the District of Columbia.

By Mr. CRAMTON: A bill (H. R. 12235) to provide for the creation of the colonial national monument in the State of Virginia, and for other purposes; to the Committee on the Public Lands.

By Mr. FRENCH: A bill (H. R. 12236) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. GREGORY: A bill (H. R. 12237) to confer additional jurisdiction on the United States Board of Tax Appeals, and for other purposes; to the Committee on Ways and Means.

By Mr. GRAHAM: Concurrent resolution (H. Con. Res. 31) to print 10,000 additional copies of the hearings held before the House Committee on the Judiciary on joint resolutions proposing to amend the Constitution of the United States relating to the manufacture and sale of intoxicating liquors within the United States; to the Committee on Printing.

By Mr. BROWNE: Joint resolution (H. J. Res. 333) to authorize an appropriation of $10,000 for the expenses of participation by the United States in the Ninth International Dairy Congress, Copenhagen, Denmark, 1931; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOLTON: A bill (H. R. 12238) granting an increase of pension to Millie Burton; to the Committee on Invalid Pensions.

By Mr. CLAGUE: A bill (H. R. 12239) for the relief of Lela B. Smith; to the Committee on Claims.

By Mr. CROWTHER: A bill (H. R. 12240) granting an increase of pension to Mary A. McLeod; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 12241) granting a pension to Minnie Phillips; to the Committee on Pensions.

By Mr. EATON of Colorado: A bill (H. R. 12242) granting a pension to Inez I. Beghtol; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12243) granting an increase of pension to Emma C. Phillips; to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 12244) for the relief of Mary Oliver; to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 12245) granting an increase of pension to Emily M. Kiser; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 12246) granting an increase of pension to Eva L. Brown; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 12247) to authorize credit in the disbursing accounts of certain officers of the Army of the United States; to the Committee on Claims.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 12248) granting an increase of pension to Barbara C. Bitner; to the Committee on Invalid Pensions.

By Mr. McCORMACK of Massachusetts: A bill (H. R. 12249) for the relief of Harry Siegel; to the Committee on Military Affairs.

By Mr. MILLIGAN: A bill (H. R. 12250) granting a pension to Margaret A. Alley; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 12251) granting a pension to Margaret McMurray; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 12252) granting an increase of pension to Marguerite Denny; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12253) granting an increase of pension to Mary H. Clintsman; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 12254) to carry out the findings of the Court of Claims in the case of the Atlantic Works, of Boston, Mass.; to the Committee on Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 12255) granting a pension to Mary Gresh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12256) granting an increase of pension to Ella J. Heasley; to the Committee on Invalid Pensions.

By Mr. WOLVERTON of New Jersey: A bill (H. R. 12257) granting an increase of pension to Anna M. Dielkes; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 12258) granting an increase of pension to Amy M. Browne; to the Committee on Pensions.

By Mr. ZIHLMAN: A bill (H. R. 12259) granting a pension to Carrie Lynch; to the Committee on Invalid Pensions.

By Mr. BACON: A bill (H. R. 12260) granting an increase of pension to Georgia A. Harlow; 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:

7217. By Mr. BRUNNER: Petition of the National Council of Jewish Women, North Shore section, Long Island, N. Y., protesting against the passage of Senate bill 1278 and House bills 10669 and 11876, as fixing educational standards for applicants for citizenship entirely too high for adult aliens; to the Committee on Immigration and Naturalization.

7218. By Mr. CRADDOCK: Resolution of Woman's Christian Temperance Union, Hardinsburg, Ky., signed by Mrs. A. Kincheloe, president, and Clara Eskridge, secretary, requesting the House of Representatives to pass legislation providing for Federal supervision of motion pictures that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7219. By Mr. COYLE: Petition of Bethlehem Council, No. 508, Fraternal Patriotic Americans, Bethlehem, Northampton County, Pa., urging the enactment of the Robsion-Capper free public school bill into law; to the Committee on Education.

7220. By Mr. ENGLEBRIGHT: Petition of Mitchell Tillotson, secretary Modoc County Development Board, approving House bill 9599; to the Committee on Agriculture.

7221. By Mr. EVANS of California: Petition of Ida Bick, and signed by approximately 250 others, urging the passage of the Robsion-Capper education bill; to the Committee on Education.

7222. By Mr. GARBER of Oklahoma: Petition of Oklahoma City Chamber of Commerce, favoring Crisp and Simmons bills but calling attention to fact that the word "Oklahoma" should be included in both; to the Committee on Irrigation and Reclamation.

7223. Also, petition of Southern States Art League, New Orleans, La., in support of House bill 7243, design copyright bill, introduced by Mr. VESTAL; to the Committee on Patents.

7224. By Mr. GLOVER: Memorial of common council of the city of Camden, State of Arkansas, to proclaim October 11 as General Pulaski's memorial day; to the Committee on the Judiciary.

7225. By Mr. GREENWOOD: Petition of Rodney H. Delphia and 148 other members of Burch-Wood Post, No. 121, the American Legion, for the immediate payment in cash of the adjusted-service certificates to the World War veterans; to the Committee on World War Veterans' Legislation.

7226. By Mr. GUEVARA: Resolution adopted by Nagtitipunan Daguiti Ilocanos Association of San Pablo, Laguna, P. I., signed by Faustino Espiritu, president, and Jose E. Estavillo, secretary, protesting against the violence committed upon the Filipino residents of Watsonville, Calif.; to the Committee on Insular Affairs.

7227. Also, resolution No. 44 of the Municipal Council of San Pablo, Laguna, P. I., adhering to the bill of Senator KING which provides for the complete, immediate, and absolute independence of the Philippine Islands, and earnestly requesting the members of the Philippine independence mission and the Resident Commissioners to give their utmost support and recommend that the bill be approved by Congress; to the Committee on Insular Affairs.

7228. Also, resolution unanimously adopted by the inhabitants of the municipality of Cavinti, Province of Laguna, P. I., upon the occasion of Rizal's Day celebration, expressing their sincere desire, as a component part of the people of the Philippine Archipelago, to be free and independent. The resolution was signed by Onofre Valente, chairman, and members of the committee on Rizal Day; to the Committee on Insular Affairs.

7229. By Mr. KORELL: Petition of residents of Multnomah County, Oreg., urging the enactment of House bill 8976; to the Committee on Pensions.

7230. By Mr. O'CONNELL of New York: Petition of the Chamber of Commerce of the State of New York, favoring a 24-hour quarantine service at New York; to the Committee on the Merchant Marine and Fisheries.

7231. Also, petition of the National Retail Dry Goods Association of New York, favoring certain amendments to House bill 11852, copyright bill; to the Committee on Patents.

7232. By Mr. SELVIG: Petition of city council of Two Harbors, Minn., urging enactment of House Joint Resolution 167, setting aside October 11 of each year as General Pulaski's memorial day; to the Committee on the Judiciary.

7233. By Mr. SMITH of West Virginia: Petition of the postal employees of Elkins, W. Va., favoring the passage of Kendall 44-hour week bill; to the Committee on the Post Office and Post Roads.

7234. By Mr. SULLIVAN of Pennsylvania: Petition of Pittsburgh Sisterhood, No. 80, Dames of Malta, representing a membership of 200, urging immediate consideration of Robsion-Capper bill; to the Committee on Education.

SENATE

THURSDAY, *May 8, 1930*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Thou who art ever near, yet invisible to our dim eyes; who dwellest in the innermost, yet art unknown to our distracted thought, we come to Thee with no fond feeling of perfection reached, but only with the wistfulness of need. Give us this day Thy life in such abundance that we may bathe our souls in Thy pure light; give us sufficient of Thy power that we may be a power of righteousness among our fellow men; give us such measure of Thy love that all the lesser things of time and sense may fade before the vision of the highest, holiest manhood.

And if Thou seest fit to lead us through the shadowland of sorrow, suffering, or sacrifice, make us to be as those whose hearts are set on high, whose minds are generous and lofty, for the sake of Him whose sorrow stays our feet, whose suffering stirs our hearts, whose sacrifice doth save our souls, Jesus Christ our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative days of Monday, April 21, 1930, and Wednesday, April 30, 1930, when, upon request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7. An act to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended;

H. R. 730. An act 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; and

H. R. 10877. An act authorizing appropriations to be expended under the provisions of sections 4 to 14 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 2076. An act for the relief of Drinkard B. Milner;

H. R. 11780. An act granting the consent of Congress to Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky.; and

S. J. Res. 135. Joint resolution authorizing and requesting the President to extend to foreign governments and individuals an invitation to join the Government and people of the United States in the observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va.

CALL OF THE ROLL

Mr. FESS. 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	Black	Bratton	Caraway
Ashurst	Blaine	Brock	Connally
Barkley	Blease	Broussard	Copeland
Bingham	Borah	Capper	Couzens
Cutting	Hebert	Phipps	Swanson
Deneen	Howell	Pine	Thomas, Idaho
Dill	Johnson	Pittman	Thomas, Okla.
Fess	Jones	Ransdell	Trammell
Frazier	Kean	Reed	Tydings
Glass	Kendrick	Robinson, Ark.	Vandenberg
Glenn	Keyes	Robinson, Ind.	Wagner
Goldsborough	La Follette	Schall	Walcott
Gould	McKellar	Sheppard	Walsh, Mass.
Greene	McMaster	Shortridge	Walsh, Mont.
Hale	McNary	Simmons	Waterman
Harris	Metcalf	Smoot	Watson
Harrison	Norris	Steck	Wheeler
Hatfield	Oddie	Steiwer	
Hawes	Overman	Stephens	
Hayden	Patterson	Sullivan	

Mr. FRAZIER. My colleague [Mr. NYE] is unavoidably detained from the Senate. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I wish to announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

Mr. HARRIS presented a resolution adopted by the Common Council of the City of Elberton, Ga., favoring the passage of legislation designating October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

Mr. RANSDELL presented resolutions of the Louisiana Bankers' Association, which were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolution of Louisiana Bankers' Association favoring less Government in business

Whereas the very fundamental of the right of the private enterprise of our Republic is being trespassed upon through interference by the activities of our Federal Government;

Whereas this is particularly true at the present time through an encroachment upon the established, recognized, and orderly conduct of activities agricultural; and

Whereas this interference establishes a precedent for the extension of Government interference into unlimited lines of industry: Therefore be it

Resolved, That the Louisiana Bankers' Association views with increasing alarm the further encroachment of Government into private business affairs; be it further

Resolved, That this association feels that the time has come to build up a clear understanding of the need for less Government in business so that private enterprises may expand and prosper; be it further

Resolved, That a copy of this resolution be forwarded by the secretary of the Louisiana Bankers' Association to the Members of the United States House of Representatives and the United States Senators from Louisiana; be it further

Resolved, That the American Bankers' Association be requested to indorse this principle and further requested to communicate their action to all of the United States Congressmen and Senators in the several States, together with a copy to His Excellency President Hoover.

G. R. BROUSSARD, *Secretary*.

APRIL 26, 1930.

Mr. WALCOTT presented a resolution adopted by the Board of Aldermen of the City of New Haven, Conn., favoring the ordering by Congress of a popular referendum on the eighteenth amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented petitions and papers in the nature of petitions of the United Brotherhood of Carpenters and Joiners, of New Haven; the Connecticut Federation of Labor, of Bridgeport; the New Haven Trades Council, the Hartford Central Labor Union, and the United Brotherhood of Carpenters and Joiners, of Noank, all in the State of Connecticut, praying for the passage of House bill 10343, providing for the placing of immigrants from countries of the Western Hemisphere under quota restriction, which were referred to the Committee on Immigration.

He also presented petitions and papers in the nature of petitions of Frederick Fuller Camp, No. 24, United Spanish War Veterans, of Guilford; Allen M. Osborn Camp, No. 1, United Spanish War Veterans, of New Haven; Burdette Camp, United Spanish War Veterans, of Hartford; Ernest Weichert Camp, No. 26, United Spanish War Veterans, of Danbury; N. W. Bishop Camp, No. 3, United Spanish War Veterans, of Bridgeport; William Hamilton Camp, No. 20, United Spanish War Veterans, of