Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTY-FIRST CONGRESS
SECOND SESSION

SENATE

MONDAY, *June 9, 1930*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Eternal Father, who drawest the veil of night over the tired eyes of day and renewest its sight with the fresh gladness of awakening, fill our hearts with Thy radiance and gird us anew with strength to bear lightly our joys and our sorrows, and in making us fruitful in Thy service grant that we may never bend the knee to the insolence of might.

Raise our thoughts high above life's daily trifles into the free realm of the spirit, where the mind knows no fear, where words come from the depths of truth, where tireless striving stretches eager arms toward perfection and patient love surrenders to Thy will. Into this heaven of freedom, O Father, may our Nation awake. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday, May 29, 1930, when, on 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. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 517) for the relief of Arch L. Gregg.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12205) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

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

H. R. 471. An act for the relief of Luther W. Guerin;
H. R. 474. An act for the relief of Samuel B. Faulkner;
H. R. 495. An act for the relief of Katherine Frances Lamb and Elinor Frances Lamb;
H. R. 528. An act for the relief of Clarence C. Cadell;
H. R. 556. An act for the relief of Ernst Lueger;
H. R. 845. An act for the relief of R. L. Wilson;
H. R. 849. An act for the relief of Edward H. Cotcher;
H. R. 1058. An act for the relief of Jesse A. Frost;
H. R. 1075. An act to correct the naval record of James M. Hudson;
H. R. 1592. An act for the relief of William Meyer;
H. R. 1836. An act for the relief of Robert E. Beck, alias Rudolph E. Beck and Harry J. Brown;
H. R. 1892. An act for the relief of Henry Manske, jr.;
H. R. 2075. An act for the relief of Addie Belle Smith;
H. R. 2335. An act providing for the promotion of Chief Boatswain Edward Sweeney, United States Navy, retired, to the rank of lieutenant on the retired list of the Navy;
H. R. 2465. An act for the relief of Earl D. Barkly;
H. R. 3644. An act for compensation in behalf of John M. Flynn;
H. R. 3889. An act for the relief of Albert A. Inman;
H. R. 3891. An act for the relief of Harry Martin;
H. R. 4161. An act for the relief of Isaac Fink;
H. R. 5113. An act for the relief of Sylvester J. Easlick;
H. R. 5459. An act for the relief of Topa Topa Ranch Co., Glencoe Ranch Co., Arthur J. Koenigstein, and H. Fukasawa;
H. R. 5526. An act for the relief of Fred S. Thompson;
H. R. 6537. An act for the relief of Prentice O'Rear;
H. R. 6668. An act for the relief of Peter R. Wadsworth;
H. R. 7026. An act for the relief of Mrs. Fanor Flores and Pedro Flores;
H. R. 7027. An act for the relief of Paul Franz, torpedoman third class, United States Navy;
H. R. 7661. An act for the relief of Margaret Stepp Bown;
H. R. 8393. An act to authorize the Court of Claims to correct an error in claim of Charles G. Mettler;
H. R. 8665. An act for the relief of William A. Quigley;
H. R 8723. An act for the relief of Rachel Levy;
H. R. 10919. An act for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes;
H. R. 11022. An act for the relief of Sterrit Keefe;
H. R. 11082. An act granting a franking privilege to Helen H. Taft;
H. R. 11088. An act for the refund of money erroneously collected from Thomas Griffith, of Peach Creek, W. Va.;
H. R. 11132. An act for the relief of Edward Knight; and
H. R. 12440. An act providing certain exemptions from taxation for Treasury bills.

ENROLLED BILLS SIGNED

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

H. R. 977. An act establishing under the jurisdiction of the Department of Justice a division of the Bureau of Investigation to be known as the division of identification and information;
H. R. 6348. An act donating trophy guns to Varina Davis Chapter, No. 1980, United Daughters of the Confederacy, Macclenny, Fla.;
H. R. 11143. An act to create in the Treasury Department a bureau of narcotics, and for other purposes;
H. R. 12205. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and
H. R. 12236. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes.

STATEMENT OF BISHOP CANNON

Mr. HEFLIN. Mr. President, I ask permission to print in the RECORD a statement of Bishop Cannon, in which he said that he intended no discourtesy to the Senate committee.

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

The statement is as follows:

THE BISHOP'S STATEMENT

I intended no discourtesy to the Senate or to the Senate committee by retiring as a voluntary witness from the committee room on Thursday morning.

The facts are: On April 12, voluntarily, without any suggestion from the committee, I wrote to the chairman that "in view of certain statements which have appeared in the press concerning the work of the Board of Temperance and Social Service of the Methodist Episcopal Church South, as officers of that board, we are writing you to state that if your committee desires any information concerning the work of our board we shall be glad to appear before the committee and furnish such information."

This note volunteered to give information concerning "the work of our board," and not concerning my personal or political activities, and that information was freely given to the committee. When the effort was made to investigate my activities as a leader of the anti-Smith Democrats, I filed with the committee a statement questioning the jurisdiction of the committee on that point, setting forth my objections to answering such questions, and Senator WALSH stated that the committee would take my statement under advisement.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I supposed that it would be considered by a quorum of the committee and official decision be reached. In the meanwhile, the press reported Chairman CARAWAY as stating that the committee was not authorized to inquire into my political activity. But when the committee met again on Wednesday morning Senator WALSH announced that "there is not a quorum of the committee present this morning and it would be impossible for us to make any order in the premises."

REASONS FOR WITHDRAWAL

"If you persist in refusing to answer the questions which the committee desires to propound to you along that line, we will be obliged to discontinue that course of inquiry."

Nevertheless, after admitting that a quorum of the committee had not passed upon my objections, Senator WALSH warned me that my refusal might become a penal offense. I should probably have insisted then upon the inability of the committee to ask further questions legally without a quorum, but I decided to remain.

I was amazed, however, that, despite Senator WALSH'S distinct statement that it would be necessary to discontinue that course of inquiry, question after question was asked me concerning my personal and political activities in order to get some matters in the record, regardless of the failure of the committee to rule upon my objections and the declaration of Senator WALSH quoted above.

This course of the committee I considered to be not only unfair but illegal, and I decided that I would not continue any longer as a voluntary witness until the committee secured a quorum, summoned me as a witness, and ruled formally upon my objections to investigating my political activities in the anti-Smith campaign.

As I had never been summoned and as a quorum of the committee had not been present at either session, I was honestly of the opinion that I could withdraw upon my own motion. I did, however, appear before the committee—again without a quorum—made a statement setting forth my position, and then withdrawing as a voluntary witness and stating that I would be at the disposal of the committee when officially summoned.

REFERS TO SUPREME COURT RULING

If two members of the committee could not pass upon my objections to testifying concerning my political activities and could not issue a subpœna, I do not see how two members could legally object to my withdrawal, and certainly I do not understand how I could be declared by two members of a committee to be in contempt of the Senate by my withdrawal, as I have understood that the Supreme Court had decided that no action of a committee is legal unless a quorum is present.

I can but wonder, also, whether matter inserted in the record over my protest, with only two members of the committee present, is legally a part of the record.

One additional word concerning the $48,300 spent in the Virginia anti-Smith campaign. The people of Virginia and of the country at large know that $48,300 was a comparatively small sum to use to organize successfully a State like Virginia in such a campaign, but a small, vindictive group of Virginia politicians, for political reasons for use in future campaigns, are determined, if possible, to get the names of the Virginia anti-Smith workers and the amounts paid them for their work in that campaign, which information it is not my purpose to give them.

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

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

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

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

FEDERAL CONTRIBUTION TO DISTRICT OF COLUMBIA EXPENSES

Mr. BINGHAM. Mr. President, I ask unanimous consent at this time to present a statement from the conferees on the part of the Senate on the District of Columbia appropriation bill and ask that the clerk may read it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read, as requested.

The Chief Clerk read as follows:

The undersigned conferees on the part of the Senate on the District of Columbia appropriation bill for the fiscal year 1931 beg to submit the following, showing the unfairness to the District of Columbia of the $9,000,000 contribution of the Government of the United States as its share of District expenses:

(1) The contribution of the Government of the United States as its share of the expenses of the government of the District of Columbia was fixed at $9,000,000 for the fiscal year 1925 in the District of Columbia appropriation act approved June 7, 1924. The total District of Columbia appropriations for the fiscal year 1925 amounted to $31,183,152.28. In the opinion of the Senate conferees, in all fairness, this question resolves itself into a problem of simple proportion. If $9,000,000 was fair and just of $31,183,152.28 appropriations for the fiscal year 1925, what amount would be fair and just as approximately $43,500,000 appropriations for the fiscal year 1931?

(2) If $9,000,000 was fair and just for the fiscal year 1925, would the same amount be fair and just for 1931, the value of the property of the Government of the United States having increased many millions of dollars since the fiscal year 1925?

(3) There are also to be considered in connection with the justification for an increase in the Federal contribution certain projects of improvement which will run into many more millions of dollars. For instance, the municipal center, municipal airport, armory for the National Guard, new Center Market, children's tuberculosis sanatorium, new bridges, including the replacement of the Calvert Street Bridge, new jail building, extension of the Supreme Court Building, additional buildings for Gallinger Hospital, sewage treatment works, improvement of the water front along the Washington Channel of the Potomac River, buildings for the National Zoological Park, branch library sites and buildings, and others. All of these improvements have been recommended to the commissioners during the past year or two, and some of them are already authorized by law. At a very rough estimate these improvements would cost between $35,000,000 and $40,000,000. The question arises, Where is all this money coming from? The action of the Senate in increasing the Federal contribution for the fiscal year 1931 from $9,000,000 to $12,000,000 is a partial answer.

(4) Since the limits of the District are forever fixed, it follows that each year the building operations and the condemnation of private holdings force an expansion into Virginia and Maryland, and this results in finally depriving the District of certain sources of revenue.

The exemptions of various classes of property, including the holdings of the United States, are so great that they point to some compensating revenue from the United States. Their value based on a fair estimate shows that they are far in excess of the usual needs of exempt property in an ordinary city.

The chief means of livelihood of a majority of the population is dependent on the pay roll of the United States Government, and it will naturally follow that an excess in taxation will have a depressing effect on these employees of the United States who are forced to contribute to the support of a national city.

The Capital's development should not be confined to certain sections or narrow limits, but should be extended with great uniformity over the entire District.

President Coolidge, in one of his messages to Congress, thus expressed his feelings regarding the Capital City:

> If our country wishes to compete with others, let it not be in the support of armaments but in the making of a beautiful Capital City. Let it express the soul of America. Whenever an American is at the seat of his Government, however traveled and cultured he may be, he ought to find a city of stately proportions, symmetrically laid out and adorned with the best that there is in architecture, which would arouse his imagination and stir his patriotic pride. In the coming years Washington should be not only the art center of our own country but the art center of the world. Around it should center all that is best in science, in learning, in letters, and in art.

This ideal condition can be accomplished only by the fostering care of Congress.

HIRAM BINGHAM.
CARTER GLASS.
ARTHUR CAPPER.
LAWRENCE C. PHIPPS.
JOHN B. KENDRICK.

Mr. BINGHAM. Mr. President, on behalf of the five conferees on the part of the Senate on the District of Columbia

appropriation bill I desire to express our regret that we have been unable to persuade the House conferees to move at all from their position that $9,000,000, the same amount which has been appropriated now for a number of years as the Federal contribution to the District of Columbia expenses, should continue to be the total amount of Federal contribution. The Senate voted that $12,000,000 was the proper figure for this year.

The existing law passed in 1922 provides that the expenses of the District government shall be borne in the proportion of 60 per cent by the District and 40 per cent by the Federal Government. If that law had been carried out, the amount of the Federal contribution this year would have been a little more than $15,000,000; but your committee did not feel, under all the circumstances, that it was best to ask for that amount. The Senate asked for $12,000,000. The House conferees have expressed themselves as unwilling to compromise at all between $9,000,000 and $12,000,000, and the conferees on the part of the Senate, while regretting the situation, believe that the amount of $9,000,000 is not adequate or fair, in view of the statement which the Senate conferees have signed which has just been read.

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

The VICE PRESIDENT. Will the Senator from Connecticut yield to the Senator from Indiana?

Mr. BINGHAM. I yield.

Mr. WATSON. I should like to ask the Senator from Connecticut how many conferences were had with the House conferees on the subject?

Mr. BINGHAM. My recollection is that we met some four or five times.

Mr. WATSON. Did the Senate conferees make various proposals of compromise as between the two Houses?

Mr. BINGHAM. The Senate conferees said that they would not insist upon $12,000,000, but would be glad to meet the House conferees halfway or agree to any amount that seemed fair to the House conferees, but those conferees took the position that $9,000,000 was the utmost which they were willing to concede.

Mr. WATSON. How long has $9,000,000 been the sum appropriated by the Federal Government as its proportion of the expenses of the District—three or four years?

Mr. BINGHAM. My recollection is that $9,000,000 has been the Federal contribution since 1925.

Mr. WATSON. No offer of compromise was accepted?

Mr. BINGHAM. The House conferees did not seem willing to move at all in our direction. Each year the portion contributed by the Federal Government has been getting smaller and smaller, although the amount of property owned by the Federal Government and the buildings constructed by the Government have been increasing, and also the amounts appropriated for park purposes and other purposes required for the city of Washington, the National Capital, are steadily increasing.

The Senate conferees also called attention to the fact that this is not a business district or a business center; that there are no great manufacturing operations being conducted here; so that there are no great private businesses from which the residents of Washington may draw large salaries. The District is composed largely of those who are dependent upon the clerks employed by the Federal Government for their living, and the employees of the Government are to a greater extent living outside of the District. So the conferees on the part of the Senate felt that the amount of $9,000,000, which might have been adequate five years ago, is no longer anywhere near adequate or fair.

Mr. WATSON. It would seem, Mr. President, that the Senate conferees are within their rights at least in insisting on a compromise.

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

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

Mr. BINGHAM. I yield.

Mr. FESS. What was the ratio back in 1925?

Mr. BINGHAM. The law passed in 1922 fixed the ratio of 40 to 60, 40 being contributed by the General Government and 60 by the District taxpayers.

Mr. FESS. And $9,000,000 of a total of $31,000,000 appropriation would be in the ratio of something like 33 per cent; but under the appropriations carried in the present bill it would only be about 22 per cent?

Mr. BINGHAM. It would be less than that, because it is $9,000,000 out of an appropriation of something like $43,000,000.

The VICE PRESIDENT. The statement of the conferees will lie on the table.

PETITIONS

Mr. COPELAND presented petitions of 66 citizens of the State of New York, praying for the passage of the so-called Rankin bill, being the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended, which were referred to the Committee on Finance.

Mr. BLAINE presented a resolution of the Centralized Polish Organizations of the City of Cudahy, Wis., favoring the passage of legislation setting aside a day as a national holiday in honor and commemoration of Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

He also presented resolutions adopted by the church councils of the Ephraim and Sister Bay Moravian churches in the State of Wisconsin, favoring the passage of legislation for the Federal supervision of motion pictures and establishing higher standards before production for films that are to be licensed for interstate and foreign commerce, which were referred to the Committee on Interstate Commerce.

RELIEF OF DISABLED WORLD WAR VETERANS

Mr. BRATTON. I present a telegram, in the nature of a petition, signed by James Foy, of Fort Bayard, N. Mex., representing uncompensated disabled veterans of the World War, which I ask may be referred to the Finance Committee and printed in the RECORD.

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

FORT BAYARD, N. MEX., *June 8, 1930.*

Hon. SAM G. BRATTON,
Washington, D. C.:

Please present this message to Senate: Uncompensated disabled veterans of World War ask you vote in favor Rankin bill extending presumptive date to 1930. Relief this session of Congress most imperative, for disabled can not longer carry on without aid. Legislation pending since January 22 and anxiety and suspense becoming unendurable, adding to burden of physical suffering. Many thousands whom bill will help have been ill and penniless for the past five years and more. Existing conditions so acute some kind of action must be taken forthwith. Average compensation paid only $44 monthly. Would you deny them this small pittance for themselves and families? The days of the tubercular victims are numbered. Will you ease their last hours; will you vote in favor of the Rankin bill? The lasting gratitude of these veterans will be yours.

JAMES FOY,
Uncompensated Disabled Veterans of World War.

REPORTS OF COMMITTEES

Mr. COUZENS, from the Committee on Interstate Commerce, to which was referred the bill (S. 4254) to provide for the compromise and settlement of claims held by the United States of America arising under the provisions of section 210 of the transportation act, 1920, as amended, reported it with amendments and submitted a report (No. 867) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 4585) authorizing the State of Florida, through its highway department, to construct, maintain, and operate a free highway bridge across the Choctawhatchee River, near Freeport, Fla., reported it without amendment and submitted a report (No. 868) thereon.

Mr. ROBSION of Kentucky, from the Committee on Military Affairs, to which was referred the bill (S. 4636) to authorize the Secretary of War to resell the undisposed of portion of Camp Taylor, Ky., approximately 328 acres, and to also authorize the appraisal of property disposed of under authority contained in the acts of Congress approved July 9, 1918, and July 11, 1919, and for other purposes, reported it without amendment and submitted a report (No. 869) thereon.

Mr. KEAN, from the Committee on the District of Columbia, to which was referred the bill (H. R. 4015) to provide for the revocation and suspension of operators' and chauffeurs' licenses and registration certificates; to require proof of ability to respond in damages for injuries caused by the operation of motor vehicles; to prescribe the form of and conditions in insurance policies covering the liability of motor-vehicle operators; to subject such policies to the approval of the commissioner of insurance; to constitute the director of traffic the agent of nonresident owners and operators of motor vehicles operated in the District of Columbia for the purpose of service of process; to provide for the report of accidents; to authorize the director of traffic to make rules for the administration of this statute; and to prescribe penalties for the violation of the provisions of this act, and for other purposes, reported it with amendments and submitted a report (No. 870) thereon.

Mr. ODDIE, from the Committee on Naval Affairs, to which was referred the bill (S. 1640) for the relief of John E. Ross, reported it with an amendment and submitted a report (No. 871) thereon.

JURISDICTION OF EQUITY COURTS

Mr. STEIWER. From the Committee on the Judiciary I report back unfavorably the bill (S. 2497) to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes.

To carry out an arrangement arrived at in the committee, I ask unanimous consent that the majority of the committee may have until the 20th instant in which to file a supplementary report setting forth the reasons for their action.

Mr. NORRIS. Mr. President, the understanding in the committee was that the minority should have the same time as the majority in which to file their views. I should like to say to the Senator that there is only one possible objection that I can see to the request as he has submitted it, an objection which was not discussed in the committee.

If the Congress should adjourn prior to the 20th instant, under the unanimous-consent agreement I will file the report of the minority before final adjournment. So far as the minority is concerned it is ready to file its report now, but out of deference to the majority it was desired to file it at the same time. If it should be agreed to adjourn on, say, the 19th instant, as soon as such an agreement were made, I would feel justified in filing the minority report without waiting for the filing of the majority report.

Mr. STEIWER. I can not speak for the committee, but I will say to the Senator from Nebraska that, so far as I am personally concerned, I shall be entirely agreeable to the idea that he file the minority report earlier, if he finds circumstances require such action.

BANKING HOUSE ON FORT LEWIS RESERVATION, WASH.

Mr. PATTERSON. From the Committee on Military Affairs I report back favorably with an amendment the bill (S. 4046) authorizing the erection, maintenance, and use of a banking house upon the United States military reservation at Fort Lewis, Wash., and I submit a report (No. 872) thereon.

Mr. JONES. Mr. President, the bill just reported by the Senator from Missouri [Mr. PATTERSON] is very brief, but it is urgent that action should be taken on it during this session, and I therefore ask for its immediate consideration.

The VICE PRESIDENT. Is there objection?

Mr. ROBINSON of Arkansas. Let the bill be reported.

The VICE PRESIDENT. The bill will be reported.

The CHIEF CLERK. A bill (S. 4046) authorizing the erection, maintenance, and use of a banking house upon the United States military reservation at Fort Lewis, Wash., which had been reported from the Committee on Military Affairs with an amendment.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. ROBINSON of Arkansas. I have no objection to its present consideration.

Mr. COUZENS. Mr. President, I should like to ask the Senator from Washington what circumstances justify the establishment of a bank on a military reservation?

Mr. JONES. Mr. President, Fort Lewis is a large military reservation, embracing some 70,000 acres. The War Department endeavors to keep a regiment of troops there, and it is expected that there will be a regiment there in the future. There are quite a good many troops there now, and the proposed bank is really for the convenience of the military post.

Mr. COUZENS. Has there been any precedent established for a like grant anywhere?

Mr. JONES. That I do not know. This bill simply authorizes the erection of a building of a permanent character under such conditions as the Secretary of War may impose.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The amendment of the Committee on Military Affairs was, on page 1, line 8, after the word "regulations," to insert "and conditions and for such term or terms," so as to make the bill read:

Be it enacted, etc., That the Army National Bank of Fort Lewis, Wash., a national banking corporation organized and existing under the laws of the United States relative to national banks, be, and is hereby, authorized to erect in and on the United States military reservation at Fort Lewis, Wash., and there maintain, under such regulations and conditions and for such term or terms as the Secretary of War may prescribe, a suitable building for the conduct of its general banking business and to occupy and use the same for and conduct therein a general banking business authorized under and by the charter of said bank and the laws of the United States relative to national banks: *Provided*, That such building shall be erected upon the location prescribed by the Secretary of War and be constructed in accordance with plans first approved by him.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF NOMINATIONS

As in executive session,

Mr. STEIWER, from the Committee on the Judiciary, reported the nominations of Chester N. Leedom, of South Dakota, to be United States marshal, district of South Dakota, and Olaf Eidem, of South Dakota, to be United States attorney, district of South Dakota, which were placed on the Executive Calendar.

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

NOMINATIONS OF WALLACE TOWNSEND AND GEORGE L. MALLORY

Mr. CARAWAY. As in open executive session, from the Committee on the Judiciary, I report back favorably the nominations of Wallace Townsend, to be district attorney for the eastern district of Arkansas, and of George L. Mallory, to be United States marshal for the eastern district of Arkansas, a reappointment. I call the attention of the senior Senator from Arkansas to the nominations.

The VICE PRESIDENT. As in open executive session, the nominations will be received.

Mr. ROBINSON of Arkansas. As in open executive session, I ask unanimous consent for the confirmation of the nominations just reported by my colleague.

The VICE PRESIDENT. Is there objection?

Mr. DILL. Mr. President, I have continuously objected to that being done, and I hope the Senator will not ask it. I think it is very unfair.

Mr. ROBINSON of Arkansas. I find it necessary to leave the city in a very short time. I will ask the Senator from Oregon [Mr. MCNARY] to move an executive session.

Mr. MCNARY. I will do so a little later.

Mr. ROBINSON of Arkansas. I withdraw the request.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. BORAH:

A bill (S. 4660) granting a pension to Elmer K. Corbett (with accompanying paper); to the Committee on Pensions.

By Mr. DENEEN:

A bill (S. 4661) granting an increase of pension to Mary L. Tryon (with accompanying papers); to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 4662) granting an increase of pension to Louisa A. Scoville (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 4663) granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough to Lady Island on the Columbia River in the State of Washington; to the Committee on Commerce.

By Mr. TRAMMELL (for Mr. FLETCHER and himself):

A bill (S. 4664) to create an additional judge for the southern district of Florida; to the Committee on the Judiciary.

By Mr. GOFF:

A bill (S. 4665) extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.; to the Committee on Commerce.

By Mr. ROBSION of Kentucky:

A bill (S. 4666) granting an increase of pension to John P. Prowse;

A bill (S. 4667) granting an increase of pension to Howard Jones; and

A bill (S. 4668) granting a pension to Belle Rhodes Taylor; to the Committee on Pensions.

By Mr. CAPPER:

A joint resolution (S. J. Res. 187) proposing to amend the Constitution of the United States to exclude aliens in counting the whole number of persons in each State for apportionment of Representatives among the several States; to the Committee on the Judiciary.

AMENDMENT TO WORLD WAR VETERANS' ACT

Mr. COPELAND 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.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 471. An act for the relief of Luther W. Guerin;

H. R. 495. An act for the relief of Katherine Frances Lamb and Elinor Frances Lamb;

H. R. 528. An act for the relief of Clarence C. Cadell;

H. R. 556. An act for the relief of Ernst Lueger;

H. R. 845. An act for the relief of R. L. Wilson;

H. R. 1058. An act for the relief of Jesse A. Frost;

H. R. 1592. An act for the relief of William Meyer;

H. R. 2075. An act for the relief of Addie Belle Smith;

H. R. 2465. An act for the relief of Earl D. Barkly;

H. R. 3644. An act for compensation in behalf of John M. Flynn;

H. R. 3889. An act for the relief of Albert A. Inman;

H. R. 3891. An act for the relief of Harry Martin;

H. R. 4161. An act for the relief of Isaac Fink;

H. R. 5113. An act for the relief of Sylvester J. Easlick;

H. R. 5459. An act for the relief of Topa Topa Ranch Co., Glencoe Ranch Co., Arthur J. Koenigstein, and H. Fukasawa;

H. R. 5526. An act for the relief of Fred S. Thompson;

H. R. 6537. An act for the relief of Prentice O'Rear;

H. R. 7026. An act for the relief of Mrs. Fanor Flores and Pedro Flores;

H. R. 7027. An act for the relief of Paul Franz, torpedoman, third class, United States Navy;

H. R. 7661. An act for the relief of Margaret Stepp Bown;

H. R. 8393. An act to authorize the Court of Claims to correct an error in claim of Charles G. Mettler;

H. R. 8723. An act for the relief of Rachel Levy; and

H. R. 11088. An act for the refund of money erroneously collected from Thomas Griffith, of Peach Creek, W. Va.; to the Committee on Claims.

H. R. 474. An act for the relief of Samuel B. Faulkner;

H. R. 849. An act for the relief of Edward H. Cotcher;

H. R. 1836. An act for the relief of Robert E. Beck, alias Rudolph E. Beck and Harry J. Brown; and

H. R. 11132. An act for the relief of Edward Knight; to the Committee on Military Affairs.

H. R. 1075. An act to correct the naval record of James M. Hudson;

H. R. 1892. An act for the relief of Henry Manske, jr.;

H. R. 2335. An act providing for the promotion of Chief Boatswain Edward Sweeney, United States Navy, retired, to the rank of lieutenant on the retired list of the Navy;

H. R. 8665. An act for the relief of William A. Quigley; and

H. R. 11022. An act for the relief of Sterrit Keefe; to the Committee on Naval Affairs.

H. R. 6668. An act for the relief of Peter R. Wadsworth; to the Committee on Indian Affairs.

H. R. 10919. An act for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes; to the Committee on Foreign Relations.

H. R. 11082. An act granting a franking privilege to Helen H. Taft; to the Committee on Post Offices and Post Roads.

H. R. 12440. An act providing certain exemptions from taxation for Treasury bills; to the Committee on Finance.

AMENDMENT OF ACT PERTAINING TO WAR DEPARTMENT CONTRACTS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to 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, which was, on page 1, line 8, to strike out "repealed" and insert "amended so that it shall cease to be in effect after June 30, 1931."

Mr. REED. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. REED, Mr. GREENE, and Mr. SHEPPARD conferees on the part of the Senate.

DEFINITION OF OLEOMARGARINE—CONFERENCE REPORT (S. DOC. NO. 160)

Mr. NORBECK. I present the conference report on House bill 6, to amend the definition of oleomargarine, and so forth. I ask unanimous consent for the immediate consideration of the report.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the report, 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. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

CHAS. L. MCNARY,
PETER NORBECK,
JOHN B. KENDRICK,
Managers on the part of the Senate.

G. N. HAUGEN,
FRED S. PURNELL,
Managers on the part of the House.

The VICE PRESIDENT. Is there objection to the consideration of the report?

Mr. CONNALLY. Mr. President, I think the Senator from South Dakota ought to make some explanation of the amendments and inform us from which one the Senate conferees receded.

Mr. NORBECK. Mr. President, I wish to state that the House conferees accepted two of the Senate amendments, the first of which was offered by the Senator from Texas excepting certain commodities from its provisions. They also accepted the amendment that was offered extending for one year the time when the law shall go into effect. They disagreed only to the amendment that would have destroyed the whole measure.

Mr. CONNALLY. The House conferees, then, receded except as to the amendment which really meant something.

Mr. NORBECK. Except as to the amendment which, if adopted, would have destroyed the bill itself.

Mr. CONNALLY. May I ask the Senator from South Dakota how long the Senate conferees struggled with the House conferees on this question?

Mr. NORBECK. The Senator is aware that when the particular amendment in question was adopted the Senator from South Dakota stated on the floor that he would accept it tentatively, but would not agree to abide by it if it should be ascertained that it would destroy the measure itself. The amendment was immediately submitted to the Bureau of Internal Revenue, whose letter was put into the RECORD about a week ago, the concluding paragraph of which says that the adoption of the amendment would destroy the bill itself.

Mr. CONNALLY. Mr. President, I wish to say that the amendment to which the Senator from South Dakota refers was offered by myself.

Mr. NORBECK. It is one of the amendments offered by the Senator from Texas.

Mr. CONNALLY. I was going to describe it a little more accurately, if the Senator will permit me. It was an amendment offered by myself providing that the provisions of the bill as drafted should not apply to cooking oils and compounds which contain no artificial coloring matter and no deleterious substance. That amendment was adopted by the Senate, as I recall, by a practically unanimous vote.

Mr. NORBECK. There was no vote on it.

Mr. CONNALLY. There was some sort of a vote or it would not have been adopted. There was no roll call, but it was adopted practically unanimously by the Senate. It was the only real important amendment which the Senate adopted to the bill, and yet the Senate conferees apparently on meeting the House conferees, succumb at the first attack. It seems to me that this matter is entitled to a little more consideration.

The Senator from Arkansas [Mr. ROBINSON] was very deeply interested in this amendment. The Senator from Arkansas [Mr. CARAWAY], the Senator from Mississippi [Mr. HARRISON], and others, and a great number of Senators on the Republican side, were likewise deeply interested in it, and I should like to have the matter held up temporarily in order that we may look

into it a little more carefully. I am not disposed to delay the Senator's bill.

Mr. NORBECK. Mr. President, this is a matter that has been fully debated before the Senate. There have been innumerable roll calls on the question of whether there should be legislation to bring this new substitute in under the oleomargarine law. The Senate has decided that question by repeated roll calls. Inadvertently an amendment was adopted here, the effect of which was not understood at the time, and the Senator from Texas was informed that I would not agree to it if it destroyed the value of the bill. I feel that there is no occasion for delaying the matter. It is well understood by every Member here.

I move the adoption of the report.

Mr. ROBINSON of Arkansas. Mr. President, may I make a parliamentary inquiry?

The VICE PRESIDENT. The Senator will state it.

Mr. ROBINSON of Arkansas. Is the report just being submitted?

Mr. NORBECK. Yes.

Mr. ROBINSON of Arkansas. Then, I ask that it go over under the rule.

Mr. NORBECK. Does a conference report have to lie over one day before it is taken up?

The VICE PRESIDENT. The usual custom is to have it go over, but under the rules the Senator may move to proceed to its consideration.

Mr. NORBECK. A motion to that effect has been made.

Mr. ROBINSON of Arkansas. Has the report been printed?

The VICE PRESIDENT. It has not.

Mr. ROBINSON of Arkansas. The Senate is entitled to an opportunity to examine the report; and I think that under the rule all reports of committees, including conference reports, must lie over for one day if the point is made.

The VICE PRESIDENT. The Chair will read the rule:

> The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

The question is on the motion of the Senator from South Dakota to proceed to the consideration of the conference report.

The motion was agreed to; and the Senate proceeded to consider the report.

The VICE PRESIDENT. The question is on the adoption of the report. That is debatable.

Mr. CONNALLY. Mr. President, I do not care to take up more than a moment of the Senate's time; but I do believe that the Senate conferees ought to have shown a little more tenacity in standing up for the Senate amendment.

The Senate expressed itself unequivocally, although the Senator from South Dakota says that the amendment was inadvertently adopted. It may have been inadvertently adopted so far as the Senator from South Dakota is concerned; but I think the rest of the Senate, when they voted on it, knew what they were doing.

In the face of that Senate amendment, which was adopted after debate when Senators understood what they were doing and were supposedly in possession of all their faculties, the Senator from South Dakota refers the bill down to the Internal Revenue Department; and because the Commissioner of Internal Revenue says that the amendment would seriously impair the bill as to the object which he had in mind, therefore out it goes, without any serious effort on the part of the Senate conferees to have it retained.

What are conferees for? They are supposed to go out and represent the body that they are appointed to represent, not to take the dictation of the Bureau of Internal Revenue. Of course, the amendment would have affected the bill. The reason why it was offered was to affect the bill. Of course, it changed somewhat the purpose of the measure, or it would not have been an amendment of any value.

I do not suppose there is any chance of defeating this report, of course; but I want to protest against this practice of conferees going out without any serious intention of carrying out the duty that they owe to the Senate of the United States; and I want to enter my solemn protest against taking out this Senate amendment. It simply provided that products which were not artificially colored cooking oils and cooking compounds, and which contained no deleterious substances, should not be made to pay a revenue tax. That is all it provided. That is all there is to it.

The articles to which this amendment applies are not artificial. They are genuine. They must be wholesome and pure. They are eaten by human beings who want food and need food; and yet, under the terms of this bill, we are going to put a tax upon them, not for the purpose of raising revenue, but for the purpose of trying to force people to buy and eat something else. They are not sold as butter. It is not claimed that they are butter. There is no pretense, no sham. They are simply sold as cooking oils and cooking compounds; and yet the Senate conferees, in the face of the solemn vote and the solemn judgment of the Senate, take the judgment of the Internal Revenue Bureau!

I thought they were representing the Senate. If they are to represent the Internal Revenue Bureau, they ought to be appointed by the Internal Revenue Bureau. They go out and lie down at the first fire, surrender absolutely, and, as a justification for their action, bring back some little old Senate amendments that are of inconsiderable consequence, and then make a great play here before the Senate that, "We retained two Senate amendments," but they surrendered the only Senate amendment that had any vitality and any life in it.

Mr. ROBINSON of Arkansas. 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	Jones	Robinson, Ind.
Ashurst	Frazier	Kean	Robsion, Ky.
Baird	George	Kendrick	Sheppard
Barkley	Gillett	Keyes	Shortridge
Bingham	Glass	La Follette	Smoot
Black	Glenn	McKellar	Steck
Blaine	Goff	McMaster	Steiwer
Borah	Greene	McNary	Stephens
Bratton	Grundy	Metcalf	Sullivan
Brock	Hale	Moses	Swanson
Broussard	Harris	Norbeck	Thomas, Idaho
Capper	Harrison	Norris	Thomas, Okla.
Caraway	Hastings	Oddie	Trammell
Connally	Hatfield	Patterson	Vandenberg
Copeland	Hawes	Phipps	Wagner
Couzens	Hayden	Pine	Walsh, Mass.
Cutting	Hebert	Pittman	Walsh, Mont.
Dale	Heflin	Ransdell	Waterman
Deneen	Howell	Reed	Watson
Dill	Johnson	Robinson, Ark.	Wheeler

The VICE PRESIDENT. Eighty Senators have answered to the roll call. A quorum is present.

Mr. ROBINSON of Arkansas. Mr. President, why the unusual haste in connection with the consideration of this conference report? Until just this second I have not been able to procure a copy of the bill to which the conference report relates.

This amendment is the most important amendment adopted by the Senate while the bill was under consideration. It was fully discussed by the Senator from Texas [Mr. CONNALLY]. It provides that section 2, which is the substantial portion of the bill, shall be modified or amended so that the section shall not apply to cooking compounds or cooking oils not made in imitation of butter and containing no artificial coloring or deleterious substance.

The Senate conference members evidently were not in sympathy with the amendment. With undue haste they have abandoned the position of the Senate. They are not willing that the report shall lie over under the rule. They ask for consideration of the report instantly when it is received by the Senate, and with comparatively few Senators present attempt to rush the conference report through.

What is the haste about the matter? All I desire is that the Senate shall know what it is doing, shall understand that it is giving up its position, abandoning the amendment that was incorporated. That is all I desire to say.

Mr. McNARY. Mr. President, the Senator from South Dakota has followed the uniform practice in offering a conference report and at the same time moving for its present consideration. There has been no unusual haste in this case whatsoever. I was one of the conferees. We had three questions on which there was a difference. The House yielded on two and the Senate on one. When it came to this particular proposition, against which I have no prejudice whatsoever, I found that the majority of the House conferees would not consider it at all, and rather than lose the legislation, which I believe will be beneficial to the dairy interests of the country, as one of the conferees I yielded, as did my two colleagues.

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

Mr. McNARY. I am very happy to yield.

Mr. ROBINSON of Arkansas. I merely wish to say that while it is true, particularly when we approach the end of a session, that we cooperate, and rightfully cooperate, for the speedy disposition of conference reports, this is the first instance I recall when, after Senators interested in legislation ask that a conference report go over for a time in order that the con-

ference report might be given some thought, an objection has been made, and the Senator in charge of the conference has raised the question of consideration immediately following the submission of the report to the Senate. There will be a great deal more difficulty in getting conference reports into the Senate and getting them acted on if there is a disposition to pursue such a course where Senators, without desiring unduly to delay action on a measure, merely ask for time in order to familiarize themselves with a report. I could not get a copy of the bill, I could not investigate the relationship of the amendment to other provisions of the bill, before we would have been called upon to vote on the conference report, except by suggesting the absence of a quorum.

Mr. McNARY. Mr. President, that raises an entirely different question, one of courtesy and accommodation.

Mr. ROBINSON of Arkansas. I think it goes farther than that. I think it goes to the right of a Senator to know what the proceedings are, and to understand, with the exercise of reasonable diligence and intelligence, what is going on here.

Mr. McNARY. Mr. President, the President has ruled upon that proposition by reading the rule of the Senate. If the Senator from Arkansas does not believe in the rule, he should have it amended. That is the way to proceed in a matter of this kind.

It has been a uniform practice, when a conference report is submitted, for a motion to follow for its immediate consideration. That is the practice of the Senate. If some Senator should request further time for the study and consideration, it raises a question of propriety and even, I might say, of fellowship. As far as I am concerned, when a request of that kind is made, I always yield to the appeal or request of a Senator. I have not this conference report in charge, but if there is any Senator here who wants further time to consider it, and wants to have it printed, I think he is entitled to that opportunity.

May I state that the Senator in charge of the conference report is the distinguished Senator from South Dakota [Mr. NORBECK], and I feel that if there is anyone here who wants more time to study the report, and wants to have it go over for the day, I am sure the Senator from South Dakota is willing to yield to that request.

Mr. NORBECK obtained the floor.

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

Mr. NORBECK. I yield.

Mr. ROBINSON of Arkansas. Such a request was made by the junior Senator from Texas, and consent was declined by the Senator from South Dakota, which was the sole occasion of my taking the floor.

Mr. NORBECK. Mr. President, I may say, for the information of the Senator from Arkansas, that the Senator from Texas and the Senator from South Dakota went over this matter privately very thoroughly in the Chamber the other day. There was nothing new to the Senator from Texas in this whole matter.

Mr. CONNALLY. Mr. President, if the Senator will yield, I was acquainted with the measure, and I did not make the request on my own account. I made the request so that other Senators might ascertain what I had already learned.

Mr. NORBECK. No other Senator has been heard from. If anyone asks that the matter go over, I shall agree.

Mr. McNARY. Does the Senator from Arkansas desire to have the report go over for the day?

Mr. ROBINSON of Arkansas. Yes; I made that request.

Mr. McNARY. I have no objection, and my colleague has no objection.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon that the conference report go over for a day? The Chair hears none, and it is so ordered.

RELIEF OF WORLD WAR VETERANS

Mr. BRATTON. Mr. President, I desire to ask the Senator from Utah when he expects to report the veterans' bill to the Senate?

Mr. SMOOT. The Committee on Finance will meet to-morrow morning at 10 o'clock, and more than likely final action will be taken upon the bill at to-morrow's session.

Mr. BRATTON. And a report likely will be made soon thereafter?

Mr. SMOOT. To-morrow afternoon or the following day.

Mr. BRATTON. I thank the Senator.

RADIO ADDRESS OF FORMER SENATOR JAMES A. REED

Mr. DILL. Mr. President, on Saturday evening, while former Senator James A. Reed, of Missouri, was addressing a meeting in Sedalia, Mo., which was being carried to the country over a nation-wide hook-up on the Columbia Broadcasting chain, an S O S call was reported by the Radio Marine Corporation, of New York, which resulted in the station which was broadcasting the speech in the New York area cutting off the broadcasting for the next 25 minutes. It happened that that occurred at the very time when former Senator Reed was beginning his discussion of the Radio Trust.

Mr. President, there is an old religious refrain that runs—

God moves in a mysterious way
His wonders to perform.

The events of the past few days in connection with the fight to dissolve the Radio Trust lead me to paraphrase that by saying: Those mysterious forces that would save the Radio Trust operate in a miraculous way its dissolution to prevent.

Two events have occurred in the last few days which cause me to say that. The first was the resignation of Judge Hugh M. Morris, of the United States District Court of Delaware. That, coming just after the Government had filed its suit to dissolve the Radio Trust, is especially significant when it is recalled that Judge Morris has been a thorn in the side of the Radio Corporation and of other corporations organized in the State of Delaware when charged with violating the antitrust laws, because of his fearless and forceful decisions from time to time.

I think I cast no reflection on any other Federal judge in this country when I say that Judge Morris is the best qualified Federal judge in the United States to pass upon the Radio Trust case. His experience with a long line of antitrust cases, and his experience particularly with cases involving radio patents, involving the very agreements which the Government is attempting in this case to have set aside, and declared null and void, prompts me to make that statement.

Mr. McKELLAR. Mr. President, does the Senator know why Judge Morris happened to resign at this time?

Mr. DILL. I understand that the reason is that he has an opportunity to make himself financially independent in the legal profession, that he wants to improve his financial status; that he is no longer a young man, and that he feels that he can not longer afford to give his time on the Federal bench at the salary which he receives, when there is an opportunity to secure large financial returns. I want to say that I regard that as a meritorious reason for any man who has reached Judge Morris's age in life, but I deplore the circumstances in this instance.

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

Mr. DILL. I yield.

Mr. NORRIS. This opportunity comes to the judge just at a time when his services would be extremely valuable, as I understand it, if he carried out the policy he has followed heretofore.

Does the Senator remember when Judge Landis, I think it was, on the Federal bench at Chicago, was making it rather unpleasant for Mr. Insull, who managed all the utilities in Chicago, and still does, as well as the utilities of a good share of the balance of the United States?

Mr. DILL. Yes; and I recall that he was offered a salary of $50,000 a year to be umpire in the baseball world, and that that came just at a time when the legality of certain added securities of one of the Insull companies was coming up in his court for consideration.

Mr. NORRIS. I think it is similar also to the case of Mr. Culbertson, who was a member of the Tariff Commission, whom the special interests were not able to control or handle. They kicked him upstairs by having him appointed ambassador to a foreign country. Does the Senator remember that?

Mr. DILL. Yes; I remember that.

Mr. NORRIS. So these great corporations and special interests have a peculiar way of getting valuable men out of the Federal service often by kicking them upstairs, as was done in that case.

I would like to ask the Senator another question. When Senator Reed was making a speech and had reached that part of it attacking the Radio Trust—I think the entire country, and particularly Members of the Senate, knew that his attack would be worth listening to, would contain something of merit, and would be effective. As I understand it, this S O S call came just as he was going after the Radio Trust in his speech. Is that right?

Mr. DILL. That is correct.

Mr. NORRIS. The Senator should be liberal in this matter, as he is in others. Does he not think that the Radio Trust was justified in sending out an S O S call right at that moment?

Mr. DILL. I said that it led me to paraphrase a religious refrain about the mysterious way in which things happen.

I do not care to suggest that any official of the Radio Corporation or its affiliated companies would stoop to the indefensible and, in my judgment, contemptible act of using an S O S call, which is the radio death call at sea, to stop an attack upon itself. I want to be frank and say that I refuse

to believe any one of the officials of that corporation did that. I suspect that somebody sent out that call for the purpose of stopping the speech against the Radio Corporation. But the reaction will do far more harm to the Radio Trust than the speech of Senator Reed, forceful and effective at it was, could have done, because it arouses public suspicion against the Radio Trust.

Before I leave the discussion of Judge Morris I want to remind the Senate that Judge Morris holds a peculiar place, sitting as a Federal judge in the District Court in Delaware, because of the great number of corporations which are organized in that State. The reason, I assume, why the Radio Trust suit was filed in his court by the Government is that 6 of the 10 corporations against whom the suit was brought were organized in Delaware.

President Wilson appointed him, and he has proved himself a progressive judge. He has had so much experience and has proved himself so eminently able and eminently fair that attorneys at the bar, regardless of the side of the case upon which they may appear, have welcomed his sitting upon any case of this kind. I believe if he could be induced to continue on the bench long enough to hear and decide this case, whatever his decision might be, whether for or against the Government, every fair-minded man in the country would say that the law had been properly interpreted. I have taken the liberty of writing the President and urging him to ask Judge Morris to reconsider his announced purpose to resign, at least until he has acted upon this case.

The proposal to dissolve the Radio Trust is the greatest suit of its kind ever brought by the Government. There has never been anything like it that I know of involving such immense possibilities and such immense profits.

I want to say just a word further about the S O S call. There are several explanations that might be made. It came at the particular moment when former Senator Reed, of Missouri, had begun that part of his speech about the Radio Trust, I understand at 8.22 p. m. There have been instances, I am told, where men were making speeches over the radio that just when they came to an objectionable part of the speech, the transmitter for some reason would cut off that part of the speech and the listeners would never hear it. Had this happened on a Radio Corporation station, that would naturally be the claim that would be made. But the broadcasting was being done over the Columbia chain, station WABC of New York, which is a competitor of the National Broadcasting Co., which is owned by the Radio Corporation. Nobody could ever induce the Columbia chain to take Mr. Reed off the air at that particular time. When the S O S call came, the radio marine operator in New Jersey at Tuckerton reported it, and in immediate obedience to the rule of the wireless world the station stopped broadcasting. There is one universal law in radio communication service and that is the law which demands obedience to the S O S call at sea. That call is an emergency call to be used by ships at sea when they are in danger and human life must be saved. That call came at the particular moment when Senator Reed began his attack on the Radio Trust.

It is so almost impossible to believe that any responsible person would be so contemptible as to do this for the purpose of stopping a speech; but I have a strong suspicion that somebody operating a transmitter, hoping to help the cause of the Radio Corporation by keeping the listeners in the metropolitan area of New York from hearing it, did do this thing. I may say that so far as we can learn no other listening station heard the S O S call. The Navy Communication Service has been undertaking to learn of anyone else who heard it. The powerful station at Arlington did not hear it; the Coast Guard stations did not hear it; all of which would indicate that it was done by some local person.

Mr. President, I rose to talk about it primarily because it is an act that should be run down and the perpetrators, if they can possibly be found, prosecuted to the limit. There is nothing more despicable than the misuse of this universally recognized rule of the wireless world to stop every kind of wireless interference and save human life at sea. Nobody should be allowed to abuse that rule.

I had an interesting suggestion this morning that the listener might have misunderstood the call because of the noise he heard. The S O S call consists of three dots, three dashes, and three dots. It might be imagined that the noise resulted from the groggy condition of the Radio Corporation when former Senator Reed began to give his oratorical jabs right and left, and that it was the noise emitted by the Radio Corporation which the operator heard. He knew it was a death cry of some kind and thought it was the death cry of a ship, since that was the only kind of distress call with which he was familiar.

Mr. President, I think it would be interesting to hear some of the things that Senator Reed said about the Radio Trust which were not broadcast. I have here his entire speech, which I shall a little later ask to have inserted in the RECORD. I want to read a few sentences from it:

I invite your attention to what is commonly known as "the Radio Trust." It is impossible for any metaphor yet devised to picture that combination. We can not employ the old term "octopus," for the tentacles of that creature only crushed and devoured the physical; whereas this combination seeks to dominate and throttle the spiritual and intellectual life of the world. Its field of operations is the atmosphere we breathe and the ether by which we are surrounded. Its boundaries are limited only by the frigid realms of space where life is impossible and sound may not penetrate.

Until recently that vast area was unexplored and practically unknown. Man was fastened to the earth. He saw the flights of birds and was mystified and chagrined. The atmosphere defied his powers and mocked his ignorance. He knew there was an ocean of air in the bottom of which he lived; that the tempest was winged with destruction before which he was helpless as the beasts of the field. His voice could be heard but a few feet, only to be swallowed in the eternal silence. The atmosphere and ether were empires beyond his knowledge or powers of reason.

Then, again he said:

Rightly employed the radio will illumine the caverns of ignorance, drive out the serpents of fear and hate, produce an intellectual expansion amounting to revolution, and direct mankind to moral heights hitherto beyond individual or race accomplishment.

Radio and wireless can not function without employing the air, which is the common property of all the living.

It would seem that human cupidity could not reach so far or human insolence become so gross as to attempt to control and monopolize the very atmosphere we breathe and to withhold from public use the instrumentalities of communication; and yet that is exactly what a group of great capitalists are attempting through the organization of a huge monopoly.

I call attention to this statement:

Thus, this infamous combination proposes to rule the empire of the air and to permit its enjoyment and use only by those who pay it tribute.

But beyond the mere matter of tribute is the even graver menace that the information permitted to the people will be subject to censorship and control by those who thus wickedly and criminally conspire and plot.

Then, I want to read this final suggestion:

I venture to suggest to Democrats and Republicans alike that no man running for Congress or the Senate this fall should be allowed to escape the plain and unequivocal declaration.

Let him state before the election whether he proposes to take sides with the people or with the combination. He should be compelled to give assurance of his willingness to enact whatsoever laws are necessary to protect the new world of communication against the grasping hands of a group of men who are willing to erect monopoly upon the ruins of human right.

I ask unanimous consent to print in the RECORD, so it may appear as an entire speech, the complete address of former Senator Reed, of Missouri.

The PRESIDING OFFICER (Mr. JONES in the chair). Without objection, it is so ordered.

(The address appears at the end of Mr. DILL's remarks.)

Mr. DILL. Mr. President, this leads me to say a few words about the radio suit and to call attention to the events which have led up to it.

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

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Arizona?

Mr. DILL. I yield.

Mr. ASHURST. I am impressed by the speech of the Senator, and congratulate him upon his moderation and his fairness. It occurs to me that a subject so important should not rest at this point. The matter of by whom the S O S call was sent out should be investigated. Ex-Senator Reed should be invited and proper facilities should be extended him to redeliver the speech within a week, and I hope the Senator from Washington will take action along that line. I will cheerfully join with him.

Mr. DILL. I understand the Naval Communications Service are attempting to find out first if any other station heard the S O S call, and that the Radio Commission will make efforts through the facilities of the Department of Commerce to determine if they can where such call came from, if it were a fake one. The Senator will recognize, however, the extreme difficulty of locating the perpetrator of the act, if it was done simply for the purpose of stopping the broadcasting, because all

that is necessary is to have the equipment set on the 550-meter wave length, which is used for the S O S call, then to give out the signals, and then reset the equipment where it was originally, and since they were not looking for it, there is no way to tell where it came from. Efforts will be made, and are now being made, to discover, if they can, just the point from where the call came.

Mr. ASHURST. The broadcasting party who made the S O S call knows it, and if he or they be in good faith, he or they will very promptly, in view of this publicity, make known whom the parties were—if they were in good faith.

Mr. DILL. But there is a very severe penalty prescribed in the law for sending out a fake S O S call, and of course the perpetrator should be, and no doubt would be, prosecuted if it should be ascertained who sent it out.

Mr. ASHURST. I desire to ask the Senator if there is any method by which he can afford or aid in affording former Senator Reed the opportunity and facilities to broadcast the same speech?

Mr. DILL. I may say that Mr. Aylesworth, of the National Broadcasting Co., telephoned me just before I came to the Senate Chamber this morning and said they were sorry as anyone could be; that it was very hurtful to them because of the suspicion that might be aroused by those who would not understand the situation; and that he wanted to say to me that if I thought they should do so they would be glad to allow Senator Reed to redeliver his speech over their New York station. I said it was nothing to me, but that he was free to make the offer to Senator Reed if he saw fit to do so. In fairness, I think I should make that statement.

Mr. President, I want to review just briefly the history of the Radio Trust dissolution suit. The Radio Corporation was organized as a result of some meetings in 1919. For a long time they said they were organized at the request of the Government. We found upon investigation that the only basis for that claim was that Government officials had asked the General Electric Co. not to sell the Alexander alternator to England. Then the Radio Corporation said that Mr. Daugherty, former Attorney General, had given his blessings to these contracts. I have always been doubtful as to the value of any blessing he might have given to any contract, in view of his record as Attorney General. Yet they claim that this justified anything they wanted to do.

Then the Federal Trade Commission made an investigation and after a long period of time declared they had no jurisdiction and the whole subject went to the Attorney General's office for investigation. The assistants in the Department of Justice worked on it for some two years. Mr. Donovan was especially active. Then Mr. Sargent, who was Attorney General, pigeonholed the case. When Mr. Mitchell became Attorney General he asked Mr. O'Brian to make an investigation and report on the matter, and he reported that suit should be brought. The suit has been brought and has been filed in the courts of Delaware.

As soon as it was filed Owen D. Young, chairman of the board of the General Electric Co. and also an officer in the Radio Corporation, said he was delighted that the suit was brought, that it was a friendly test suit, and they wanted to know whether or not they were violating the law. I do not know why he made that statement. I think it is not only misleading but should be resented by the Department of Justice, because it indicates that the suit was brought by agreement, that the suit is a milk-and-water affair, when in reality it is an aggressive militant proposal to dissolve and destroy this radio octopus representing, as it does, some $6,000,000,000. It is an octopus that reaches out into every field of radio activity and all its connections and ramifications.

If anyone has any doubt about the Government's purposes in this matter, I merely wish to read what the Government asks the court to do to these defendants. I quote as follows:

> Wherefore petitioner prays * * * that the court order, adjudge, and decree * * *
>
> That the combination and conspiracy in restraint of, and the attempt to monopolize and monopolization of, interstate trade and commerce in radio communication and radio apparatus hereinbefore described, were and are in violation of said act of July 2, 1890, and acts supplemental to and amendatory thereof.
>
> That the defendants and each of them and all persons, including corporations, acting or claiming to act on behalf of them or any of them, be perpetually enjoined and restrained from continuing to carry out, directly or indirectly, expressly or impliedly, the said combination and conspiracy, attempt to monopolize and monopolization, and from entering into or carrying out, directly or indirectly, expressly or impliedly, any similar combination or conspiracy, attempt to monopolize, and monopolization of the said interstate trade and commerce.

That does not sound very much like it were a friendly suit to test its legality; that is a militant proposal not only to put a stop to what is now going on but to forbid the sort of thing being done in the future. There are five or six more similar and even more sweeping prayers which the court is asked to grant in this suit. So the contention of its being merely a friendly test suit is simply ridiculous, and I refuse to believe that the Department of Justice has any other purpose than that of prosecuting it with all the vigor at its command.

But again I say it is most unfortunate that when the suit has been filed before the best qualified judge of the country to pass upon it such great financial opportunity should come to him and make him feel that he owes it to himself and those dependent upon him to leave the bench at this particular moment. I earnestly hope that the President will urge him to remain on the bench at least until the suit shall have been decided. I appreciate the value of the opportunity that has come to him, and I want to say that, in my judgment, this opportunity has been made possible by great financial interests of the country, though not by the Radio Corporation alone, for the Radio Corporation is connected with the great money interests of the Nation. It is hooked up with the General Electric, which is the parent organization of the Power Trust; it is hooked up with the Morgan bank; it is hooked up with other great companies; so that it is a component part of the very heart of the money power. It and all of the affiliated companies have a great interest in having some one else on the bench to try this suit other than Judge Morris, who has proven himself so progressive, so efficient, and so dependable from the standpoint of the people's interest.

I wish there were some way in which I could appeal to him personally to take advantage of this opportunity to perform high patriotic service to the country, to pass upon this question, so that Congress may know whether this great monopoly shall be allowed to exist under present laws or whether the present laws are sufficient to dissolve it, because, of all the monopolies that should be prohibited and destroyed, this is the worst. It is a monopoly that has the power to reach into the very thoughts and lives of our people.

This monopoly of radio and all its ramifying and connected industries has greater possibilities of affecting the future of the human family than any ever organized in the history of mankind. This is not the time nor shall I take the opportunity now to discuss what radio means to the future. Our people as a whole think of radio as a means of communication, but recent discoveries show that we are on the edge of the most tremendous developments in the use of vacuum tube, the possibilities of which no scientist dare foretell. Already experiments in connection with the health of human beings through radio apparatus applied to operations, applied to ailments, applied to germ conditions in the human body open the possibilities of its use to a point which is simply staggering to the imagination. So I say anything that is so vital to the very existence of human life and the information to youth and the formation of public opinion should be kept free of monopolistic control. If present laws are not adequate to prevent such control, then special statutes should be passed affecting this industry in particular.

If Judge Morris should see fit to leave the bench, even despite the urging of those who think he should stay, I want to say that, in my judgment, no judgeship in the United States, except a Supreme Court judgeship—and I am not sure that even such an exception should be made—is so important to the future of the country as the appointment of a judge to the prospective vacancy in the State of Delaware. The Senate should scan with unusual care and should make a close study of the qualifications and fitness of any man whose name the President may send here as a judge to succeed Judge Morris, not because of the radio case so much, but because of the large number of antitrust cases that are continually brought before that court because of the many corporations which are organized under the laws of the State of Delaware.

RADIO ADDRESS OF FORMER SENATOR REED, OF MISSOURI

I do not presume to speak for the Democrats of the Nation. I only ask the privilege of speaking to them.

For what I am about to say no one is responsible but myself.

The cry has gone forth that there no longer exists any essential difference between the Republican and Democratic Parties. I assert that the difference is as wide as the ocean. It can not be wiped out by those who prefer profit to principle and the emoluments of office above the fundamentals of free government.

Even a national convention, seduced by the hope of temporary victory into the approval of false doctrines and makeshift expedients can not permanently destroy or change the fundamentals which to-day, as in the past, were and are the soul of the Democratic Party.

What is the Democratic Party? It is the millions who believe that the sole purpose of free government is the protection of the natural liberties of man; who insist upon equality before the law and justice under the law; who abhor every form of special privilege and every kind of tyranny; who demand that the avenues of opportunity shall be kept open so that the citizen may enjoy those rights with which God and nature endowed him, and that he shall not only be free from interference by government but shall have its protection against all who seek to deprive him of his rights.

These aspirations exist even though sometimes betrayed by groups of politicians itching for power or the occasional Congressman who is willing to betray his party that he may retain the seat he dishonors and the emoluments he does not earn. Too long and too often have we suffered from these kindred evils. I have seen the dictators of national platforms insert into them approval of temporary and unsound schemes in the vain hope that the particular adherents of these schemes would thereby be united in support of a ticket.

These political jugglers overlooked the fact that they had produced a conglomerate containing so many obnoxious doctrines as to be indigestible even by the advocates of the various isms.

Worse than that, such a platform, subjected to the cold analysis of the thoughtful voter, is regarded as tainted throughout and is fated to almost certain rejection.

The basic principles of free government are as immutable as the rules of mathematics. Two and two will always make four. A straight line will forever describe the shortest distance between any two points. The mathematician who starts with the proposition that two and two make three will never get a correct answer to his problem.

The statesman who abandons or twists a principle of free government must thereafter pursue a crooked road ending at the precipice of disaster.

I can not too strongly express my contempt for that class of politician or statesman who will sacrifice a great principle to escape temporary defeat.

Every battle for the establishment or maintenance of human liberty has been gained by the swords of those who preferred defeat to the sacrifice of honor.

The man who is unwilling to face disaster in defense of a great cause is unworthy to hold a public office or be counted even as a private in the army of patriotism.

A man who will vote to impose a law upon the people which he believes to be a bad law and which he does not himself intend to obey is unworthy the respect of decent people.

He who dons the uniform of a party to secure its support and then betrays its principles that he may continue to hold office belongs to the lowest form of animal life.

Such betrayal has been all too frequent. I have seen Congressmen, elected as Democrats, assist in fastening a general tariff tax on millions in order to get a tariff duty on a single product and thereby enrich a score of constituents. I have seen them vote for a tariff on everything to secure a duty on sunflowers hoping to garner the votes of a half dozen sunflower raisers. Similarly, they vote a duty on "Egyptian cotton" to get the support of 15 or 20 men in some tiny arid region who are experimenting with that product, on zinc, on lead, on oil, on the natural products with which God filled the bowels of the earth or enriched its surface.

These Congressmen were conferring the favors of Government upon a privileged class to obtain its favor at the polls.

A political party that does not possess and battle for principles is worse than useless—it is a nuisance. It blocks the highway against a better organization.

Permit me to give you my concept of democracy.

Broadly speaking, there has always existed two antagonistic theories of government—the paternalistic and the democratic. The paternalist asserts that governments are ordained to confer benefits upon favored classes and that indirectly benefits will flow from these classes down to the masses.

The protagonists of that doctrine embrace every variety of individual from the monarchist to the advocate of paternalism and special privilege under popular forms of government. The doctrine is fundamentally based upon the idea that the citizen is incapable of self-government and must be made the ward of the State.

The opposing theory maintains the right and ability of the citizen to control his own destiny, to map his own course in life, to govern his own habits, and to erect a government which, as his servant, shall assert these inalienable rights and protect him in their enjoyment.

The advocate of paternalistic laws, though he call himself a Democrat or a Republican, has, in fact, absorbed into his mental processes the doctrine employed by every despot who has sought to justify tyranny. The two lines of thought I have described stretch across the ages and reach into the life of to-day.

Alexander Hamilton was the high priest of privilege, the father of the Republican Party, and is its canonized saint. He believed in the sanctity of capital and denied the ability of the people to control their own lives or to form a stable government. He established a central bank to control the finances of the Nation, enriched the speculators in Colonial securities and the financial freebooters of his time.

These ends were accomplished by legislative chicanery and stained with bribery. From that poisonous fountain flows a stream of corruption that has too often polluted the Government and perverted national policies.

Jefferson was the champion of the masses. He wrote volumes but never penned a line to confer a special privilege or to deny to a single individual the equal protection and advantage of the law.

He knew that authority always stretches into usurpation; that government, therefore, was a thing to be always hedged about by constitutional limitation and inhibition. He inspired the bill of rights, which circumscribed Federal power and reserved to the States and the people rights no government could take away.

From the days of Hamilton and Jefferson to the present the two great parties have, broadly speaking, adhered to the policies of their founders.

When the Democratic Party has clung to the faith of its founder it has nearly always been victorious. When it has "wandered after false doctrines and strange gods" it has suffered defeat.

The Republican Party has been always the protagonist of the special interests. It has enriched them at the expense of the many; it has collected from them huge corruption funds with which to pollute the ballot.

Nevertheless, I confidently assert that at all times the majority of our people have believed in the Democratic faith, and when not blinded by prejudice or misled by false arguments or alienated by the mistakes of party leaders have stood willing to give us their support.

Lincoln is idolized because he was the champion of the rights of the masses. The popularity of Roosevelt rested upon the confidence that he was the friend of the masses.

Wilson was elected because the people had confidence that he would break the strangle hold of the great interests. His popularity to-day rests chiefly upon his achievements in that direction.

A vast multitude in America, represented by a considerable membership in Congress who call themselves "progressive Republicans," adhere in the great essentials to the faith of the Democratic fathers.

We can win and we will win when we shall disregard alike the advice of the timeserver, the demagogue, the money changer, and the demands of undemocratic organizations and societies who seduce our leaders into accepting their demands only to betray us in the hour of battle.

We shall win when we nail to the masthead the old banner "Equal rights to all and special privileges to none." "Liberty and equality before the law and under the law."

For 50 years the Republican Party has been the tool of the manufacturing and capitalistic interests. It has denied to the people the right to purchase where they desire and to sell where they can. It built a tariff wall horse high, hog tight, and bull strong, thus forcing the consumer to purchase almost exclusively from domestic manufacturers. It permitted these favored concerns to consolidate as monopolies and to extort conscienceless prices. Thus by law and monopoly a forced tribute has been laid upon every man, woman, and child.

The march of monopoly has proceeded until competition is practically destroyed, independent enterprise crushed, and most of the wealth of the land gathered into the hands of the favored few.

Pretending to enforce the law against monopoly, it has commonly pursued the small offenders whilst giving aid, comfort, and immunity to the great and menacing combinations. A few illustrations "will point the moral and adorn the tale."

The Wilson administration created the Federal reserve system. It was intended to break the strangle hold of the financial overlords by supporting the great industrial structure.

Republican officials have prostituted that great system to the service of the worst gambling hell ever organized upon this earth. It has been made the facile tool of the managers and speculators of the stock exchange. The money of the country was by high interest premiums withdrawn from legitimate business and useful industry and poured into that insatiate maw to give rotten stocks fictitious values and unload them upon millions of victims. The unloading process being accomplished, credits were suddenly withdrawn, prices shattered, and the plucking process completed. Literally millions of people were thus despoiled by the perversion of a system created to give stability of industry into a weapon of spoliation.

During the Coolidge and Hoover maladministrations the march of monopoly has proceeded with unexampled speed. The country is covered with the wreckage of long-established business houses. Those which have thus far escaped rest under the edge of the suspended knife.

Time forbids a résumé of the general situation. It must suffice to call attention to two or three late developments of the high art of commercial brigandage.

Great corporations have established chain stores, and by unfair competition and unjust devices put out of business thousands of independent grocers, butchers, and retailers who now walk the streets in search of employment.

Similarly, the old-fashioned pharmacy is giving way before the chain stores of heavily capitalized nonresident concerns. It appears that the only private drug store likely to survive is the little joint existing on the profits of illicit hootch.

Yet not a hand is raised and scarcely a voice is heard in protest except the plaintive exclamations of the hapless victims.

Banks are demanding and gradually obtaining the right to establish branches. We are upon the road to a few great banking houses located in the financial centers with numerous branches to drain the resources of the country.

Banks and trust companies are encroaching upon many legitimate lines of endeavor. The modern trust company has as many activities as a department store. They buy, sell, and rent real estate, act as administrators and trustees, draw wills, set themselves up as guardians of minors, write insurance, and endeavor in every possible way to monopolize these independent lines of business and to control the estates of the dead. And let me remark, in passing, the latter job is generally very bunglingly performed.

THE RADIO TRUST

I invite your attention to what is commonly known as the Radio Trust.

It is impossible by any metaphors yet devised to picture that combination. We can not employ the old term "octopus," for the tentacles of that creature only crushed and devoured the physical, whereas this combination seeks to dominate and throttle the spiritual and intellectual life of the world. Its field of operations is the atmosphere we breathe and the ether by which we are surrounded. Its boundaries are limited only by the frigid realms of space where life is impossible and sound may not penetrate.

Until recently that vast area was unexplored and practically unknown. Man was fastened to the earth. He saw the flights of birds and was mystified and chagrined. The atmosphere defied his powers and mocked his ignorance. He knew there was an ocean of air in the bottom of which he lived; that the tempest was winged with destruction before which he was helpless as the beasts of the field. His voice could be heard but a few feet, only to be swallowed in the eternal silence. The atmosphere and ether were empires beyond his knowledge or powers of reason.

Suddenly the "seers of visions," the explorers of the unknown, discovered the key to the gates of knowledge. Ships of the air that outmatched the eagle's flight swept over continents and seas, climbed to the outmost limits of the atmospheric belt, and plunged through the kingdoms of solitude and death. The achievement was hailed as man's greatest discovery, the adventurers' final feat. It was, however, soon followed by another and greater triumph.

Vagrant sounds had long been detected. Electric messages sometimes mysteriously sprang across spaces between broken wires. Science began the task of solution. The secret of wireless communication was discovered. The air and ether became slaves to the will of man.

The discovery by Columbus of a continent changed the civilization of the world, liberated millions of serfs, inspired science and learning. It has been hailed as the most important of human events. But its luster vanishes in comparison with this great modern achievement.

Wireless communication and radio have annihilated space and made it possible for a single individual to be heard in every habitation of earth.

Rightly employed it will illumine the caverns of ignorance, drive out the serpents of fear and hate, produce an intellectual expansion amounting to revolution, and direct mankind to moral heights hitherto beyond individual or race accomplishment.

Radio and wireless can not function without employing the air, which is the common property of all the living.

It would seem that human cupidity could not reach so far or human insolence become so gross as to attempt to control and monopolize the very atmosphere we breathe and to withhold from public use the instrumentalities of communication; and yet that is exactly what a group of great capitalists are attempting through the organization of a huge monopoly.

The instruments of communication are simple and easily made. The discoveries did not spring from a single brain. For the most part they have been known for years and had come into general use.

Home-made radio sets were being installed in homes and numerous manufacturers were perfecting and completing admirable instruments.

A few great corporations, theretofore governmental beneficiaries through tariff exactions and monopolistic grants, met in New York City. Advised by lawyers skilled in defeating the antitrust laws, they devised the scheme of the Radio Corporation of America.

They proposed to centralize in that corporation, its subsidiaries and allies, complete control of all communication by air.

Essentially the monopoly rests upon three or four patents. Let us trace the developments of this monstrous scheme.

The General Electric and Westinghouse Cos. already dominated the manufacturing of electrical devices. In the latter part of 1919 these two companies, together with the American Telephone & Telegraph Co. and the United Fruit Co., entered into a conspiracy by which each agreed to interchange patented devices. But they went farther—they bound themselves not to allow any outsider to manufacture under any of the patents then held or thereafter acquired, including all future inventions. The conspirators turned all their patents and contracts over to the Radio Corporation and denied their use to all the rest of the world.

A campaign to acquire outside patents was inaugurated until there is concentrated in that one company the ownership of some 3,500 patents, valid or invalid. The Radio Corporation denies the right of any person to make or sell a radio.

The combination also set about to control devices essential to long-distance telephoning and to aerial telegraphy.

It asserts a monopoly of that modern miracle, the vacuum tube. The vacuum tube is the nearest approach to the human brain. It has become an almost universal tool essential in the sciences of medicine and chemistry and capable of functions almost unbelievable, ranging from the turning in of burglar alarms to the opening of great bridges and the guidances of ships of the air and the sea. Without this instrument long-distance telephoning is impossible.

The monopoly has combined with the Marconi and other companies so as to be able to control wireless telegraphy. It has combined by contract, stock ownership, or other devices with the leading electrical companies of every nation of earth.

Thus this infamous combination proposes to rule the empire of the air and to permit its enjoyment and use only by those who pay it tribute.

But beyond the mere matter of tribute is the even greater menace that the information permitted to the people will be subject to censorship and control by those who thus wickedly and criminally conspire and plot.

I am happy to say that the Department of Justice has in this instance been aroused to activity. Congress has begun to bestir itself, but an enlightened public interest must be manifested.

We can not place the entire burden of the battle upon the devoted Senators DILL, of Washington, and COUZENS, of Michigan. Theirs has been a gallant fight, but it is too much to expect them or even the Department of Justice to overcome this mighty world-wide combination without the sustaining influence of public opinion. In the end the people have their share of responsibility.

Let every man who loves freedom of speech remember that freedom of speech amounts to little unless there is freedom of communication. In view of modern development, the right of free speech must be coextensive with the world, otherwise free speech is curbed or destroyed.

I venture to suggest to Democrats and Republicans alike that no man running for Congress or the Senate this fall should be allowed to escape a plain and unequivocal declaration.

Let him state before the election whether he proposes to take sides with the people or with the combination. He should be compelled to give assurance of his willingness to enact whatsoever laws are necessary to protect the new world of communication against the grasping hands of a group of men who are willing to erect monopoly upon the ruins of human right.

I am glad to compliment the Department of Justice for the stand it has taken. But I insist that for eight years monopolies have spread themselves as "the green bay tree." I regret also to say that some of these monopolies have received the sanction of the Supreme Court, thus making manifest the necessity for legislative relief.

I do not inveigh against capital. I stand as the defender of honest capital. We are all capitalists, although that capital may be merely the brains in our heads or the strength of our arms. All of us, big and little, rich and poor, are interested in the protection of property honestly acquired.

What the Democratic Party insists upon, what I insist upon, is that the great aggregations of capital shall not be employed to destroy smaller business institutions.

The big business man of a few years ago now finds himself as helpless as the individual. For the preservation of business monopoly must be exterminated. Let us liberate business from the oppressions of monopoly.

I proclaim the old Democratic doctrine that the highways of enterprise shall be kept open so that the feet of ambition may run without chains or hobbles.

I protest further that the Democratic Party should run its own business and declare its own policies. We should no longer listen to the dictates or importunities of organizations advocating a single idea whilst utterly regardless of all other principles of sound government. No man who puts his pet issue above the interests of the Democratic Party has the right to be heard in its councils. Too often have we listened to the dictation or cajolings of organizations which promise support alike to both parties, but on election day are invariably found on the side of the money changers. An organization interested in but a single policy of government is unfit to be trusted, and its dictation should never be accepted.

THE ANTI-SALOON LEAGUE

I had intended to pay my respects to the worst of all these organizations, the Anti-Saloon League. My reference shall be brief because my

views are set forth in extenso in a discussion of that organization which will soon be given to the public.

I pause only to say that first and last there has gone into its war chest more than $30,000,000. It is engaged even now in raising a further fund of $20,000,000. Part of that money will stick to the fingers of the bosses of the league. Nearly all the residue will go to the aid of the Republican Party.

The league's attitude toward the Democracy can be well anticipated from its action in the last election. The bigoted boss of the organization has recently been exposed. His battle against Al Smith was inspired by religious intolerance and hate. At the hour I dictate the manuscript from which I speak, he sits gibbering before Congress, afraid to tell the purposes and methods of his organization and declining to answer questions. He pleads the constitutional right of silence as has many a wretch before.

While I am upon this theme, I pause long enough to say that Bishop Cannon and his salaried coadjutors told us if we adopted prohibition, crime would cease.

It sweeps over the country in a crimson flood.

They told us the doors of jails would be barred by spiders' webs and habited by solitary bats.

The ceaseless clanging of prison doors registers the endless procession of felons who come to cram the cells and jam the windows.

They said temptation would be removed from youth. Millions of boys and girls drink from the same bottle hootch poisoned by the Government or manufactured by 10,000 illicit stills.

They promised a millennium of virtue. They have given us a Saturnalia of vice.

They substituted statutory mandates for moral teachings, the ipse dixit of government for the precepts and ministrations of the church. The aroused moral sentiment of our people must find a better way. That subject I have elsewhere discussed.

SPECIAL PRIVILEGE

Let us return to the question of special privilege. A special privilege is a right which can be enjoyed by certain individuals and which is denied to the masses of men.

It may be a royal grant of monopoly giving a particular man or company the exclusive right to trade in an article and so to charge extortionate prices.

It may equally be a law enabling a man or company in a certain business to escape competition and therefore charge extortionate prices.

Such was the object of the protective tariff. Its adoption was violative of the principles upon which our Government was founded.

Every man has a natural right to purchase where he chooses and to sell where he can. That right was denied when Congress erected the tariff wall.

They told us the purpose was to protect infant manufacturers during the days of their weakness. They are more than 75 years of age. They stand astride the United States and some of them are planting their feet in foreign lands. They still clamor for aid, the while investing their millions in foreign factories. And then they tell us they can not compete with the products of their own foreign mills.

They told us the domestic manufacturer would grow strong and would compete and that prices would be reduced. They have formed monopolies to prevent competition and to exact robber profits.

THE FARMER

We hear much of the ills of the farmer. Let me repeat to the farmer what I have told him for 40 years. You are a consumer as well as a producer. The tariff law compels you to pay an excessive price for all you purchase. At the same time, the economic law compels you to sell the surplus of your products in foreign markets and the price there paid fixes the price at home. You are forced to sell in a market in which the Republican Party denies you the right to buy. You must sell abroad at a low level and buy at home at a high level artificially raised by law. The gap between those price levels is the gap of bankruptcy through which you are being driven by the thousands.

The American manufacturer, instead of reducing the price to the people who have protected him, in numerous instances sells his surplus to foreigners in foreign lands at from 25 to 50 per cent less than the price he exacts from the tillers of American soil.

If the Department of Justice had done its duty, these monopolies would have been broken up. If Congress had done its duty, instead of raising it would have lowered the tariff and used it only for the constitutional purpose of obtaining revenue to support the Government.

MR. HOOVER

During the war Mr. Hoover was given the right to license grain dealers and millers. He issued the licenses and informed these business men that if they paid more than the price he dictated he would revoke their licenses and destroy their business. He then proceeded to arbitrarily fix the price of farm products far below world prices.

Frequently the price abroad was two or three times the price fixed by Hoover. At the same time, Mr. Farmer, you were compelled to pay war prices for everything you purchased.

No one can tell to what point Hoover would have reduced the price of your wheat had it not been that Congress had passed a law guaranteeing a minimum price.

But when the war was over that guaranty no longer stood. You were then compelled to sell your products in the bankrupt markets of the world. But the manufacturer demanded and received a greater advance in the tariff on the specific ground that it was desirable to sustain the price of manufactured articles at the war level. That has been the condition ever since.

THE PENDING TARIFF BILL

One would have thought that cupidity had at last been glutted, that no more demand would be made. But Mr. Hoover and his cohorts are now engaged in trying to drive through a trust-dictated tariff bill so atrocious as to be beyond belief. Its purpose is to enable monopoly to further drain the veins of the people.

I denounce it as nothing more or less than robbery under the forms of law. It is undemocratic, unrepublican, unjust, and inhuman. Time forbids the pursuit of this theme.

It is enough to give one illustration. The Mellon interests exercise a practically complete monopoly over all the raw aluminum supply in the United States. They were instrumental in securing a tariff on aluminum products which, if my recollection serves me, ranges as high as 30 cents per pound.

By that one stroke of the legislative pen Mellon's monopoly exacts tribute from every home. Such a law, I repeat, is robbery, though perpetrated under the forms of law. The exactions of the Mellon Aluminum Trust are so vast that the infamies of Teapot Dome and Elk Hills sink into oblivion.

We tried Fall for leasing the oil lands. We enthrone Andrew Mellon for securing the right to pick the pockets of the American people.

The farmers are told that they can be compensated by the levying of a tariff tax on imported farm products. In fact, we are exporters, not importers. The farmers have swallowed that bait till one wonders how they could have been so readily deceived.

We are now told that farmers are to be rescued by farm organizations and by alms from the Public Treasury.

I would be the last man to deny to the farmer any relief reasonably obtainable. Possibly some slight relief may come. But why not apply the knife to the roots of the cancer which compels you to pay excessive prices for all you purchase and thus devours you by day and by night?

The adoption of the policy of a tariff tax for the benefit of a privileged class was a departure from the sound principles of government, and the people, especially the farmers, are now eating the bitter fruit.

What of Mr. Hoover? Mention his name and a smile of mingled derision and pity follows. His presidential achievements can be written in ciphers. A mathematician would describe him as a minus quantity. Failure was to be expected.

The President resided abroad during his entire adult life, engaged in the development and exploitation of foreign syndicates. It was too much to expect him to be acquainted with the people or the business of the country he had abandoned at the age of 23.

As a mining engineer he often saw the pay ore pinch out. As President he has seen Republican policies play out. Proclaimed as the organizer and master of men, he has been incapable of either seducing or coercing even that herd of well-trained and truculent animals commonly known as the Republican regulars. His chosen advisers are the weakest body ever assembled around a presidential council table.

Consider, if you please, our own distinguished citizen, whose agricultural experience was limited to the selling of automobiles to farmers, and whose profound study of the farm problems has led him to the conclusion that the people should be compelled to eat more in order that the farm surplus may be devoured.

He is not the originator of this philosophy. As a boy I once hauled a load of hogs to the packing house. The price was very low. As I drove onto the scales an indignant farmer just preceding me cracked his whip and started away. The hog buyer called after him, "What are you going to do with your pigs?" The farmer, an Irishman, scornfully replied, "Be God, I'm going to take them back home and sit up nights and eat them." So I say that Artie is not the original discoverer of the theory that the way to get rid of a surplus is to eat it. But why waste time on the inconsequential?

Some good has come out of present conditions. For years the Republican Party has declared that its policies produce prosperity. It has claimed the credit for all the wealth produced by the tireless arms and aching back of labor. Every time a cow has had a calf or a hen laid an egg the Republican politician has claimed credit for his party.

Even when the Republican Party found the Treasury bankrupt and had made the plates with which to issue bonds to secure money to meet the pay roll it was charged that this condition existed because the danger of a Democratic administration was impending. That Simple Simon argument presented since memory runneth not to the contrary, can no longer be employed.

We have been blessed with six years of Harding, of Daugherty, of Fall, of Doheny, of Denby. We have had six years of Coolidge, of

silence and incapacity. We have basked for 15 months beneath the protection of Herbert Hoover and the supreme guidance of Artie Hyde. For thirteen and a half years the policies of the Republican Party have been followed. The voice of Wall Street has never been so potential, its demands so religiously exacted.

Providence has been kind. The fields have laughed with abundant harvests. The principal countries of Europe were but slowly recovering from the drains and disaster of the mightiest war of all times. Droughts had locked the granaries of Russia. The Wilson administration had created a great bank and currency system calculated to abolish the panics which had theretofore cursed the country and to mobilize the resources of the banks and back them with the credit of the people. Every physical and political condition seemed to conspire to produce prosperity.

The country banks have fallen by squads, by platoons, by regiments. The failures run into the thousands. Great banks of the cities by the hundreds have concealed their insolvency under the cloak of consolidation.

The proprietors of businesses, small and great, with the exception of monopolies or quasimonopolies, have listened to the crash of falling houses, the clanging of doors, of closing factories, and have gone home to shudder at their own future.

The small business man particularly finds his business ruined, his creditors clamoring, and is tramping the streets in search of a job.

The maelstrom of the stock market sucked in the unfortunate millions, despoiled them for the benefit of the gamblers, and turned them away broken and penniless.

Labor by the millions walks roads and the streets demanding work.

But worse than all this is the condition of nearly 50 per cent of the population engaged in agricultural pursuits. Their fate is to toil without recompense, to sow and to garner without profit.

When the farmer needs a plow he must buy it from a monopoly protected and fostered by the Government—buy it at two prices. When he needs clothing, he must pay the toll of monopoly. Always he must sell his surplus in a market in which Republican laws deny him the right to buy.

Now it is proposed to build still higher the wall to protect monopolistic greed, to increase the burdens of the agricultural and laboring class. Such is the remedy to be applied.

There is one other public question which must not be overlooked. Hoover came to this country during the war to reduce the price of our farm products for the benefit of his adopted country, Great Britain. At the close of the war we were in a position to speedily command the seas and to defy any nation which in any foreign war might seek to interfere with our trade and commerce. The Harding administration, yielding to the siren song of the pacifist, signed a treaty to sink the great ships which would have made us masters of the seas. Nevertheless the treaty pretended to preserve an equality with Britain.

It is true that we were swindled in that operation. It is true the spirit of the treaty was immediately violated. Japan and England at once began building a vast fleet of cruisers. Congress tardily awakened to the emergency. Bills were prepared to place our fleet on a parity with that of Great Britain. Then Mr. Hoover interfered.

Now, as in the past, playing into the hands of Great Britain, a treaty has been negotiated which, according to the evidence of the best of our admirals, reduces us to the rank of a secondary naval power, once more making Britain the mistress of the seas.

The country is receiving just what it ought to have expected, but not what it should have received. I denounce every man and every measure proposing by direction or indirection to pull down the American flag or to humiliate our country in the eyes of the world. The day has arrived when America must by her acts certify to all the world that she is the greatest of the nations; that she will not accept a subordinate position either on sea or land.

A final word to Democrats.

Let us return to the old principles. Let us reconsecrate ourselves to the memory of Jefferson. Let us return to the States the powers wrested from them. Let us reestablish local self-government. Let us proclaim the great truth that a people incapable of governing themselves in their local communities are incapable of governing themselves in a national assembly; that Jefferson and Lincoln were right when they asserted the people of the United States could be trusted to arrange their private lives and to establish a sound and just government for their protection.

Above all, I protest that the Democratic Party shall not be led to worship the golden calf, to the adoption of the abominable doctrine that elections must be won with money. I protest that the Democratic Party shall not be placed upon the auction block; that neither the place of its conventions nor the language of its platforms shall be fixed or dictated by those who come with the most money in their hands.

Democracy is the party of the people. Upon it they must rely. Raise the standards of principle. Advance them in the hands of men in whom the people believe, and we will win without employing an immense slush fund gathered from those who invest their money in elections that they may control government after election.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 4318) to amend the act entitled "An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act," approved April 21, 1928, so as to include ceded lands under Indian irrigation projects.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6130) to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes.

ENROLLED BILLS SIGNED

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

S. 517. An act for the relief of Arch L. Gregg; and

S. 3054. An act to increase the salaries of certain postmasters of the first class.

EXECUTIVE MESSAGES

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

On June 6, 1930:

S. 1317. An act to amend section 108 of the Judicial Code, as amended, so as to change the time of holding court in each of the six divisions of the eastern district of the State of Texas, and to require the clerk to maintain an office in charge of himself or a deputy at Sherman, Beaumont, Texarkana, and Tyler; and

S. J. Res. 77. Joint resolution providing for the closing of Center Market in the city of Washington.

On June 9, 1930:

S. 3272. An act 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;

S. 3531. An act authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes; and

S. 3599. An act to provide for the classification of extraordinary expenditures contributing to the deficiency of postal revenues.

SIXTH PAN AMERICAN CHILD CONGRESS

Mr. BORAH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

WM. E. BORAH,
HIRAM JOHNSON,
CLAUDE S. SWANSON,
Managers on the part of the Senate.

H. W. TEMPLE,
HAMILTON FISH, Jr.,
J. CHARLES LINTHICUM,
Managers on the part of the House.

The report was agreed to.

CIVIL SERVICE COMMISSION NOTICES OF EXAMINATIONS

Mr. HEFLIN. Mr. President, some four or five weeks ago, when I addressed the Senate, among other things discussing the conduct of the Civil Service Commission in the matter of sending out notices to people in the various States regarding examina-

tions to be held for positions in the Government service, I showed to the Senate that, according to the testimony of Mr. Morgan, an employee of the Civil Service Commission, discrimination was being practiced in favor of the Knights of Columbus of the United States. A portion of my speech—in fact, the whole speech, I believe—was printed in the Fellowship Forum. Mr. John T. Doyle, secretary of the Civil Service Commission, has signed his name to a communication, which I presume Mr. Morgan prepared for publication in that paper, in answer to what I said upon the floor.

Mr. Morgan changed his testimony. The Senator from Georgia [Mr. GEORGE], the Senator from Vermont [Mr. DALE], the Senator from Oklahoma [Mr. PINE], and the Senator from Iowa [Mr. BROOKHART] were present, and were as much astounded as I was when he made the responses he did to my questions. Afterwards when his testimony appeared in printed form—and I have it before me—it was not at all like the answers that he made to my questions. He could not change my questions, and they show, in connection with the answers that he made, although changed, that he has garbled and changed the answers.

In this article signed by Mr. Doyle, secretary of the commission, it is stated:

No attempt was ever made by Mr. Morgan to change the record.

Now I am going to read to the Senate so that it will appear in my remarks just what the record of the testimony as changed shows:

Senator HEFLIN. I notice that you state that you send these notices to the Knights of Columbus. Do you send any to the Masonic fraternity?

Mr. MORGAN. Yes; if they ask for them.

Now, Mr. President, he made no such answer; he said "No." I ask the Senator from Georgia if that is not his recollection of the testimony. The Senator from Georgia will recall that I asked him if he sent these notices to the Masonic fraternities, and others, and he said, "No; that they did not ask for them."

Mr. GEORGE. Mr. President, I do not recall at this late date; it has been some time since the testimony was taken——

Mr. HEFLIN. Yes; it has probably been a year.

Mr. GEORGE. I remember the general tenor of the testimony, and my recollection is that his answer was in the negative.

Mr. HEFLIN. In the negative; that is correct.

The other Senators named are not in the Chamber just now.

Here is what Mr. Morgan has got the record saying:

Yes; if they ask for them. We have not any regular list of them. We send to the Knights of Columbus, to the Masonic orders—

Think of that!—

to the Young Men's Hebrew Association, and kindred organizations, if they ask for them.

That shows that he is trying to get away from the answer that he made. Further:

Senator HEFLIN. The Knights of Columbus is a fraternal organization?

Mr. MORGAN. Well, it is more than that; it is in the nature of a welfare association.

Senator HEFLIN. Well, it is a fraternity?

Mr. MORGAN. Yes; in that sense I think it is.

Senator HEFLIN. Why do you not send it to the Masons and to the Odd Fellows and the Klansmen and to the Junior Order of American Mechanics and to the Woodmen of the World?

Mr. MORGAN. We do not think it is necessary, Senator.

That statement shows that this man has falsified this record, and that he has changed it completely.

We think we get enough publicity by sending them to those to whom we do send.

There is a confession on his part that he has monkeyed with this record, and has changed it completely.

Mr. President, he said that the Knights of Columbus had a welfare association connected with it, and that he did not know about these other bodies having such associations. Of course they have them, all of them. The Masonic order, the Junior Order of American Mechanics, and the others, all have welfare associations committees attached to them. I objected to Mr. Morgan discriminating against the Protestant and Jew fraternal orders of the United States. When I asked to whom the notices were sent and Mr. Morgan said, "To the Knights of Columbus, the Young Men's Christian Association, and certain educational groups."

That is his testimony as he first gave it.

Then I asked if he sent them to the Masonic fraternity and the others named, and he said "No." Then I said, "Why do you not send them to these other fraternal orders?" and he said, "Because they do not ask for them."

That is the way he said it; and what has happened? The testimony has been changed. The original notes of the testimony have been destroyed, and I can not even get the manuscript that he changed. That has been destroyed.

Now, Mr. Deming is running as a candidate for the Senate out in Wyoming. I have no desire to reflect upon Mr. Deming. I do not know that Mr. Deming knew just what was going on in this particular matter. I will say this in fairness to him: When I asked him about this matter he was testifying, and he said, "Senator, I wish you would ask Mr. Morgan. That is detail work with which I am not familiar"; and Mr. Morgan came forward because he was familiar with it, it was in his charge, and he is the man who testified.

Now Mr. Deming is seeking the Republican nomination, I believe, out in Wyoming; and Mr. Doyle, who is practically retired—he does very little work at the Civil Service Commission; they have an assistant there who does the work—Mr. Doyle is brought forward, and they get him to sign this statement.

If Mr. Deming is not responsible for this kind of conduct, I do not want to punish him for it; but in their efforts to aid him, and to free themselves from fault, they are seeking to put me in a bad light. The Senator from Georgia [Mr. GEORGE], the Senator from Vermont [Mr. DALE], the Senator from Oklahoma [Mr. PINE], and the Senator from Iowa [Mr. BROOKHART] know, as I know, that this testimony has been changed, and that it is not the testimony that was given before that committee. I insisted that Mr. Morgan should be fair to all organizations and people and told him if he were going to send these notices to the Knights of Columbus he should send them to all fraternal orders.

I want that to appear in the RECORD, Mr. President, as the truth of the case.

CIVIL-SERVICE QUOTAS IN EXCESS OF APPORTIONMENT

Mr. HEFLIN. Mr. President, I call up Senate Resolution 285, submitted by me on last Friday, and ask for its adoption.

There being no objection, the resolution was read, considered, and agreed to, as follows:

Resolved, That the Civil Service Commission be, and it is hereby, directed to furnish to the Senate a list of the names of all employees in the classified service from States, Territories, and the District of Columbia, whose quotas are in excess of their apportionment, and who have been appointed since November 11, 1918.

PROMOTION OF COMMISSIONED OFFICERS OF THE MARINE CORPS

Mr. CONNALLY. Mr. President, on Friday the Senate passed Senate bill 551, to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes. This is a bill to which a number of Senators have objected to in the past and to which I would have objected had I been present. I ask unanimous consent that the vote whereby the bill was passed may be reconsidered.

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

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

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

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

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present. The question is on the request of the Senator from Texas [Mr. CONNALLY].

Mr. McNARY. What is the request of the Senator from Texas?

The VICE PRESIDENT. That the votes whereby Senate bill 551, to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, was ordered to a third reading and passed on June 6, be reconsidered.

Mr. McNARY. The Senator enters a motion to reconsider, and I have no objection.

The VICE PRESIDENT. The Senator from Texas asks unanimous consent for the reconsideration of the votes. Is there objection? The Chair hears none. Without objection, the votes are reconsidered and the bill will be returned to the calendar.

HOMELESS AND INDIGENT INDIANS

Mr. PINE. Mr. President, I send to the desk a resolution, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 287) was read, as follows:

Whereas there are now many homeless and indigent bands, tribes, and individual Indians scattered throughout the United States; and

Whereas there are many reservations scattered throughout the United States which are not sufficient or adequate to support and maintain the Indians residing thereon or belonging to such reservations; and

Whereas such Indians would be better cared for if they were permitted to occupy areas of lands to be specifically set apart for Indian occupation; and

Whereas there are now large areas of unoccupied public lands and national reserves situated within the boundaries of many of the Western States and Territories of the United States: Be it therefore

Resolved, That the Secretary of the Interior be, and he is hereby directed to fully consider and investigate and report to the Senate at the earliest possible date the location and approximate number of such homeless and indigent Indians, the reservations which are now inadequate, and the location and areas of public lands and national reserves suitable for the establishment of Indian reservations, and the acquisition of such additional lands outside of the areas of public lands and national reserves as may be deemed desirable for the occupation, benefit, and enjoyment of such homeless and indigent Indians of the United States; and be it further

Resolved, That the Commission on the Conservation Administration on the Public Domain is hereby directed to investigate and report to the Senate the public lands which could with advantage be occupied and used by Indians for farming, grazing, or other purposes; and be it further

Resolved, That the Secretary of the Interior is further directed to investigate and report to the Senate as to the desirability of acquiring from any Indian band, tribe, or individual any reservation or portion thereof which may be deemed insufficient and inadequate for the proper maintenance and care of such Indians.

The VICE PRESIDENT. The Senator from Oklahoma asks unanimous consent for the immediate consideration of the resolution. Is there objection?

Mr. BRATTON. I ask that it may go over, under the rule.

The VICE PRESIDENT. The resolution will go over. The Chair lays before the Senate a resolution coming over from a previous day.

THE CITIZENSHIP TEXTBOOK

The CHIEF CLERK. A resolution (S. Res. 286) submitted by the Senator from Wisconsin [Mr. LA FOLLETTE] on Friday last requesting that two copies of Citizenship Textbook, published by the Bureau of Naturalization, be furnished each Senator.

The VICE PRESIDENT. The Senator who introduced the resolution is not present. Without objection, it will go over until to-morrow.

REVISION OF LAWS OF THE CANAL ZONE (H. DOC. NO. 460)

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

To the Congress of the United States:

In conformity with the provisions of the act of May 17, 1928 (45 Stat. 596), entitled "An act to revise and codify the laws of the Canal Zone," I transmit herewith a report submitted to me by the Secretary of War on progress made in the revision and codification of the laws now in force in the Canal Zone.

The changes in existing law recommended by the Secretary have my approval, and I recommend that they be given the approval of the Congress.

HERBERT HOOVER.

THE WHITE HOUSE, *June 9, 1930.*

DRAFTS DRAWN BY AMERICAN EMBASSIES IN PETROGRAD AND CONSTANTINOPLE (S. DOC. NO. 163)

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

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State, to the end that legislation may be enacted to authorize an appropriation of not exceeding $44,446.05 for the payment of interest on funds represented by drafts drawn on the Secretary of State by the American Embassy in Petrograd and the American Embassy in Constantinople and transfers which the embassy at Constantinople undertook to make by cable communications to the Secretary of State between December 23, 1915, and April 21, 1917, in connection with the representation by the embassy of the interests of certain foreign governments and their nationals.

HERBERT HOOVER.

THE WHITE HOUSE, *June 9, 1930.*

PANAMA, THE CROSSROADS OF THE WORLD—RADIO ADDRESS BY DOCTOR ALFARO, MINISTER OF PANAMA

Mr. SWANSON. Mr. President, I present a very interesting and instructive address entitled "Panama, the Crossroads of the World" which was delivered over the radio a few days ago by the minister of Panama, Doctor Alfaro, and also the address of Senator PITTMAN introducing him. I ask unanimous consent that the addresses may be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD.

Senator PITTMAN spoke as follows:

Ladies and gentlemen of the radio audience of America, I have the high honor and great pleasure to present to you a distinguished fellow American, Dr. Don Ricardo J. Alfaro, diplomatic minister to the United States from the Republic of Panama.

Doctor Alfaro is internationally known as a brilliant Spanish and English scholar, distinguished lawyer, diplomat, and statesman.

His ability and sincere cooperation with the governmental representatives of all countries has won for him universal confidence and respect.

He speaks for Panama, the land of romance and destiny, the sentinel over interoceanic commerce, the golden link in friendship's chain of the Americas.

Across the Isthmus of Panama traveled the hearty pioneers of '49 to dig gold from the streams of California and build our western empire.

Through Panama the United States was permitted to build the greatest canal for the unrestricted use of all peoples in the spirit of the freedom of the seas.

In our intense efforts in cooperation with other nations to overcome ignorance, fear, and selfishness and assure independence and peace throughout the world we hold tenaciously to the friendly hands of our brothers of the Americas.

You will now be addressed by Doctor Alfaro, diplomatic minister from Panama to the United States.

Dr. Don Ricardo J. Alfaro spoke as follows:

Panama is the youngest of all the Republics of the continent, but it is one of the oldest Spanish settlements in America. Its northern coast was discovered by Columbus in 1502; from its mountains, Balboa discovered the Pacific Ocean in 1513, and Panama City was founded by Pedrarias in 1519, 101 years before the Pilgrims landed on Plymouth Rock.

The discovery of the Pacific Ocean was soon followed by the conquest of Peru. It may be said that Panama was the training field for the conquerors of the great Inca Empire, as Pizarro was one of the most brilliant lieutenants of Balboa, and it was in Panama that he organized his famous expedition.

From those early days it was manifest that the Isthmus of Panama was predestined to be the crossroads of the world.

The national life of Panama with regard to interoceanic traffic is divided into five distinct periods.

First, the days of the Spanish galleons, when goods shipped from Castile to the Spanish colonies of the Pacific, and the gold and silver sent to Spain from the fabulous mines of Peru, maintained an active traffic through the two ports of the Isthmus.

The second period was that of the California gold rush, when many of the forty-niners, rather than journey 5,000 miles across the desert or the Rocky Mountains, would go to California by way of the Isthmus of Panama.

The third was characterized by the construction of the Panama Railroad, the first transcontinental railway in America, which shortened and facilitated so considerably transportation between the Atlantic and the Pacific.

The fourth was that of the work of the French in the Panama Canal, which began with a great boom and ended in a period of depression aggravated by a devastating civil war.

The fifth and last is the one that began with the independence of the Republic in 1903 and comprises the successful construction of the Panama Canal by the Government of the United States.

There are no two countries on the face of the earth which are so closely united as Panama and the United States. The construction of the Panama Canal has linked our destinies as tightly as are flesh and bone in the human body. For the canal runs through our territory and besides being the most precious element in the commerce of the

world, it is the most valuable asset of the United States outside of its own territory and the most vital spot of the American national defense.

On the other side, the building of the great maritime highway must necessarily have a decisive influence on the commercial and economic life of the republic. The interoceanic traffic is bound to determine an affluence of population and an increased activity of business in our main ports of Panama and Colon. The many services required for the operation of the canal open a vast field to the people of the republic for profitable work and business. So, it is unquestionable that the canal is responsible to a great extent for the prosperity and development that has taken place in Panama since 1903.

However, it must be remarked that the economic potentialities of Panama are not confined to its privileged geographic position. And while it is a fact that the Panaman people have concentrated their activities upon trading with those who cross "the bridge of the world," it is none the less true that they are awakening to the realization of the almost unbounded possibilities awaiting those who will cultivate our soil and extract from it the many riches it contains.

While the name, Panama, is mentioned and well-known all over the world, there are many misconceptions about our country. Persons looking at the map and seeing the Isthmus between the two enormous continental bodies of North and South America will get the impression that Panama is about the smallest country on earth. But many will be surprised to know that there are in America four Republics with a smaller area, and that compared with some European countries, Panama is larger than Austria, Ireland, Esthonia, Latvia, and Lithuania; double the size of Denmark or Switzerland, and three times the size of Belgium. With reference to the States of the Union, the territory of Panama is about equal to that of Maine and larger than the States of Maryland, Massachusetts, New Jersey, Delaware, and Rhode Island, all combined.

There is also a prevalent idea that Panama is all low and flat, with an intensely tropical temperature, when as a matter of fact it is one of the most mountainous countries in America. One-third of the total area of the Republic enjoys a cool climate and consists of high plateaus available for many of the cultivations of the Temperate Zone. It is estimated that 1,000,000 acres of the Panamanian lands are at an altitude of more than 5,000 feet; 2,000,000 above 3,000 feet, and 3,000,000 above 2,000 feet. This means that at least 3,000,000 acres are adequate for European or North American colonization and that the highlands of Panama may expect a wonderful development when they are made easy of access by means of good roads.

Lack of communications has been the one great handicap of Panama in the past and while the interoceanic traffic has always supplied the means of covering our unfavorable trade balance, the people of Panama realize that real prosperity will come when good roads will open up the country to a population which could be at least ten times greater than the one we have now.

With that end in view, the Republic has concentrated its energies in the building of motor roads. All the proceeds of our foreign loans and additional millions from our Treasury have been expended in railway and highway construction, with the result that within a year Panama will have one of the longest stretches of the future Pan American highway in proportion to the length of her territory.

Life and property are as fully protected in Panama as in the best organized and most stable nations. The scourges which gave the Isthmus such a dreaded name in the past have disappeared. It is no more the grave of the white man. Gone are the days of the pirates, the revolutions, and yellow fever. Education, sanitation, and transportation have begun to show what potent factors they are for the progress of a young and undeveloped country.

Panama was called "Golden Castile," because of the great quantities of gold found by the first conquistadores. The old mines were abandoned when, after long exploitation, they became unprofitable. To-day, roads and modern machinery are reviving that famous industry.

Besides many luscious fruits and nutritious vegetables, our soil produces with amazing facility, bananas, coconuts, rubber, ivory nuts, medicinal plants, and cabinet woods of rare hardness and beauty; from our waters are extracted tortoise shell, mother-of-pearl, and fine gems, which rival in beauty those of the Orient. These products are our chief exports and their volume may be considerably increased. Cattle raising is the oldest, most solid, and most promising industry of the Republic, and while excellent sugarcane and coffee is also grown in our lands, the present crisis of these two commodities in the markets of the world are restricting production to local consumption.

I will say in conclusion that Panama is something more than the land of the canal. Our future prosperity must needs be influenced by the existence of the great waterway, which is in itself a great market for our production. But we are endeavoring not to be dependent solely on the transit trade. East and west of the canal there is a wonderful country inviting good immigration and sound investment, and ready to repay bountifully every intelligent effort of industry and work.

RELIEF OF UNEMPLOYMENT—ADDRESS BY SENATOR BINGHAM

Mr. SULLIVAN. Mr. President, on Saturday evening last the Senator from Connecticut [Mr. BINGHAM] delivered an address over the radio on the subject of relief of unemployment through Federal aid. It is a very thoughtful, interesting, and instructive address, and I ask unanimous consent that it may be printed in the RECORD.

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

I have been asked to address you to-night upon a subject of practical national interest—the relief of unemployment through Federal aid. In the first place, the Federal Government is itself a large employer and, in circumstances like the present, the intelligent conduct of its own vast program of public works is a direct stimulant to private employment. Nevertheless, we must not forget that the main volume of work and wages comes from private sources. Therefore, any proposed legislative policy should inspire the confidence and secure the support of private business.

Federal legislation to aid in meeting employment problems is represented in three bills proposed by the distinguished junior Senator from New York, Mr. WAGNER. Concerning these he addressed this great radio audience two weeks ago. With respect to one of these bills, I think you will perceive there is room for great difference of opinion as to the wisdom of its principle and policy.

The first measure proposes a systematic regularization of the construction and repair of the public works of the United States as a means of making Federal contributions to the stabilization of employment. The second measure is intended to provide a national system of employment bureaus. The third authorizes the Bureau of Labor Statistics to collect, compile, and distribute information respecting the state of employment.

With respect to two of these measures, the first and third, proposing a more systematic organization of Federal construction work and the collection of employment information, there was substantial agreement in the Senate. The measures passed without opposition. But the second measure, S. 3060, conceals under the plausible appearance of establishing cooperation between State and national employment agencies a series of proposals which challenge the very form of our Government and, in my opinion, will excite antagonism and friction instead of that cooperation it is essential to secure. Many large and representative industrial groups like the National Association of Manufacturers of the United States, even though deeply interested in securing that measure of prosperity which comes only from an absence of unemployment, make serious objections to this proposal. The final vote in the Senate by which the bill was passed, 34 to 27, fairly expressed the wide difference of opinion entertained within that body. A change of four votes would have meant its defeat. The bill is now in the House of Representatives and is about to be considered by the House Judiciary Committee. Since the action of the Senate there is continuing evidence of a rising tide of strong and widespread protest against the policy and method proposed, the reasons for which become manifest when we consider the history and character of the measure.

After a careful study of the proposal I came to the conclusion that as a remedy it is far worse than the disease it attempts to cure. It sems to me seriously objectionable: First, because it seeks to seduce or bribe the individual States to surrender a vital power of self-government and to accept Federal supervision and control in exchange for a Federal appropriation. Secondly, not satisfied with undertaking to persuade the States to part with these vital rights in return for Federal aid, it proceeds to coerce the State into the acceptance of that assistance and of dominant Federal control by threatening the establishment and maintenance of competing Federal agencies unless the State accepts the Federal plan. Thirdly, the policy of the bill is in direct contradiction with the recommendations of President Harding's conference on unemployment of 1921, of which President Hoover, then Secretary of Commerce, was chairman. Fourthly, since the bill, in contradiction with the recommendations of the representative conference on unemployment, undertakes to compel rather than persuade the cooperation of the States, it is likely to excite opposition and friction rather than local good will and cooperation. In a word, it proposes to adopt a remedy once rejected as impracticable and offensive to the traditions and practice of local self-government.

Let me ask you to consider specifically what this bill proposes to do: It would establish a national system of employment offices under the control of a new bureau in the Department of Labor to be known as the United States Employment Service. Its executive head is to be a director general of employment appointed by the President. The function of this bureau is to furnish information as to opportunities for employment and set up a system of clearing labor between the States by establishing uniform standards, policies, and procedure in its employment agencies, and aiding in the transportation of workers to places of employment. It is directed to be impartial, neutral in labor disputes, and free from political influence—an excellent thing in itself. So far the measure proposes nothing incompatible with voluntary cooperation between the State and Federal Government. But the measure does not stop here—it carries an appropriation of $16,000,000 to be expended during the next four years, at the rate of $4,000,000 a year. Three million dollars of this sum to be annually apportioned among the States of the Union in the proportion which their populations respectively bear

to that of the United States, for the purpose of aiding in the establishment of employment offices in the States. A State may secure Federal aid to establish an employment-agency system or to support one already in existence by agreeing through its legislature to cooperate with the Federal agency. But, to secure this 50 per cent contribution from the National Government, the State must submit a plan of operation which conforms to rules and regulations to be prescribed exclusively by the Federal director general, a new bureaucrat in Washington. It must agree not only to conform to his plans and direction, but it must constantly report to him in such form as he shall prescribe. Each State must not only expend the Federal funds in such manner as he directs, but also its own funds appropriated out of its own State treasury. If these requirements are not fulfilled, the director general is authorized to withdraw the Federal aid.

Up to this point, the bill says to the States: "Establish an employment agency in the manner the Federal Government prescribes, or agree to operate the one you already have under its direction, and we will contribute 50 per cent of its cost of operation." Now, the operation of a public employment agency and the policy which the State shall pursue toward employment regulation is indisputably a matter completely within the exclusive control of its own legislature, never delegated to the Federal Government by the Constitution, and which under the tenth amendment of the Constitution is reserved to the States. So, up to this point, the bill plainly asks that the State voluntarily surrender its local police power and prescribed right of self-government in return for a Federal appropriation.

But the bill also goes further. Its proponents determined not merely to try to bribe but, if necessary, to compel the States to accept the plan which the Federal Government proposes. That is to be accomplished in this way: From an annual fund of $1,000,000, the director general of employment is authorized, in his discretion, to establish and operate a system of Federal employment offices in any State which has none of its own. It may be that the people of your State, from a knowledge of local conditions, are satisfied that existing private agencies in industry, manufacture, merchandising, or transportation, or quasi public bureaus, meet the actual needs. Nevertheless the Federal Government, under this bill, could direct the establishment of a Federal agency to deal with local conditions, whether your State desires it or not.

This is bad enough, but the proposal does not even stop here. Its proponents know that three-fifths of the States and dozens of cities, as well as many voluntary organizations, have established effective employment agencies. These they obviously desire to put under Federal control and direction. To that end the bill declares that in States where there now exists a system of public employment offices, but where the State has not, through its legislature, accepted Federal aid and control, the director general of employment may enter upon an agreement with the governor of the State for the establishment of a Federal agency system. You will notice here the astonishing proposal that because the legislature of a sovereign State, which alone has the right to determine its public policy, does not wish to accept the terms of the bill, a Federal officer is directed to enter upon a treaty with the executive instead of the legislative branch of the State government to get the governor to do what the legislature refuses to do, thus ignoring and contravening the will of the people.

Nor are the proponents of the bill willing to stop at this extraordinary extreme. To make certain that a Federal system is established, whether the State wants it or not, the Federal Director of Employment is instructed, by section 10 of the bill, that, pending the conclusion of an agreement with the governor for the establishment of a Federal system, the Director General may establish and maintain within the boundaries of a reluctant State, a Federal system of agencies for one year. Surely, if neither the State legislature nor its governor wants the Federal plan, with its dominant control, the establishment of a Federal system within such a State means conflict and competition with the existing State agencies. It represents the most extreme suggestion yet made under our form of government to authorize a Washington bureaucrat, against the obvious refusal of the State, to enter that State, possibly your State, and set up a Federal agency to do that which you may already be doing to your own satisfaction.

A recitation of these facts enables one to understand why this substantially identical proposal was turned down in the Sixty-sixth Congress, after extensive hearings by a joint committee of the House and the Senate. Before such committee it was the subject of discussion for over a month, but made no further headway. It is not, therefore, a new suggestion, but an old one once repudiated and rejected. It should be rejected again: First, because it seeks to bribe the individual States to surrender a vital power of self-government in exchange for a Federal appropriation, and to accept Federal supervision and control. Secondly, because, not satisfied with undertaking to persuade the States to part with these vital rights in return for Federal aid, it undertakes to coerce the State into the acceptance of that plan by threatening the establishment and maintenance of Federal agencies unless the State accepts the Federal policy.

This is a dangerous doctrine. I do not need to remind you that the War of the American Revolution was fought as a protest against the infliction of laws upon people who did not desire them, or upon communities where the majority of the people were not in favor of them. Our forefathers rebelled against taxation intended to raise money for purposes in which they were not interested and with which they had no sympathy.

Proposals involving appropriations for Federal aid in this and other forms approach perilously near to that state of affairs against which our forebears revolted. The money for Federal aid is raised by taxes in which everyone has a part, directly or indirectly. The citizens of no State escape from this. And even if a State declines to accept its share of Federal aid under the conditions imposed upon it by the law authorizing such aid, it is nevertheless obliged to pay its share of the tax made necessary by the law. A paternalistic Federal Government, in effect, says to the States: "This is a good project. You must pay for it whether you believe in it or not." This bill which we are considering goes even farther, as already pointed out, and serves notice on the States that they will be compelled to participate in the proposed plan, even though it may be against their will.

Granted that under certain conditions the operation of the plan might be of some present benefit, is it best in the long run that these ends be secured through the Federal Government, or through the State governments? Is it best to have more centralization in Washington, more bureaus, more money wrung from the taxpayers for the bureaus to spend, more power for the bureaucrats? Is it wise that for the sake of desirable ends we take away the responsibility of the States to look after their own citizens? My answer is "No!"

Now, let us look at another argument. It is asserted by proponents of this measure that it conforms to the recommendations of President Harding's conference on unemployment, in 1921, and those of the committee on business cycles and unemployment, in 1923, and President Hoover's own declarations in a recent address to the United States Chamber of Commerce.

In his address over the radio on May 24, Senator WAGNER declared, respecting President Harding's unemployment conference of 1921:

"It finished its sessions by recommending the principles embodied in my three unemployment bills. Mr. Hoover was chairman of that conference."

Now, the President's conference of 1921, composed of over a hundred representative persons drawn from every walk of life, representative economists, educators, and manufacturers, and representative trade unionists, adopted unanimously a recommendation for a permanent employment system. It declared that "in any permanent system the State should be the operating unit of such employment offices and the extension of such offices should be encouraged. The Federal Government itself should not operate local offices or do placement work."

Thus, you perceive, the 1921 conference unanimously condemned the very thing this bill directs the Federal Government to do. The conference also made constructive suggestions for collecting statistical information and securing, through persuasion, but not by compulsion, the cooperation of State and Federal employment agencies. When President Hoover recently addressed a great commercial gathering at Washington, he referred to the recommendations of this conference, summarized its conclusions, and, after expressing his intention of organizing a body representative of "business, economics, labor, and agriculture" for further inquiry and action, emphasized the necessity of meeting this problem "by voluntary cooperation through the great associations representative of business, industry, labor, and agriculture, both nationally and locally."

Two years after President Harding's conference on unemployment, a committee of which Owen D. Young was chairman, and which included Matthew Woll, vice president of the American Federation of Labor, made an extensive examination of business cycles and unemployment. Referring back to the recommendations of the President's conference on employment bureaus, this committee concurred in the previous recommendation. It must therefore be evident that far from receiving support from these official sources the policy of this bill in having the Federal Government operate local offices is severely condemned by these authoritative and representative expressions.

However, there is a far deeper significance attached to such encroachments upon the rights and prerogatives of the States as this and other Federal-aid propositions involve than the question of feasibility, and the problem of how to relieve unsatisfactory labor conditions. That significance resides in the fact that in this country we are drifting more and more away from the views of our fathers, more and more away from that doctrine of the rights of the sovereign States on which the Constitution was founded, more and more away from the cost of liberty, and toward the enervating benefits of a benevolent despotism.

The tenth amendment to the Constitution specifically provides that "The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people." Yet we are continually trespassing upon these rights of the States and are centralizing in agencies of the National Government the authority that belongs to the States. It is not the business of Washington to look out for the general welfare of the people but for the general welfare of the States. It is the business of the States to look out for the general welfare of the people. The kind of thing which

may be called the general welfare in one State is not called that in another State. Many things are best decided by communities; best, because they cause the most happiness and the greatest development of character. Centralization inevitably leads to despotism and loss of personal liberty. Bureaucracy undoubtedly spells loss of personal responsibility, loss of character. It is in local self-government that we have the best school of citizenship, the best gymnasium for the development of the body politic. We ought to have stronger States, not weaker. The lines between the States should be zealously guarded, not effaced. More people should be given the responsibility for making wise decisions.

This bill looks toward uniformity. Uniformity spells the death of individuality, the death of freedom of thought and action. Standardization is all right for machines. But human beings are not machines. No two of us are alike. We do not think alike. We find our happiness in many different ways. Whenever an all-wise central government has decided how to rule the manners and customs of the people, how to save their immortal souls, it has failed. Happiness and goodness come from within. They are the fruits of character. If the proponents of the principle of centralization of authority at Washington, of which the bill we are discussing is a striking example, succeed in their efforts to have the Federal Government assume the responsibility for better social welfare, they will eventually succeed in killing off the very spirit of self-reliant citizenry which has made America possible. This trend leads to a protecting paternalism which will cause the atrophy of our powers as a self-governing people. Only those who are able and willing to govern themselves are fit to be free.

We have an apt illustration of the present situation in a well-known Old Testament character. Esau came in hungry from the chase, Jacob's pottage smelled good and it tasted good. Esau surrendered his birthright for a mess of pottage. The States are now asked to do the same thing. Employment agencies are needed. It is difficult to persuade some State legislatures to establish them. Therefore let's use the bribe of Federal aid. There is the appearance of getting something for nothing. The money received from the Federal Government does not come directly from the taxpayers. They are more interested in local and State taxation. Consequently they may be willing to surrender their birthright for a mess of pottage just as Esau did of old when he was hungry. The pottage satisfied his immediate needs, and his birthright was something in which he was only remotely interested at the moment. Many of our citizens are out of work. So this proposal to set up more bureaucrats may get their support.

Speaking upon the subject of the "Dangers of Centralization," in the Senate, in December, 1926, I made some observations which seem to me to apply with equal force in regard to this bill.

I then said: "If you take away from the town government and the State government the duty of looking after the welfare of the individual and of his wife and children then you simply encourage the citizen to be indifferent to State and local elections. You make him less likely to do his part in making local government better. You make him less willing to give his time to the public service. You destroy a large part of his natural interest in government. You make him a poorer citizen. The more efficiently the central government looks out for his individual welfare, the less likelihood is there of his taking the trouble to be a sturdy, self-reliant citizen; and the less chance you have of developing a citizen worthy of the name. He learns to like a paternalistic government.

"As our citizens become less self-reliant, less practiced in self-government, it becomes more and more difficult to maintain 'government by the people.' They become less fit to act as rulers. They look to Uncle Sam for help. The more you yield to their demand for help, the more surely you bring the day when they will have neither the experience, the wisdom, nor the strength to govern themselves. When people are no longer competent to govern themselves, they soon cease to be free and independent. They become dependent subjects, fit only for an autocracy. When you take away responsibility from a citizen, he ceases to be a citizen and becomes a subject.

As President Coolidge once said: "Unfortunately the Federal Government has strayed far afield from its legitimate business. It has tresspassed upon fields where there should be no trespass. If we could confine our Federal expenditures to the legitimate obligations and functions of the Federal Government, a material reduction would be apparent. But far more important than this would be its effect upon the fabric of our constitutional form of government, which tends to be gradually weakened and undermined by this encroachment. The cure for this is not in our hands. It lies with the people. It will come when they realize the necessity of State assumption of State responsibility. It will come when they realize that the laws under which the Federal Government hands out contributions to the States is placing upon them a double burden of taxation, Federal taxation in the first instance to raise moneys which the Government donates to the States, and State taxation in the second instance to meet the extravagance of State expenditures which are tempted by the Federal donations."

In his annual message to Congress December 8, 1925, President Coolidge declared:

"The functions which the Congress are to discharge are not those of local government but of National Government. The greatest solicitude should be exercised to prevent any encroachment upon the rights of the States or their various political subdivisions. Local self-government is one of our most precious possessions. It is the greatest contributing factor to the stability, strength, liberty, and progress of the Nation. It ought not to be infringed by assault or undermined by purchase. It ought not to abdicate its power through weakness or resign its authority through favor."

Yet that is what this bill does. It undermines local self-government by purchase. It sets up more bureaucratic government.

Dwelling upon the evils of bureaucratic government in his Williamsburg address in the spring of 1926, President Coolidge said:

"No method of procedure has ever been devised by which liberty could be divorced from local self-government. No plan of centralization has ever been adopted which did not result in bureaucracy, tyranny, inflexibility, reaction, and decline. Of all forms of government, those administered by bureaus are about the least satisfactory to an enlightened and progressive people. Being irresponsible they become autocratic, and being autocratic they resist all development. Unless bureaucracy is constantly resisted it breaks down representative government and overwhelms democracy."

Now, my friends, the measure under consideration is condemned by reason and authority. Nor can one doubt that the attempt to enforce it would lead to conflict with established State agencies, to obstruction and friction instead of cooperation. Let us provide for the collection of information. Let the Federal Government, as the Executive branch is already doing, organize its own vast projects in relation to its own public works, so that they may assist in taking up the slack in employment whenever necessary. Let the Government, pursuing the recommendations of the 1921 conference, seek and obtain the cooperation of the States, as it can so readily do. The President himself has pointed the way through the great business conference which he called into being and which voluntarily organized the employing forces of the Nation to meet in terms of their respective industries and in the light of their experience the immediate situation which confronts us. Such a plan makes the individual, the community, the industry, meet its own high responsibilities, instead of crying out: "Let Washington do it." It develops individual and local responsibility. But let us not approve of the proposed bill, which corrupts and destroys community and individual initiative and social obligation.

I know that it is easy to make an emotional appeal for any measure to relieve unemployment. In this period of relative depression it is natural to favor with but superficial examination any projects for the extension of aid. But ask yourself this question: What method is likely to have the best measure of success? Is it a plan resting like that of President Hoover on the voluntary appeal to all the employing agencies of the country or one that depends upon an attempt to coerce the States into the acceptance of a highly centralized Federal control? Is it a method that is in accord with the recommendations of the responsible and thoughtful groups which the President brought together in an employment crisis in 1921 or one which is in plain conflict with the conclusions then reached?

In our efforts to provide relief let us not embrace a plan that rests upon more bureaucratic centralization, for in that lies potential disaster to the very foundations of our American Union. We should neither continue to overload the Federal Government with a mass of duties better discharged by local authority in the light of its own circumstances nor countenance any action that would coerce the States into the acceptance of Federal control of their local policies.

Above all, in our zeal to better economic and social conditions let us ever be mindful of the fundamental fact that in our country we do not want dependent subjects; we want self-reliant citizens. Let us never lose sight of the principle that if ours is to be a government "by the people" the people must be able to govern; they must be able to solve their own problems; they must be free from the pressure of the Central Government, whether exercised through threats of taxation, bribes, or Federal aid, or the tyranny of despotic legislation.

The end does not justify the means. Bribery and coercion may seem to bring some immediate help to unemployment, but in the end we shall not have as sound and healthy a government as our fathers built. It is still worth while to fight for self-reliance, liberty, and freedom. State rights are worth preserving at all costs.

STATE LAW OF EVIDENCE IN FEDERAL COURTS

Mr. ASHURST. Mr. President, most of the so-called criminal cases that reach the Supreme Court of the United States turn upon the question of the admissibility of evidence. Lawyers and judges everywhere recognize that since the foundation of the Government down to this day the question of State law of evidence in the Federal courts has been one of the most inveterate and perplexing questions in our jurisprudence. I ask leave to have printed in the RECORD an interesting and well-considered article written by a gentleman named W. Barton Leach, of the Harvard Law School, entitled "State Law of

Evidence in the Federal Courts," published in the Harvard Law Review.

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

STATE LAW OF EVIDENCE IN THE FEDERAL COURTS *

In Massachusetts the declarations of deceased persons are admissible by exception to the hearsay rule, if made in good faith before the action was begun.[1] In Tennessee and Virginia the party producing a witness may introduce evidence of the witness's good character for veracity without prior attack thereon.[2] In New York a physician is not permitted to disclose information acquired while attending a patient.[3] In some States a witness may be impeached by proof of self-contradictory statements without first asking the witness whether he had made the statements.[4] In Federal courts sitting in these States, how far are such variations from generally accepted rules applicable? Does it matter that some are statutory and others judge made? Does it matter that a given case arises on the criminal rather than the civil side, at common law rather than in admiralty? In arguing the point of evidence to the particular Federal court, where is counsel to turn for binding authority—to his State decisions, to the United States reports, or to the "weight of authority"?

The struggle in our Federal system between uniformity and conformity gave us Swift *v.* Tyson,[5] and along with it a series of enduring perplexities in the law of evidence. The victims of the conflict are those innocent bystanders, the trial lawyer with a casual Federal practice and his client. How are the very practical problems of the kind just suggested to be dealt with? Counsel may scan the statutes and the reports with no result other than amazement that a National Congress and national courts could have functioned for a century and a half without answering these questions. This paper seeks to collate the material on the subject with a view to giving the most definite answer now available.

Several acts of Congress expressly require conformity to State law in fields more or less restricted.[6] So far as the law of evidence is concerned, these statutes have all been limited to civil cases, either in terms or by judicial construction.[7] Criminal cases, unaffected by this legislation, will therefore be first considered.

CRIMINAL CASES

The question whether the Federal courts should follow State rules of evidence was a neat one. Changes of sovereignty, even creation of new sovereignties, were familiar to the courts; and there was an understandable body of authorities as to the extent to which the laws of the new sovereign superseded those of the old. But in the stock cases of the past all authority of the old sovereign had ceased when the authority of the new became effective. Concurrence of Federal and State sovereignties gave rise to new difficulties, and these were aggravated by the concurrence of Federal and State judicial power in broad classes of cases. Nice problems of the nature of Federal sovereignty and judicial power lurked behind the apparently insignificant issue whether the Federal court in Virginia should apply a strange quirk of the State law of evidence. The question would have appealed to Marshall's imagination. But Marshall was dead when it arose.

In United States against Reid [8] the Supreme Court in 1851 was required to decide whether in a trial in Virginia a person jointly indicted with the defendant, but separately tried, was a competent witness on the defendant's behalf. A Virginia statute of 1849 expressly made such a person competent; this statute was disregarded, on the ground that section 34 of the judiciary act of 1789 (later Rev. Stats., sec. 721),[9] requiring conformity to State laws in "trials at common law" did not apply to criminal cases, and that therefore State legislation subsequent to 1789 was inapplicable. But some law of evidence had to be found. The court thumbed over the judiciary act of 1789. It discovered that in section 29 Congress had fixed the method of summoning and selecting jurors as the method then (in 1789) in force in the respective States.

"As the courts of the United States were in these respects to be governed by the laws of the several States, it would seem necessarily to follow that the same principles were to prevail throughout the trial." [10]

Therefore the court declared, "by necessary implication," that for all time—

"The law by which * * * the admissibility of testimony [11] in criminal cases must be determined, is the law of the State, as it was when the courts of the United States were established by the judiciary act of 1789. * * * The only known rule upon the subject which can be supposed to have been in the minds of the men who framed these acts of Congress was that which was then in force in the respective States." [12]

The court assumed that under the Virginia law of 1789 the proffered witness was incompetent, and therefore approved his rejection.

The reasoning of the opinion based on the provisions in section 29 of the judiciary act as to the selection of jurors was not strong at best. Moreover, it seems heretofore to have gone unnoticed that the section upon which the court based its reasoning had been repealed 10 years before the opinion was written. Section 29, requiring the Federal courts to follow the State rules of 1789 as to selection of jurors, had been once modified and finally superseded in 1840 by a statute imposing upon the Federal courts the State rules from time to time in force.[13] Fairly applied to this new statute, the court's reasoning would have brought complete conformity to State law.

But from the point of view of 1851 (if we can exclude foresight from judicial qualifications) the Reid case undoubtedly reached a desirable result. Newfangled State legislation was just beginning to tinker with the disqualifications of interested witnesses, long regarded as necessary safeguards against perjury. No one could tell how these truly revolutionary innovations would work out. Besides, the Federal criminal law was uniform throughout the country. Why should it not be uniformly administered? The common law of evidence in the several States in 1789 was substantially the same. Such diversity as may have existed would be practically undiscoverable due to the scarcity of reported decisions of prior date; and in the absence of indication to the contrary the common law of evidence in any particular State would be assumed to be the English common law.[14] Plainly, the desired uniformity would result from application of the rules of 1789. How could the court foresee that within a few decades many of these rules would be regarded as medieval technicalities?

The subject next received attention in 1891 in Logan against United States.[15] There had been a trial in Texas in which two witnesses, previously convicted of felony in North Carolina and Texas, respectively, were allowed to testify on behalf of the Government over the defendant's objection. The court proceeded to apply the rule of United States against Reid to a Federal court sitting in a State admitted to the Union after 1789. It held that the law of evidence of the State as of the date of its admission was binding upon the Federal court. Therefore, a statute, passed by the State legislature after its admission, rendering these witnesses incompetent, was inapplicable; but the court was obliged to follow a statute enacted by the Republic of Texas in 1836 [16] applying to questions of evidence "the common law of England, as now practiced and understood." [17] Examining the common law of England, the court ruled that both witnesses were competent—the one convicted in North Carolina because the disqualification of convicted felons did not apply to convictions in another jurisdiction; the one convicted in Texas because he had been pardoned, a circumstance which removed the common-law disqualification.

In Benson against United States,[18] the same judges who eight months previously had decided the Logan case held, in a case arising in the district of Kansas, that one who was jointly indicted with the defendant, but tried separately, had been properly received as a witness for the prosecution. What law should be applied? The brief for the Government cited the Kansas criminal code. Of course, this could have no application, and the court ignored it on the authority of the holding in United States against Reid that State statutes were of no

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* Mr. Charles E. Hammett, jr., of the present third-year class, Harvard Law School, has rendered invaluable assistance throughout the preparation of this article.

[1] Massachusetts General Laws (1921) ch. 233, sec. 65; American Ry. Exp. Co. *v.* Rowe, 14 F. (2d) 269 (C. C. A. 1st, 1926).

[2] Louisville & N. R. R. *v.* McClish, 115 Fed. 268 (C. C. A. 6th, 1902); Franklin Sugar Refining Co. *v.* Luray Supply Co., 6 F. (2d) 218 (C. C. A. 4th, 1925).

[3] Connecticut Life Ins. Co. *v.* Union Trust Co., 112 U. S. 250 (1884).

[4] American Agricultural Chem. Co. *v.* Hogan, 213 Fed. 416 (C. C. A. 1st, 1914).

[5] 16 Pet. 1 (U. S. 1842).

[6] Rev. Stats., secs. 721, 858, 914 (1878), 28 U. S. C., secs. 725, 631, 724 (1926).

[7] Rev. Stat. sec. 721 (1878), 28 U. S. C., sec. 725 (1926), and its predecessors, prescribe that State laws shall be rules of decision in "trials at common law." These words were construed to exclude criminal proceedings in United States *v.* Reid, 12 How. 361 (U. S. 1851), "a singular and indefensible construction," 1 Wigmore, Evidence (2d ed., 1923), sec. 6, but unquestioned law. Section 858, 28 U. S. C., sec. 631 (1926), in its present form is expressly limited to civil cases, and was construed to be so limited in an earlier and less explicit form. Logan *v.* United States, 144 U. S. 263, 302, 303 (1892); United States *v.* Hall, 53 Fed. 352, 353 (W. D. Pa. 1892). Section 914, 28 U. S. C., sec. 724 (1926) (the conformity act), is in terms limited to civil cases.

[8] 12 How. 361 (U. S. 1851).

[9] Now 28 U. S. C., sec. 725 (1926).

[10] 12 How. at 366.

[11] It will be observed that the leading criminal cases in the Supreme Court have all dealt with the competency of witnesses. But the same principles apply to other questions of evidence. Withaup *v.* United States, 127 Fed. 530 (C. C. A. 8th, 1903). The prominence of questions of competency is due to the fact that in this field the divergence is greatest between common-law precedents and modern legislation.

[12] 12 How. at 363, 365.

[13] Act of July 20, 1840 (5 Stat. 394). There had been a previous amendment referring the Federal courts to State jury practice as of 1800. Act of May 13, 1800 (2 Stat. 82). Conformity to State law from time to time in force is still the rule. 28 U. S. C., sec. 411 (1926). The opinion of the court incidentally miscited sec. 29 as sec. 20. 12 How. 361, 365.

[14] Withaup *v.* United States (127 Fed. 530, 534 (C. C. A. 8th, 1903)), Knoell *v.* United States (239 Fed. 16, 22 (C. C. A. 3d, 1917)).

[15] 144 U. S. 263, 298 (1892).

[16] The original constitution of a newly admitted State must be followed as well as Territorial statutes. Ding *v.* United States (247 Fed. 12 (C. C. A. 9th, 1918)).

[17] 1 Republic of Texas Laws (1838), 156.

[18] 146 U. S. 325, 333 (1892).

force in the Federal criminal courts. A Kansas Territorial statute [19] had, however, as in the Logan case, expressly adopted the common law of England. This statute plainly was binding under the Logan decision, but in neither of the briefs nor the opinion was it mentioned. The court proceeded to examine the common-law authorities, without statement of why these authorities were being relied upon, and concluded that, on the whole, the better common-law view favored the competency, for the Government, of such a witness as has been excluded in the Reid case, when offered for the defendant.[20] Had nothing more been said, no difficulty would have arisen from the opinion. But the court went on to justify its result "in the light of general authority and sound reason." [21] It stated that the trend of legislation, Federal and State, and of judicial opinion, had for 50 years been in the direction of abolishing the common-law disqualifications of witnesses, and that with this background it had less difficulty in finding the witness competent.

Differences of opinion within the Supreme Court later arose [22] as to whether the Benson case had altered the rule of the Reid and Logan cases that the Federal criminal courts were bound to apply the law of the State as of 1789 or the date of the State's admission to the Union. It is submitted that no such alteration occurred. In all three cases State statutes were ignored; in all three the general weight of common-law authority was examined and applied, either because it had been expressly adopted by territorial statute, or because it was assumed that in the absence of evidence to the contrary the law of the particular State at the decisive time was in accordance with common-law precedents. The only differences between the cases were two. In United States *v.* Reid, the court expressly stated that the common law of the State in which the lower court sat was applicable; while in the Benson case no such statement was made, although the same judges had expressly reaffirmed the language of the Reid case eight months earlier. And in the Benson case, in the face of conflicting common-law authorities, the court fortified its conclusion by recent legislative developments and judicial pronouncements. United States *v.* Reid was clearly followed in Logan *v.* United States and was not overruled in the Benson case; and to say, as was said by Mr. Justice Clarke in Rosen *v.* United States,[23] 26 years later, that its authority was shaken, seems an overstatement.

Plainly, however, the court was viewing the Reid case with alarm. Between 1851 and 1892 the point of view had changed. Upstart innovations of the fifties had become established doctrine of the nineties. The common law of 1789, which formerly seemed so attractive, was now in many respects an antiquarian curiosity.

The language of the Benson opinion mystified the lower Federal courts for 25 years. Most of them continued to apply the Logan and Reid cases.[24] And, indeed, in another case arising in Texas, the Supreme Court reaffirmed the Logan case without mention of Benson *v.* United States.[25] Some of the lower courts, on the other hand, considered that the general common law was applicable, tempered by a policy toward the removal of the disqualification of witnesses.[26] And some frankly did not know.[27]

In Rosen *v.* United States,[28] the court in 1918 had before it a conviction in the eastern district of New York. The Government used as a witness over the defendant's objection one Broder, who had previously been convicted of forgery in the New York State courts. It was assumed that by the New York law of 1789 Broder would not have been a competent witness. The court, nevertheless, affirmed the judgment of conviction. The difficulty of respectfully paraphrasing Mr. Justice Clarke's opinion justifies substantial quotation:

"While the decision in United States *v.* Reid has not been specifically overruled, its authority must be regarded as seriously shaken by the decisions in Logan *v.* United States, and in Benson *v.* United States.

"The Benson case differed from the Reid case only in that in the former the witness whose competency was objected to was called by the Government while in the latter he was called by the defendant. The testimony of the witness was admitted in the one case but it was rejected in the other, and both judgments were affirmed by this court—however, 40 years had intervened between the two trials. In the Benson case, decided in 1892, this court, after determining that the Reid case was not decisive of it, proceeded to examine the question then before it 'in the light of general authority and sound reason,' and after pointing out the great change in the preceding 50 years in the disposition of courts to hear witnesses rather than to exclude them, a change which was 'wrought partially by legislation and partially by judicial construction,' and how 'the merely technical barriers which excluded witnesses from the stand had been removed,' proceeded to dispose of the case quite without reference to the common-law practice,[29] which it was claimed should rule it.

"Accepting as we do the authority of the later, the Benson case, rather than that of the earlier decision, we shall dispose of the first question in this case, 'in the light of general authority and sound reason.'

"In the almost 20 years which have elapsed since the decision of the Benson case, the disposition of courts and of legislative bodies to remove disabilities from witnesses has continued, as that decision shows it had been going forward before, under dominance of the conviction of our time that the truth is more likely to be arrived at by hearing the testimony of all persons of competent understanding who may seem to have knowledge of the facts involved in a case, leaving the credit and weight of such testimony to be determined by the jury or by the court, rather than by rejecting witnesses as incompetent, with the result that this principle has come to be widely, almost universally, accepted in this country and in Great Britain.

"Since the decision in the Benson case we have significant evidence of the trend of congressional opinion upon this subject in the removal of the disability of witnesses convicted of perjury. (Rev. Stat. sec. 5392), by the enactment of the Federal Criminal Code in 1909 with this provision omitted and section 5392 repealed. This is significant, because the disability to testify, of persons convicted of perjury, survived in some jurisdictions much longer than many of the other common-law disabilities, for the reason that the offense concerns directly the giving of testimony in a court of justice, and conviction of it was accepted as showing a greater disregard for the truth than it was thought should be implied from a conviction of other crime.

"Satisfied as we are that the legislation and the very great weight of judicial authority which have developed in support of this modern rule, especially as applied to the competency of witnesses convicted of crime, proceed upon sound principle, we conclude that the dead hand of the common-law rule of 1789 should no longer be applied to such cases as we have here.[30] * * *"

Justices Van Devanter and McReynolds dissented [31] on the authority of United States *v.* Reid.

Apart from grammatical and rhetorical lapses, the substance of the majority opinion invites criticism. (1) It has already been pointed out that Logan *v.* United States reaffirmed and in no sense shook the authority of the Reid case.[32] And it is submitted that the dissenting judges were justified in their statement that the holding of Benson *v.* United States is consistent with the Reid case, even though the court fortified its conclusions from the more modern authorities. (2) Mr. Justice Clarke purported to rely upon "the very great weight of judicial authority." No case was cited in the opinion or on the briefs of either counsel in which a court without express legislative authority abolished the common law disqualification of convicted felons. And independent investigation has failed to reveal such a case. The Rosen case must, therefore, rest upon the principle that State legislation, whose tendency perhaps has been followed in Federal legislation not directly applicable to the case in hand, creates a weight of authority which the Federal courts may and must follow. That such a holding is revolutionary need hardly be suggested. (3) The case could have been disposed of by an affirmance without any such reasoning. Broder, the witness, had been convicted of forgery in the New York State courts and had pleaded guilty to the same crime in the Federal court, sentence not having been imposed at the time of trial. As to the plea of guilty in the Federal court, the common law has always been that nothing

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[19] Kan. Terr. Stat. 1855, c. 96, sec. 1.
[20] 1 Wigmore, Evidence (2d ed. 1923), sec. 580.
[21] 146 U. S. at 335.
[22] See Rosen *v.* United States, 245 U. S. 467, 473 (1918).
[23] 245 U. S., 467, 470 (1918).
[24] Withaup *v.* United States, 127 Fed. 530 (C. C. A. 8th, 1903); Maxey *v.* United States, 207 Fed. 327 (C. C. A. 8th, 1913); United States *v.* Gwynee, 209 Fed. 993 (E. D. Pa., 1914); Brown *v.* United States, 233 Fed. 353 (C. C. A. 6th, 1916); Knoell *v.* United States, 239 Fed. 16, 22 (C. C. A. 3d, 1917); Ding *v.* United States, 247 Fed. 12 (C. C. A. 9th, 1918).
[25] Hendrix *v.* United States, 219 U. S. 79 (1911).
[26] Lang *v.* United States, 133 Fed. 201 (C. C. A. 7th, 1904); United States *v.* Sims, 161 Fed. 1008 (N. D. Ala., 1907).
[27] In Rosen *v.* United States, 237 Fed. 810 (C. C. A. 2d, 1916), Judge Coxe, writing the majority opinion, leaned on the language of the Benson case; Judge Ward, dissenting, insisted upon the holding of the Reid case; and Judge Hough concurred in the result reached by Judge Coxe. In McCoy *v.* United States, 247 Fed. 861 (C. C. A. 5th, 1918), two of the judges reached a conclusion following closely United States *v.* Reid; the third judge discovered in the United States *v.* Reid a spirit of uniformity among Federal courts, and finally concurred in the result on the basis of Rosen *v.* United States, 245 U. S. 467 (1918), the advance sheets of which had just come to his attention.
[28] 245 U. S., 467 (1918).

[29] It is difficult to believe that the learned justice read the Benson case attentively. To support its contention, the court in that case cited Hawkins, Pleas of the Crown (1716–1721) bk. 2, c. 46. sec 90; 1 Hale, Pleas of the Crown (1682) 305; 2 Starkie, Evidence (1824) 11; Roscoe, Criminal Evidence (9th ed. 1878) 130, 140; 2 Russell, Crimes (1819) 957; Wharton, Criminal Evidence (8th ed. 1880) sec. 439; Queen *v.* Payne [1872], L. R. 1. C. C. 349; Winsor *v.* Queen [1866], L. R. 1 Q. B. 390; Jones *v.* State, 1 Ga. 610 (1846); and quoted at length an analysis of the common-law authorities by Peters, C. J., in State *v.* Barrows, 76 Me. 401 (1884).
[30] 245 U. S. at 471–472.
[31] Ibid. at 473.
[32] See p. 559, supra. Mr. Justice Clarke apparently observed that the Logan case relied upon the common law, but failed to notice that the reason for such reliance was that the common law had been expressly adopted by a statute of the Republic of Texas. The same error was made in Cohen *v.* United States, 214 Fed. 23, 27 (C. C. A. 9th, 1914), and the language of this case seems to have been copied almost verbatim in Parker *v.* United States, 3 F. (2d) 903, 904 (C. C. A. 9th, 1925).

short of final judgment of conviction effects a disqualification.[33] As to the State court conviction, the common law seems equally settled that the disqualification applies only to persons convicted in the jurisdiction of the forum;[34] and this doctrine has been prior to the decision in the Rosen case, applied in a well documented and convincing opinion in such a way as to admit as a witness in a Federal court a person convicted of felony in the State in which the court was sitting.[35]

As a choice of evils, however, the Rosen case can be easily justified. The Reid case had anchored the Federal criminal courts to antiquity. By 1918 this impediment to otherwise universal progress had become insupportable. Congress showed no sign of being helpful, so the court resorted to self-help. Prior to the Rosen case, the law had had a high decree of certainty and predictability; but, in the trite phrase, it was the certainty of injustice. After the decision there impended the uncertainties of a sweeping revision of the law of Federal criminal evidence. Which of the new rules had received that breadth of sanction which would bring them under the Rosen case? How far was congressional concurrence in the general trend a necessary aid? A considerable period of recasting of the law seemed to have dawned. In Greer *v.* United States,[36] Mr. Justice Holmes confirmed this impression:

"It is argued that the court was bound by the rules of evidence as they stood in 1789. That those rules would not be conclusive is sufficiently shown by Rosen *v.* United States." [37]

But this idea was short lived. In Jin Fuey Moy *v.* United States,[38] the court considered a judgment of conviction rendered in the western district of Pennsylvania. Several errors were assigned, among which was the exclusion of the defendant's wife as a witness on his behalf for the purpose of contradicting a Government witness. Mr. Justice Pitney, in affirming the judgment, dealt with this matter as follows:

"But a single point remains—hardly requiring mention (sic)—the refusal to permit defendant's wife to testify in his behalf. It is conceded that she was not a competent witness for all purposes, a wife's evidence not having been admissible at the time of the first judiciary act, and the relaxation of the rule in this regard by section 858, Revised Statutes, being confined to civil actions. Logan *v.* United States; Hendrix *v.* United States. But, it is said, the general rule does not apply to exclude the wife's evidence in the present case because she was offered not 'in behalf of their husband'—that is, not to prove his innocence—but simply to contradict the testimony of particular witnesses for the Government who had testified to certain matters as having transpired in her presence. The distinction is without substance." [39]

The weaknesses of this case as a judicial precedent are obvious. The defendant's brief indicated that little importance was attached to the exclusion of the wife's testimony. In neither brief was the Rosen case cited. And the improvident concession of counsel that the court was still bound by the rules of evidence of 1789 furnished a ready opportunity to pass over the objection. The fact remains, however, that a result was reached which, if Rosen *v.* United States were to be followed, was unjustified.[40]

The last word to date from Washington on this subject appears in Olmstead *v.* United States.[41] The defendant had been convicted on evidence obtained by Federal agents through the tapping of telephone wires. The Chief Justice wrote the opinion. He ruled that wire tapping did not constitute a search or seizure within the fourth amendment, and therefore considered the matter as a problem of evidence apart from constitutional questions. With regard to what law was applicable, the opinion said:

"While a Territory, the English common law prevailed in Washington and thus continued after her admission in 1889. The rules of evidence in criminal cases in courts of the United States sitting there, consequently are those of the common law. United States *v.* Reid; Logan *v.* United States; Rosen *v.* United States; Withaup *v.* United States; Robinson *v.* United States.

"The common-law rule is that the admissibility of evidence is not affected by the illegality of the means by which it was obtained." [42]

It is clear that on the point of evidence this is a reversion to the reasoning of the Reid and Logan cases. The Rosen case is placed in uncongenial company. All four other cases cited by the Chief Justice declare the State law as of 1789 or admission to the Union to be binding. The inference is strong that the Rosen case is considered by the court as drowned in a sea of contrary authority.

Where are we now? An attempt to reconcile a line of authorities in which some later cases have been decided without reference to or apparent thought of earlier ones is probably futile mental gymnastics. It may be suggested, however, that the law of the respective States as of 1789 (United States *v.* Reid) or the date of admission of the State (Logan *v.* United States) is applicable in the Federal criminal courts except so far as State legislation or judicial decisions have established a weight of authority in favor of a more modern view (Rosen *v.* United States.[43] Jin Fuey Moy *v.* United States can only be explained as an oversight with regard to a minor point in the case, or as an acceptance by the court of an improvident concession of counsel.

With good reason the lower Federal courts confess their perplexity.[44] Faced with the patent inconsistency of the Rosen and Jin Fuey Moy cases, most of them take the easiest path by ruling that the latter decision establishes a uniform Federal rule that the wife of a criminal defendant is not competent in his behalf,[45] and that the former establishes a uniform Federal rule admitting convicted felons.[46] These courts habitually fail to refer to the law of the State in which the court was sitting in 1789 or at the time of the admission of the State into the Union. So far as these cases exclude the wife as a witness in States which prior to admission had passed statutes qualifying the wife as a witness, an erroneous result seems to have been reached.[47] At least one court seems to think that the Reid and Logan cases are still in full force.[48] And some apply their view of the general weight of common-law authority without reference to any particular State.[49] An examination of cases cited in the footnotes to this paragraph will indicate that at least one circuit court of appeals has assumed three inconsistent positions on this matter in the course of 10 years.

CIVIL CASES

The statutes

In criminal cases, with no direct expression of congressional intent, the courts found the going rough. It remains to be seen whether legislation improved the situation in civil cases. The statutes chiefly bearing upon the problem are two.

Section 34 of the judiciary act of 1789 (most commonly cited as Revised Statutes, sec. 721)[50] has remained substantially unchanged since its original enactment, and reads as follows:

"The laws of the several States, except where the Constitution, treaties, or statutes of the United States shall otherwise require or provide, shall be regarded as rules of decision in trials at common law, in the courts of the United States, in cases where they apply."

It has elsewhere been pointed out that this statute was sandwiched between two sections dealing with criminal matters in the original judiciary act, and that it received little legislative attention before it was passed.[51] It has received none since, although few statutes, in the light of their interpretation by the courts, make more urgent appeal for careful revision. It has always been construed as applying to the law of evidence.[52]

Statutes of 1862, 1864, and 1865 were consolidated to form Revised Statutes, section 858, and amended in 1906 to read as follows:

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[33] Brown *v.* United States, 233 Fed. 353, 354 (C. C. A. 6th, 1916).

[34] Logan *v.* United States, 144 U. S. 263, 303 (1892).

[35] Brown *v.* United States, 233 Fed. 353 (C. C. A. 6th, 1916). This holding seems quite in line with the decisions of the Supreme Court holding that in a Federal court no privilege exists for testimony which will subject the witness to conviction for crime in the courts of the State in which the court is sitting. Hale *v.* Henkel, 201 U. S. 43, 68, 69 (1906). See also (1917) 30 Harv. L. Rev. 529.

[36] 245 U. S. 559 (1918).

[37] *Ibid.* at 561. The Rosen case was followed in Hurwitz *v.* United States, 299 Fed. 449 (C. C. A. 8th, 1924). In Holmes *v.* United States, 269 Fed. 96 (C. C. A. 5th, 1920), the rationale of the Reid and Logan cases was restated without reference to the Rosen decision.

[38] 254 U. S. 189 (1920).

[39] 254 U.S.195.

[40] The abolishment by statute of the disqualification of a wife to testify for her husband was substantially universal in the United States at the time of this decision. 1 Wigmore, Evidence (2d ed. 1923) secs. 488, 602, 608.

[41] 277 U. S. 438, 466 (1928).

[42] Ibid. at 466–467.

[43] This seems to be the thought of the court in Neal *v.* United States, 1 F. (2d) 637 (C. C. A. 8th, 1924), and Rendleman *v.* United States, 18 F. (2d) 27 (C. C. A. 9th, 1927).

[44] Fay *v.* United States, 22 F. (2d) 740 (C. C. A. 9th, 1927); March *v.* United States, 29 F. (2d) 172, 173 (C. C. A. 2d, 1928).

[45] Lowe *v.* United States, 282 Fed. 597, 599 (C. C. A. 9th, 1922); Crashowitz *v.* United States, 282 Fed. 599 (C. C. A. 4th, 1922); Fauslo *v.* United States, 7 F. (2d) 961 (C. C. A. 9th, 1925); Liberato *v.* United States, 13 F. (2d) 564, 566 (C. C. A. 9th, 1926); Barton *v.* United States, 25 F. (2d) 967 (C. C. A. 4th, 1928); Fisher *v.* United States, 32 F. (2d) 602, 604 (C. C. A. 4th, 1929). Contra: Rendleman *v.* United States, 18 F. (2d) 27 (C. C. A. 9th, 1927).

[46] McCormick *v.* United States, 9 F. (2d) 237 (C. C. A. 8th, 1925). The witness in this case had not been sentenced. See note 33, supra.

[47] Liberato *v.* United States, 13 F. (2d) 564, 566 (C. C. A. 9th, 1926), is an example. The case came from Washington, where a Territorial statute and the original constitution of the State had abolished the wife's disqualification. See Ding *v.* United States, 247 Fed. 12 (C. C. A. 9th, 1918), decided on the date of the decision in the Rosen case. The court admitted its error in Rendleman *v.* United States, 18 F. (2d) 27 (C. C. A. 9th, 1927).

[48] McCoy *v.* United States, 247 Fed. 861 (C. C. A. 5th, 1918).

[49] Denning *v.* United States, 247 Fed. 463 (C. C. A. 5th, 1918); Parker *v.* United States, 3 F. (2d) 903, 904 (C. C. A. 9th, 1925); see Batts, C. J., concurring in the result in McCoy *v.* United States, 247 Fed. 861 (C. C. A. 5th, 1918). In the first of these cases the court was justified in applying the general common law, although from all that appears in the opinion it was not aware of the grounds for its justification. The case had come from Texas, which, while a Republic, passed a statute adopting the common law of England. See Logan *v.* United States (144 U. S. 263, 299 (1892)).

[50] 28 U. S. C., sec. 725 (1926).

[51] Warren, New Light on the History of the Federal Judiciary Act of 1789 (1923), Harv. L. Rev. 49, 81–88.

[52] This included the rules of competency of witnesses before the enactment of statutes collected in Rev. Stat., sec. 858 (1878). Vance *v.* Campbell, 1 Black. 427, 430 (U. S. 1861).

"The competency of a witness to testify in any civil action, suit, or proceeding in the courts of the United States shall be determined by the laws of the State or Territory in which the court is held." [58]

The type of care which Congress has accorded this field of legislation is illustrated by the fact that the act of 1864, which abolished in civil cases the common law disqualification of parties and interested persons, was tacked to an appropriation bill and passed almost without comment.[54]

Apart from sections 721 and 858, there has been a group of Federal statutes making specific regulation with regard to particular evidentiary matter,[55] and another group, including the conformity act,[56] touching the fringes of the law of evidence in dealing with procedural questions.[57] But sections 721 and 858 are alone of general importance.

A cursory glance at these two sections will indicate that there are vital differences of application between them. Yet there has been from time to time a tendency to lump them together, add the conformity act, and draw conclusions from the resulting mixture.[58] One particular bit of ambiguity of this kind in a Supreme Court decision, later corrected, caused the Circuit Court of Appeals for the Eighth Circuit to fall into at least one of two palpable errors.[59] The differences between the statutes may be briefly noted:

(1) Section 721 in terms applies only to trials at common law, whereas section 858 applies to all civil proceedings. The conformity act applies to civil cases other than in equity and admiralty. (2) Under sections 858 and 721, if applicable at all, strict adherence to State law is required. Under the conformity act, on the other hand, the Federal court need apply the State law only "as near as may be," and this phrase has been construed to give to the Federal courts a rather large discretion to ignore displeasing State legislation and practice.[60] (3) Section 721 in terms excludes State law from fields covered specifically by acts of Congress. The conformity act has been similarly construed.[61] No such express exclusion appears in section 858, and under this latter statute there is a conflict of authority as to whether specific acts of Congress on matters of competency of witnesses prior to the 1906 amendment of section 858 are still binding.[62]

Cases at common law—Are judge-made State rules of evidence binding under Revised Statutes, section 721?

Section 721 provides that the "laws" of the several States shall be regarded as rules of decision at common law in the Federal courts. This statute, after a promising youth, encountered Swift *v.* Tyson.[63] The court, through Mr. Justice Story, declared that the word "laws" was limited in its application to "the positive statutes of the State, and the construction thereof adopted by the local tribunals, and to rights and titles to things having a permanent locality, such as the rights and titles to real estate, and other matters immovable and intraterritorial in their nature and character." [64] No purpose is served by repetition of the classic exposés of the historical [65] and logical [66] fallacies of Swift *v.* Tyson. Our problem is to determine how far this case has influenced the Federal courts in their decisions as to the binding force of the State law of evidence.

On any interpretation of the section, statutes of the State of the forum relative to admissibility of evidence must be followed in the Federal courts in trials at common law.[67] The difficult question involves rules of evidence established by State court decisions but not incorporated in a statute.

In 1831, 11 years before Swift *v.* Tyson, the Supreme Court decided Hinde *v.* Vattier.[68] In an action of ejectment concerning land formerly owned by one Symmes, a book entitled "The Land Laws of Ohio," published by authority of an Ohio statute, was admitted in evidence as proof of a grant to Symmes by a President of the United States, and was held by the circuit court, on the authority of a decision of the Supreme Court of Ohio, to be sufficient proof thereof. Obviously, if by the Ohio law of property the printed book established Symmes's title, it was admissible in evidence, and no rule of evidence in the ordinary sense was involved. Nevertheless, the court said:

"The rules of property and of evidence, whether derived from the laws or adjudications of the judicial tribunals of a State, furnish the guides and rules of decision in those of the Union, in all cases to which they apply; where the Constitution, treaties, or statutes of the United States do not otherwise provide." [69]

At this point enter Swift *v.* Tyson. Its purport would seem obvious. Since the word "laws" in section 721 is synonymous with "statutes," State judge-made rules of evidence are not binding upon the Federal courts—at least by force of any interpretation of that section.

Nevertheless, in three dicta, ranging from 1867 to 1888, the language of Hinde *v.* Vattier was repeated.[70]

In Nashua Savings Bank *v.* Anglo-American Co.,[71] the court, in 1903, made its strongest pronouncement. This was an action by an English corporation to recover an assessment against a New Hampshire stockholder. As proof of the English statutes concerning assessments, the plaintiff offered the oral evidence of an English solicitor. The circuit court for the district of New Hampshire admitted the testimony. In affirming a judgment for the plaintiff, the Supreme Court said that, although one of its own decisions had declared that foreign judgments were usually and most properly authenticated with greater formality, yet under section 721 the circuit court sitting in New Hampshire was justified in following a New Hampshire case [72] permitting oral testimony as to foreign law.

"The 'laws of the several States' with respect to evidence within the meaning of this section apply not only to the statutes but to the decisions of their highest courts." [73]

Possibly the quoted sentence was not necessary to the decision, for the court thereafter came to the conclusion that the better authority, apart from New Hampshire law, was in accordance with the New Hampshire doctrine. Nevertheless, some law had to be chosen, and it is noteworthy that with two possible methods of reaching the same result, the court chose to declare that New Hampshire law was decisive and to reach its conclusion on the basis of that law. Swift *v.* Tyson was mentioned neither by court nor counsel.

At least four of the circuits fell in line with the Nashua Savings Bank case without scruples or worries concerning the disposition of Swift *v.* Tyson. These were the first,[74] the fourth,[75] the fifth,[76] and the seventh.[77] The position of the third circuit is veiled in some am-

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[53] 28 U. S. C., sec. 631 (1926). Prior to the 1906 amendment, this section read as follows:
"In the courts of the United States no witness shall be excluded in any action on account of color, or in any civil action because he is a party to or interested in the issue tried: *Provided*, That in actions by or against executors, administrators, or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other, as to any transaction with, or statement by, the testator, intestator, or ward, unless called to testify thereto by the opposite party, or required to testify thereto by the court. In all other respects, the laws of the State in which the court is held shall be the rules of decision as to the competency of witnesses in the courts of the United States in trials at common law, in equity, and in admiralty."

[54] Cong. Globe, 38th Cong., 1st sess., June 25, 1864, at 3259–61.

[55] E. g., 37 Stat. 683 (1913), 28 U. S. C., sec. 638 (1926) (genuineness of handwriting may be determined by comparison); 37 Stat. 498 (1912), 28 U. S. C., sec. 490 (1926) (admissibility of certified copies).

[56] Rev. Stat., sec. 914 (1878), 28 U. S. C., sec. 724 (1926).

[57] Rev. Stat., sec. 861 (1878), 28 U. S. C., sec. 635 (1926), has been troublesome. It provides that "the mode of proof in the trial of actions at common law shall be by oral testimony and examination of witnesses in open court." This has been held to prevent the application in Federal courts of the New York code provision permitting oral examination of parties before trial. Ex parte Fisk (113 U. S. 713 (1885)). And of the Massachusetts statute permitting broad written interrogatories in lieu of discovery. National Cash Register Co. *v.* Leland, 94 Fed. 502 (C. C. A. 1st, 1899), approved in Hanks Dental Association *v.* International Tooth Crown Co., 194 U. S. 303 (1904). These decisions were held not to be affected either by the conformity act or by the statute permitting depositions to be taken in the manner prescribed by State laws. Hanks Dental Association *v.* International Tooth Crown Co., supra.
There have even been indications that this statute may keep out of the Federal courts modern statutory exceptions to the hearsay rule. Johnson, J., dissenting in American Ry. Exp. Co. *v.* Rowe, 14 F. (2d) 269, 272 (C. C. A. 1st, 1926), believed the Massachusetts statute as to declarations of deceased persons inapplicable for this reason. See also Salt Lake City *v.* Smith, 104 Fed. 457 (C. C. A. 8th, 1900); Toledo Traction Co. *v.* Cameron, 137 Fed. 48 (C. C. A. 6th, 1905); Diamond Coal & Coke Co. *v.* Allen, 137 Fed. 705 (C. C. A. 8th, 1905). There is significance in the fact that these three latter cases are in the sixth and eighth circuits. See p. 572, infra.

[58] See e. g., Connecticut Life Ins. Co. *v.* Union Trust Co., 112 U. S. 250, 255 (1884); American Issue Pub. Co. *v.* Sloan, 248 Fed. 251 (C. C. A. 6th, 1917).

[59] See cases cited in note 109, infra.

[60] Chappell *v.* United States (160 U. S. 499 (1896)); Hills *v.* Hoover (220 U. S. 329 (1911)).

[61] United States *v.* Hutton, Fed. Cas. No. 15,433 (S. D. N. Y. 1879); Ex parte Fisk (113 U. S. 713, 721 (1885)).

[62] In In re Kessler, 225 Fed. 394 (E. D. Pa. 1915), the provision of sec. 21 of the bankruptcy act of 1898 that the wife of the bankrupt could be examined was held subordinate to a Pennsylvania statute forbidding the wife to testify against her husband, by virtue of the amendment of sec. 858 in 1906. On the other hand, in Wise *v.* Williams (162 Fed. 161 (S. D. N. Y. 1908)), the Federal statute rendering convicted perjurers incompetent in United States courts was held controlling over a State statute even after the 1906 amendment to sec. 858. In Ex parte Fisk (113 U. S. 713, 720 (1885)), the court said: "No doubt it would be implied, as to any act of Congress adopting State practice in general terms, that it should not be inconsistent with any express statute of the United States on the same subject."

[63] 16 Pet. 1 (U. S. 1842).

[64] Ibid. at 18.

[65] Warren, supra note 51, at 80–88.

[66] See Field, J., dissenting, in Baltimore & Ohio R. R. *v.* Baugh (149 U. S. 468, 391–411 (1893)); Holmes, J., dissenting, in Kuhn *v.* Fairmount Coal Co. (215 U. S. 349, 370 (1910)); Holmes, J., dissenting, in Black & White Taxicab Co. *v.* Brown & Yellow Taxicab Co. (276 U. S. 518, 532–536 (1928)).

[67] McNiel *v.* Holbrook (12 Pet. 84, 89, 90 (U. S. 1838)); Sims *v.* Hundley (6 How. 1, 6 (U. S. 1848)). The reasoning of the former case might restrict this doctrine to actions involving real estate; but the same result was reached in the second case in a suit on a negotiable instrument subsequent to Swift *v.* Tyson.

[68] 5 Pet. 398 (U. S. 1831).

[69] Ibid. at 401.

[70] Thompson *v.* Railroad Companies (6 Wall. 134, 138 (U. S. 1867)); Ex parte Fisk (113 U. S. 713, 720 (1885)); Bucher *v.* Cheshire R. R. (125 U. S. 555, 583 (1888)).

[71] 189 U. S. 221 (1903).

[72] Hall *v.* Costello (48 N. H. 176 (1868)).

[73] 189 U. S. at 228.

[74] American Agricultural Chem. Co. *v.* Hogan (213 Fed. 416, 419 (C. C. A., 1st, 1914)).

[75] Franklin Sugar Refining Co. *v.* Luray Supply Co. (6 F. (2d) 218, 220 (C. C. A., 4th, 1925)); Standard Oil Co. *v.* Cates (28 F. (2d) 718, 719 (C. C. A., 4th, 1928)).

[76] Myers *v.* Moore-Kile Co. (279 Fed. 233, 236 (C. C. A., 5th, 1922)).

[77] Stewart *v.* Maurice (89 Fed. 290, 291 (C. C. A., 7th, 1898)).

biguity,[78] and the ninth seems not to have considered the question. The sixth [79] and eighth [80] circuits have, however, been rebellious. Both before and after the Nashua Savings Bank case they have applied Swift *v.* Tyson by refusing to hold themselves bound by State judge-made rules of evidence. Judge Amidon makes a strong case for the position of the minority circuits:

"In the case of Swift *v.* Tyson, decided in 1842, that court declared that the decisions of State courts relating to general commercial law were not 'laws' within the meaning of section 721 of the Revised Statutes. That term as applied to local decisions was there confined either to the construction of statutes or to the enforcement of strictly local customs or rules governing the title, possession, descent, or sale of property. * * * The basis of decision * * * was this: That the general rules of commercial law and of the law of negligence have been the creation of the courts, and that the Federal judiciary could not accept the law on such a subject from State courts without being placed in a position of direct subserviency to those courts. To maintain their own dignity and independence, it was therefore declared to be their duty to exercise an independent judgment on such subjects. The common-law rules of evidence come clearly within the principle which was controlling in those decisions. * * * Those rules have not been derived from local usage but have at all times been purely the creation of courts. In declaring them, judges have not appealed to the 'customs of the realm' as the source of the rule; on the contrary, they have laid down the rules as the result of their own judgment touching what proof is fit for the consideration of a jury, and what scope of inquiry is compatible with the reasonable dispatch of justice. * * * Every reason, therefore, which led the Supreme Court to declare the duty of Federal courts to exercise an independent judgment as to matters of general commercial law, and the general common law of negligence, is present with added force as to the common-law rules of evidence. * * * To compel the Federal judiciary to accept rules on such a subject from the decisions of local courts is to place them in a position of direct tutelage to such courts, and to rob them of the dignity and independence of judgment which has heretofore been regarded as an indispensable part of their jurisdiction. * * *

"A somewhat careful examination has failed to discover any instance in which a Federal court has treated a local decision on a question of evidence as a rule of law of controlling force in opposition to a decision of the Supreme Court of the United States. Such a practice would, in our judgment, result in unnecessary labor and perplexity for Federal judges in the trial of causes. It is the duty of such judges to be familiar with the decisions of the national courts. The rules of evidence are a part of the law that must in the main be carried in the mind of the trial judge. Such questions constantly recur, and must be promptly decided. To take time for argument and investigation would tediously prolong the trial. If those judges were compelled to keep track of local decisions and decide, perhaps, how far they vary from the decisions of appellate Federal courts, their labors would be doubled, and the progress of the trial greatly impeded. These considerations receive added force at the present time from the fact that Federal judges are so frequently called upon to sit in States other than their own. * * * For these reasons, we are satisfied that the practice which has heretofore obtained in Federal courts is a sound practice, and that local decisions on questions of evidence ought not to constitute authoritative rules binding upon those courts." [81]

The force of Judge Amidon's argument seems to have brought the Circuit Court of Appeals for the Second Circuit to his view.[82]

In the face of Judge Amidon's analysis of Swift *v.* Tyson, it is difficult to support the Nashua Savings Bank case as an interpretation of section 721. But assuming section 721 to be inapplicable to State court judicial decisions, it by no means necessarily follows that the result reached by the learned judge from the West is correct. Did he consider the criminal case (to which sec. 721 is equally inapplicable) and particularly United States *v.* Reid? [83] It will be recalled [84] that in that decision the court, finding that section 29 of the judiciary act of 1789 required jurors to be selected by the then State law, deduced an intention of Congress that the same law should apply throughout the trial.[85] It also has been pointed out that section 29 had been superseded by a statute placing selection of jurors under State law from time to time in force, and that application of the reasoning of the Reid case to the later statute would produce conformity to State law. A similar deduction as to the intent of Congress could be drawn in civil cases with greatly increased logical force. State law from time to time in force as to selection of jurors has been binding on the Federal courts since 1840; [86] State statutes relating to evidence, since 1789; [87] State law as to competency of witnesses, wholly since 1906 and almost wholly since 1862; [88] and State law as to matters of practice, "as near as may be" since 1872.[89] Here, then, is a highly persuasive mass of evidence that Congress considers civil actions at common law as an appropriate field for conformity to State law and practice. Can it be thought that Congress intended judge-made rules of evidence to sound the only dissonant notes in the chorus? [90] Judge Amidon's plea for uniformity for the convenience of Federal judges is moving; but it seems wholly out of line with the repeated indications that Congress prefers to impose upon the Federal judge the burden of applying the diverse laws of the States in which he sits rather than to impose upon the Federal bar the burden of mastering a separate system of Federal law.

At all events, there was a plain split of authority among the circuits and doubt as to the merits. An elucidation by the Supreme Court was indicated.

In 1926 a petition for certiorari was presented in Leach & Co. *v.* Peirson,[91] a suit coming from the eastern district of Pennsylvania. An unanswered letter had been admitted in evidence on the ground that the failure to answer constituted an implied admission that the facts stated therein were true. The circuit court of appeals affirmed a judgment for the plaintiff. The amount involved was not large, and the decision did not involve a question of great public importance. But the brief in support of the petition for certiorari stressed the divergence between the circuit courts of appeals on the question whether they were obliged to follow the law of evidence of the State in which the district court was sitting. Certiorari was granted [92] "on suggestion * * * of a difference among the courts as to the scope of the conformity acts, * * *." [93] The judgment was reversed and the opinion written by Mr. Justice Holmes. The striking feature of the opinion is the absence of any statement as to what law is applicable to the question of evidence. After a statement of the facts and of the reason for granting certiorari, the court proceeds as follows:

"A man can not make evidence for himself by writing a letter containing the statements that he wishes to prove. He does not make the letter evidence by sending it to the party against whom he wishes to prove the facts. He no more can impose a duty to answer a charge than he can impose a duty to pay by sending goods. Therefore a failure to answer such adverse assertions in the absence of further circumstances making an answer requisite or natural has no effect as an admission. Fraley *v.* Bispham, 10 Pa. 320; Kann *v.* Bennett, 233 Pa. 36, 47; Packer *v.* United, 106 Fed. 906; Woolsey *v.* Haynes, 165 Fed. 391; Thrush *v.* Fullhart, 210 Fed. 1, 6; Harris *v.* Egger, 226 Fed. 399; Kumin *v.* Fine, 229 Mass. 75; Viele *v.* McLean, 220 N. Y. 260; Richard *v.* Gellatly, L. R. 7, C. P. 127, 131; Wiedemann *v.* Walpole (1891), 2 Q. B. 534, 539; Thomas *v.* Jones (1920), 2 K. B. 399, (1921) 1 K. B. 22.

"There were no circumstances in this case to take it out of the general rule." [94]

The absence of any statement as to what law governed the question of evidence becomes the more significant when it is realized that the justice who wrote the opinion has declared his aversion to Swift *v.* Tyson.[95] He has said, "I should leave Swift *v.* Tyson undisturbed, * * * but I would not allow it to spread the assumed dominion into new fields." [96] Leach & Co. *v.* Peirson offered an opportunity to

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[78] Young *v.* Lowry (192 Fed. 825, 830 (C. C. A., 3d, 1912)); Western Union Tel. Co. *v.* Ammann (296 Fed. 453, 454 (C. C. A., 3d, 1924)); Dupont *v.* White (8 F. (2d) 5, 6 (C. C. A., 3d, 1925)); Island Dev. Co. *v.* McGeorge (26 F. (2d) 841, 843–844 (C. C. A., 3d, 1928)).

[79] Garrett *v.* Southern Ry. (101 Fed. 102, 103 (C. C. A., 6th, 1900)). This case was decided by a court destined to greatness; it consisted of the present Chief Justice and Justices Lurton and Day. But since the heyday of the sixth circuit there has been some backsliding. American Issue Pub. Co. *v.* Sloan (248 Fed. 251, 253 (C. C. A., 6th, 1917)). But see West Tenn. Grain Co. *v.* Shaffer & Co. (299 Fed. 197, 200 (C. C. A., 6th, 1924)).

[80] Union Pac. Ry. *v.* Yates (79 Fed. 584, 588–589 (C. C. A., 8th, 1897)).

[81] Chicago & N. W. Ry. *v.* Kendall, 167 Fed. 62, 67 et seq. (C. C. A. 8th, 1909). The entire opinion is luminous; only limitations of space prevent more extensive quotation here.

[82] Massachusetts Bonding & Ins. Co. *v.* Norwich Pharmacal Co., 18 F. (2d) 934, 939 (C. C. A. 2d, 1927). In this case, Learned Hand, J., stated that Judge Amidon in the case quoted in the text had concluded that the conformity act (Rev. Stat., sec. 914) and not section 721 was the decisive statute. With deference, it is submitted that Judge Hand misinterpreted Judge Amidon's opinion.

[83] At the time Judge Amidon wrote (1909) the Reid case had not been shaken by the Rosen case (1918).

[84] See p. 556, supra.

[85] See note 13, supra.

[86] The statutes cited in note 13, supra, all apply to civil cases.

[87] Rev. Stat., sec. 721 (1878), 28 U. S. C., sec. 725 (1926); Sims *v.* Hundley, 6 How. 1, 6 (U. S. 1848).

[88] Rev. Stat., sec. 858 (1878), 28 U. S. C., sec. 631 (1926), and its predecessors and successors, commencing with act of July 16, 1862, 12 Stat. 588, and ending with act of June 29, 1906, 34 Stat. 618, 28 U. S. C., sec. 631 (1926).

[89] The conformity act, act of June 1, 1872, 17 Stat. 197. In the original act there was a damning proviso "that nothing herein contained shall alter the rules of evidence under the laws of the United States, and as practiced in the courts thereof." This might be taken as an assumption by Congress of the existence of a Federal law of evidence, though as far as State statutes were concerned it was, of course, unjustified. Nevertheless, the proviso was omitted from the Rev. Stat., sec. 914 (1878), and has never reappeared. Possibly the repeal of the proviso strengthens the argument in the text.

[90] The argument inclusio unius exclusio alterius of course suggests itself. But if it was inapplicable in 1841 (United States *v.* Reid), why should it be applicable now?

[91] 16 F. (2d) 86 (C. C. A. 3d, 1926).

[92] 273 U. S. 676 (1926).

[93] 275 U. S. 120, 127 (1927).

[94] Ibid. at 128.

[95] See the rollicking dissents in Black & White Taxicab Co. *v.* Brown & Yellow Taxicab Co., 276 U. S. 518, 532 (1928), and Kuhn *v.* Fairmount Coal Co., 215 U. S. 349, 370 (1910).

[96] 276 U. S. at 535.

knife Swift *v.* Tyson and prevent its "spread into new fields." It was the same opportunity that Mr. Justice Miller had in the Nashua Savings Bank case—the State law and the "general law" were the same, and it would seem to have been appropriate (though not necessary) to declare which was applicable and apply it. The fact that Mr. Justice Holmes failed to seize what must have been a tempting opportunity is some indication that his brethren [97] would not go with him in a method of treatment he would be prone to adopt. For a judge who had lampooned the conception of the common law as a "brooding omnipresence in the sky" [98] to decide such a case on the authority of 2 citations from Pennsylvania, 4 from the Federal courts (without indication of circuit or district), 1 from Massachusetts, 1 from New York, and 3 from England, gives some indication of pressure from without. Support is given to Judge Amidon's view that the Nashua Savings Bank case has not said the last word.

It seems probable, therefore, that the confusion will run merrily on until either Congress shall define what the legislators of 1789 meant by "laws" in section 721 or the Supreme Court shall grant certiorari in a case in which the court decisions regarding evidence in the State where the district court sat differ from the general common law.

A surprising situation exists regarding the rules for the examination of adverse witnesses. Most of the States permit cross-examination to extend to all matters pertinent to the case, whether or not touched on in direct examination. And many by statute permit the opposing party to be called and examined as to the whole case by leading questions. Surely one would think at least these statutes must be observed under either section 721 or the conformity act; and the nonstatutory rules should be observed where the Nashua Savings Bank case is followed. But, say the courts, these are matters of "trial administration" which involve neither competency of witnesses under section 858, nor "practice, pleadings, or forms and modes of proceeding" under the conformity act, and which do not come within the purview of section 721, whether statutory or not. Thus we have a uniform Federal rule limiting cross-examination to matters touched on in direct,[99] and consistent disregard of the State statutes mentioned.[100] The uniform Federal rules thus adopted are, to say the least, not demonstrably superior to the practice in those numerous States which favor a broader scope of cross-examination. No serious attempt has been made to justify the position of the Federal courts as a matter of statutory interpretation, and such an attempt would encounter obvious difficulties. The lack of conformity to methods of trial which have become second nature to the State court practitioner has not led to simplification of his problems.

Cases in equity and admiralty—"Competency of witnesses"

As has already been pointed out,[101] neither the conformity act nor section 721 of the Revised Statutes apply in equity and admiralty cases.[102] Section 858 of the Revised Statutes alone applies to all civil proceedings, and requires the application of State "laws" to matters of "competency of a witness to testify." A consideration of its scope therefore becomes important at this point.

Does the word "laws" in the section require the Federal courts to follow State decisions as well as their statutes? No case involving this question seems to have arisen. And it is probably academic; the judge-made law of the States concerning competency of witnesses was on the whole uniform, the relaxations of the common-law disqualifications being entirely statutory. But if the question should arise, there seems no reason to give a different interpretation to the word "laws" in section 858 than was given to the same word in section 721 in Swift *v.* Tyson.

How much of the law of evidence is included within the phrase "competency of a witness to testify"? Of course, these words cover the universal State statutes abolishing the disqualification of parties and interested witnesses, and of course they do not cover the entire law as to admissibility of testimony.[103] They have also been held to include the common statutes forbidding the surviving party to a transaction with a person now deceased to testify to conversations with the deceased.[104] There was an early suggestion that questions of privilege between attorney and client and physician and patient were within the scope of section 858;[105] but the contrary view was later taken with some decisiveness.[106] It would seem clear on principle that if both parties concede that a witness can take the stand and testify at all, a question of "competency of witnesses" can not be involved, and that therefore the sanctity of communications within the privileged relations should not be considered within the scope of section 858. Ours not to reason why Congress should have chosen to distinguish between State laws dealing with competency of witnesses and State laws dealing with admissibility of evidence.

Cases in equity and admiralty—Matters other than "competency of witnesses"

In Revised Statutes, section 862,[107] Congress provided that:

"The mode of proof in causes of equity and admiralty and maritime jurisdiction shall be according to rules now or hereafter prescribed by the Supreme Court."

In Admiralty Rule 46 of 1920,[108] the Supreme Court took its only action under this grant of power by prescribing that testimony should be taken in open court. This leaves the admiralty courts free to determine what law of evidence they shall follow. It would seem clear that beyond matters of competency of witnesses, statutes not declaratory of general law are not and can not be followed.[109] The often-stressed implied constitutional requirement of uniformity in the admiralty law [110] is repugnant to any adoption of localisms. The tradition of the admiralty is that the maritime law provides a procedure sufficiently flexible to adapt itself to new situations and changing conditions.[111] The law of evidence in admiralty is regulated liberally in accordance with this conception.[112]

In equity, the importance of matters of evidence is considerably diminished by the familiar doctrine, crystallized in Rule 46,[113] that there will be no reversal on points of evidence unless material prejudice is shown. As in admiralty, the Supreme Court has exercised the power conferred on it only by prescribing that evidence be taken in open court.[114] That court has also indicated that it considers State statutes on procedural and evidentiary matters not applicable to the Federal courts because of the limitation of section 721 to common-law causes.[115] No case in equity has been found in which a court has been faced with the necessity of deciding whether it will apply a State judge-made rule of evidence in conflict with the weight of authority. But it is difficult to believe that the courts would choose to follow such a judge-made

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[97] It may not be without significance that the only two present judges with circuit court of appeals experience (the Chief Justice and Mr. Justice Van Devanter) came from the sixth and eighth circuits, respectively.

[98] See Southern Pac. Co. *v.* Jensen, 244 U. S. 205, 222 (1917).

[99] Houghton *v.* Jones, 1 Wall. 702, 706 (U. S. 1863); Wills *v.* Russell, 100 U. S. 621, 626 (1879).

[100] American Issue Pub. Co. *v.* Sloan, 248 Fed. 251, 253 (C. C. A. 6th, 1917).

[101] See p. 508, supra.

[102] See also Bucher *v.* Cheshire R. R., 125 U. S. 555, 582, 583 (1888); Dravo *v.* Fabel, 132 U. S. 487 (1889); The Independence, Fed. Cas. No. 7014, at p. 9 (C. C. D. Mass. 1855); The William Jarvis, Fed. Cas. No. 17697 (D. Mass. 1859).

[103] Downs *v.* Wall, 176 Fed. 657, 659 (C. C. A. 5th, 1910). But see Butler *v.* Fayerweather, 91 Fed. 458, 460 (C. C. A. 2d, 1899).

[104] Rowland *v.* Biesecker, 185 Fed. 515 (C. C. A. 2d, 1911); Fahey Tobacco Co. *v.* Senior, 247 Fed. 809 (E. D. Pa. 1917); Central Iron & Coal Co. *v.* Hamacher, 248 Fed. 50 (C. C. A. 5th, 1918); Metropolitan Life Ins. Co. *v.* English, 291 Fed. 577 (N. D. N. Y. 1923); Fidelity & Dep. Co. *v.* Drovers' State Bank, 15 F. (2d) 306 (C. C. A. 8th, 1926); Langsenkamp *v.* Broscalsa Chem. Co., 21 F. (2d) 207 (S. D. Ohio, 1927). It is to be observed that these statutes usually do not render the surviving party incompetent as a witness for all purposes. They merely declare that as to certain matters he shall not testify. Yet the view of these courts is supportable on the ground that these exclusionary statutes habitually were enacted as exceptions to the customary statutes removing the disqualifications of parties and interested witnesses. This is true as to section 858 prior to the 1906 amendment. See note 54, supra.

[105] Connecticut Mut. Life Ins. Co. *v.* Schaefer, 94 U. S. 457, 458 (1876).

[106] Connecticut Life Ins. Co. *v.* Union Trust Co., 112 U. S. 250, 254 (1884). The Circuit Court of Appeals for the Eighth Circuit has twice wrestled with the Schaefer and Union Trust Co. cases, and has yet to win a fall. In Liggett *v.* Glenn, 51 Fed. 381, 392 (C. C. A. 8th, 1892), decided after the Union Trust Co. case had overruled the language of the Schaefer case, this court in an action at law refused, on the supposed authority of the Schaefer case, to follow a State statute concerning the attorney-client privilege. This was demonstrably wrong under section 721. Later, in Mutual Benefit Life Ins. Co. *v.* Robinson, 58 Fed. 723 (C. C. A. 8th, 1893), in a suit in equity, it reversed its position and followed the State statute on the supposed authority of the Union Trust Co. case, failing to observe (a) that the decision in the Union Trust Co. case was placed upon section 721 of the Revised Statutes, and (b) that section 721 was not applicable in equity. The decision in Mutual Benefit Life Ins. Co. *v.* Robinson led the Circuit Court of Appeals for the Second Circuit into what, it is submitted, is the same error. Butler *v.* Fayerweather, 91 Fed. 458, 460 (C. C. A. 2d, 1899). Indeed, the latter court was carried so far as to state that section 858 "supplies the criterion of the competency of evidence as well as the competency of witnesses." Contra: Downs *v.* Wall, 176 Fed. 657, 659 (C. C. A. 5th, 1910).

[107] 28 U. S. C., section 637 (1926).

[108] 254 U. S. 671, 698 (1920).

[109] The Independence, Fed. Cas. No. 7014, at page 9 (C. C. D. Mass. 1855).

[110] Southern Pac. Co. *v.* Jensen, 244 U. S. 205 (1917); Knickerbocker Ice Co. *v.* Stewart, 253 U. S. 149 (1920); Palfrey, The Common Law Courts and the Law of the Sea (1923), 36 Harv. L. Rev. 777; Note (1924), 37 Harv. L. Rev. 1114. See also Watts *v.* Camors, 115 U. S. 353, 362 (1885). The requirement of uniformity is one of substantive law; yet it has been so vigorously emphasized in recent years that one suspects it would be applied to procedural matters. Of course, if a given statutory change should be generally adopted, there would seem to be no reason why admiralty, with its flexibility of practice, should not adopt a recognized reform.

[111] The Alert, 40 Fed. 836, 838 (S. D. N. Y. 1889); Downs *v.* Wall, 176 Fed. 657 (C. C. A. 5th, 1910); The Princess Sophia, 269 Fed. 651, 654 (W. D. Wash. 1920); Mexican Petroleum Corp. *v.* North German Lloyd, 17 F. (2d) 113 (E. D. La. 1926).

[112] 3 Foster, Federal Practice (6th ed. 1921) section 583; 1 Wigmore, Evidence (2d ed. 1923), section 4d.

[113] 226 U. S. 627, 661 (1912).

[114] Equity Rule 46, 226 U. S. 661.

[115] Dravo *v.* Fabel, 132 U. S. 487 (1889). Of course, this result is not necessary. Even though section 721 does not apply in equity, State statutes on matters of substantive law are binding on the Federal courts. Mason *v.* United States, 260 U. S. 545, 558–559 (1923). And much can be said for the application of a similar rule to procedural and evidentiary matters.

rule where they decline to follow a State statute reaching the same result. Of course, the considerations of uniformity so prominent in recent admiralty decisions are lacking in equity. But, on the other hand, there can not be found in the acts of Congress any such progressively inclusive statutes requiring conformity to State practice as exist with regard to common-law actions. And the Federal courts have shown a strong tendency to keep their equity jurisdiction free from the taint of influence by the States.[116] While the question is still open, the strong probability is that the Federal courts will make their own decisions, based upon the "general law," in matters of evidence in equity.

CONCLUSIONS

No one could be accused by hyperbole in describing as unfortunate the state of the law disclosed by the foregoing analysis of decisions. Legislation has been fragmentary and occasional. Examination of the debates of Congress and the reports of congressional committees fails to disclose one single instance of the enactment of new legislation based upon consideration of the body of existing statutes in this field and their interpretation by the courts. So far as can be discovered, Congress is unaware of the significance of the Reid, Rosen, or Nashua Savings Bank cases.

The statutes have drawn distinctions which it is hard to believe were seriously considered. Much may be said for drawing a distinction between administration of the Federal specialties—admiralty, bankruptcy, patents, the Federal criminal law—and administration of the jurisdiction based on diversity of citizenship. But this distinction has been largely ignored. Instead, criminal cases have been separated from civil, common law from equity and admiralty, matters of competency of witnesses from matters of admissibility of evidence, State legislative declarations from State judicial declarations.

Suppose A in Massachusetts is injured by monopolistic activities of B in violation of the Sherman Act. Here is a matter within the exclusive jurisdiction of the Federal courts. Yet if A sues for triple damages at law in the district of Massachusetts, the Massachusetts law of evidence, both statutory and judge-made, including rather radical extension of exceptions to the hearsay rule, may be used by him; if he seeks an injunction in equity, the only State authorities he can rely on are statutes concerning competency of witnesses; and if he can induce the United States attorney to prosecute, both sides will have to take their chances with the Reid, Rosen, and Jin Fuey Moy cases.

Take a case in the diversity jurisdiction: A is injured by B's breach of contract. If he sues at law, he gets the benefit and the burden of all the State laws of evidence. If he seeks specific performance or an accounting in equity, he is within the State law of evidence only so far as section 858 puts him there.

It need hardly be pointed out that the possibilities of varying results on the merits in the two situations suggested are very substantial. Distinctions may be drawn in this field upon sound reasons—but hardly these distinctions. It is not surprising that in the interpretation of legislation so unsatisfactory the courts have, by straining to prevent unsatisfactory results, succeeded only in increasing the confusion.

The first need in this field is that of certainty. The open questions left by the Rosen and Jin Fuey Moy cases and the still existing uncertainty in the interpretation of section 721 are a constant temptation to exception-hunting, with consequent overcrowding of appellate courts with cases which on their merits do not warrant appellate consideration. The time of the courts and the funds of litigants are wasted. Almost any definite legislative pronouncement would be preferable to the state of confusion and doubt in which the law now finds itself.

If this subject is to be legislatively doctored, the cure must proceed on some definite line. A few suggestions as to what such a line could be may not seem presumptuous.

In fixing upon a course of legislation, an obvious bit of historical background must be kept uppermost in mind. Prior to 1789 the law of evidence had become rather definitely crystallized—and crystallized upon lines of common-law thinking now recognized by everyone to be inadequate to meet the demand for the speedy and efficient proof of facts. For the last hundred years State legislation has shown a healthy tendency toward liberalization of the common-law rules. There is still room for improvement, and no reason exists to suppose that the spirit of reform has spent its force. The problem to be faced is that of keeping the Federal courts abreast of the times. United States *v.* Reid and the Jin Fuey Moy case are national disgraces in their small way.

The Federal specialties should be uniformly administered and to that end much may be said for a uniform method of proof of facts in court. If Congress would provide a code of evidence and keep it modernized, a Utopian ideal would be realized. But Congress has never shown any symptom of willingness to consider these matters seriously and probably should devote its time to broader aspects of national affairs. It will not and probably can not do for its courts what State legislatures do for theirs. With this possibility out of the way, what alternatives remain? We can keep the unhappy uniformity of United States *v.* Reid, modified by the perplexities of Rosen *v.* United States and section 721. Or we can have conformity to State law with some diversities between judicial districts.

Why should we not have the latter? In diversity of citizenship cases conformity would seem clearly desirable. In the exclusive jurisdiction it seems the best way out of a difficult situation. The States have shown a laudable tendency to advance, and the progress on the whole is generally conceded to have been wide.[117] State legislatures contain a large number of members of the bar whose professional activities have been interrupted, if at all, only temporarily in the interests of politics. They keep a close eye on the administration of the courts and have a reasonably sound understanding of their problems. The diversities between States, moreover, are not extensive. Some States have been recognized leaders in the advance, but well-considered and successful reforms have percolated throughout the Union without unreasonable delay. The most marked example of this is the reform toward removal of common-law disqualifications of witnesses with which the Federal courts in criminal cases have had the most difficulty. The boon to the State bar of a Federal law of evidence conforming to State practice can not, of course, be overemphasized.

Two reasons have been advanced from time to time for refusing to permit Federal courts to adopt State legislative and judicial reforms in this field:

(1) It has been suggested that this puts too great a burden on Federal judges, who must sit in several jurisdictions and who must therefore become familiar with several varying systems of State law. The suggestion applied subjectively to a Federal judge has some weight. But it is clearly out of line with the tendency of Federal legislation toward conformity to State law; the hardship on the Federal judge is no greater than the hardship placed on the bar by an absence of conformity, and is probably less in view of the fact that counsel have the duty of informing the court on matters peculiar to their State law.

(2) It has been suggested that it would be below the dignity of the Federal Government to subject its courts in matters of evidence to regulation by State law, and that State legislation might obstruct the enforcement of Federal criminal law. Such an argument advanced within walls of structural steel and reinforced concrete seems out of place. Antifederalists and State rights crusaders may have been the bogey men of the past, but reference to them at this time smacks of antiquarianism. Congress has shown no hesitation in subjecting its courts to whatever indignities are involved in compelling them to apply State laws in many fields. Difficulties and absurdities have arisen only from incomplete application of the principle of conformity. But suppose (what has apparently thus far not happened) that a given piece of State legislation would be obstructive to the just decision of cases in a Federal court. Congress has already indicated that there are weapons in its armory capable of combating such a situation. Where occasion demanded, Congress has shown itself willing to make specific provision for special cases—for instance, in the statute forbidding the exclusion of negroes as witnesses.[118] And in the conformity act it was provided that State practice should be applied only "as near as may be," thus giving to the courts a rather broad discretion to prevent frustration of justice by too rigid conformity to State law. The fear that conformity in matters of evidence would cause a breakdown of the Federal judicial machinery must be labeled chimerical.

W. BARTON LEACH.

HARVARD LAW SCHOOL.

MEMORIAL ADDRESS ON THE LATE SENATOR LARRAZOLO

Mr. CUTTING. Mr. President, I ask leave to have printed in the RECORD an address delivered by Hon. Antonio A. Sedillo before the Lawyers Club of Bernalillo County, N. Mex., Monday, May 5, 1930, in memory of Octaviano Ambrosio Larrazolo.

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

Octaviano Ambrosio Larrazolo died on the 7th day of April, A. D. 1930, at his place of abode in Albuquerque, N. Mex. He was born on the 7th day of December, 1859, in the old settlement known as Valley of San Bartolo (now of Allende), District of Bravo, State of Chihuahua, Mexico. He was the son of Octaviano Larrazolo and Donaciana Corral de Larrazolo. Both the Larrazolo and Corral families were old settlers and people of renown in the State of Chihuahua and the Republic of Mexico, and the older folks, including the father and four older brothers of the decedent, figured prominently in the War of Intervention of France in Mexico on the side of Mexico. As a consequence of the French War of Intervention in Mexico, the Larrazolo family was impoverished and scattered in different directions.

[116] Compare the spirit of the conformity act with that of the Federal equity rules.

[117] The writer has had the benefit of criticism from Prof. Edmund M. Morgan, who believes that the writer sees State legislation on evidence through rose-colored glasses by virtue of practice in Massachusetts, where reform in this field has been notably well advised. In respect to the extension of the competency of witnesses and the relaxation of exclusionary rules, he shares the writer's approval, but beyond this he does not go. Particularly does he find objectionable attempts by the States to codify the law of evidence. Granting the force of these observations, however, the writer feels that conformity is the lesser evil and that protection against glaring faults of State legislation may be assured by methods suggested at the end of this paper.

[118] Act of July 2, 1864, 13 Stat. 351.

Octaviano Ambrosio Larrazolo, the subject of this sketch, migrated to the United States at the age of 11 years as the protégé of the late Archbishop J. B. Salpointe. He remained under the protection of said prelate from 1870 to 1877, accompanying him on his travels overland through New Mexico and Arizona, and attended St. Michael's College in Santa Fe during the years 1875 and 1876. He was soon recognized as a brilliant student and leader of his class, and in a declamatory contest in which he participated in July of 1876, he rendered one of the famous addresses delivered by Daniel O'Connell in the British Parliament in defense of the Irish people, with such original, vivid, and realistic expression that it gained the admiration of the members of the faculty and all the spectators, including Hon. Edmund F. Dunne, ex-chief justice of the Supreme Court of Arizona, who invited young Larrazolo to lunch the following day and advised him to follow the legal profession, taking so much interest in him as to offer to take him to Chicago and put him through a law course in college. Ever after he could recite this wonderful oration.

After the college days he went to San Elisario, Tex., where he taught in the public schools, and in 1882 he contracted matrimony with Miss Rosalia Cobos, who died nine years later, and of which marriage he had five children, two surviving to adulthood—Juan B. Larrazolo, who afterwards became a prominent lawyer of Texas and Mexico and died at an early age, and Jose M. Larrazolo, now a doctor of chiropractic, residing in Albuquerque. In 1892 our subject again married, this time to Miss Maria Garcia, and this marriage was blessed with 10 children, of whom there are now living O. A. Larrazolo, jr., engineer and geologist, now residing at Santa Fe; Carlos, residing at San Francisco, Calif.; Heliodoro A., Maria, Pablo, and Rafael, all living with the decedent and their mother at Albuquerque.

From 1878 to 1884 Mr. Larrazolo taught school at San Elisario, Tex., and in 1885 was appointed clerk of the United States court at El Paso, resigning in 1886 to become clerk of the District Court of the Thirty-fourth Judicial District of Texas, with principal office at El Paso, to which office he was reelected in 1888. During all of said time he kept up his general studies and studied law, and in connection with his law studies he mentioned the name of Judge Falvey with whom he took counsel in the course of his studies. In 1889 our subject was admitted to the bar and elected district attorney for the thirty-fourth judicial district, to which office he was reelected in 1892, thereby serving as district attorney for four years.

In 1895 he came to New Mexico, settling at Las Vegas, where he acquired a large and lucrative law practice and soon became identified with the vital interests of New Mexico, and thereafter became a leading factor in the political life of our Territory and State. As was said by him so many times, his coming to New Mexico had for an object the general uplift of the native New Mexican, the Spanish-American, and the true and full recognition of his rights as a citizen of the State and of this great Republic of the North.

He was made the standard bearer of the Democratic Party of New Mexico as a candidate for delegate to Congress in 1900 and again in 1906 and in 1908, and at this last election his triumph was defeated by political machination. Notwithstanding such reverses, he kept up his patriotic work and later when New Mexico became admitted as a State he sacrificed everything upon the altar of the constitution adopted by the convention, which merited his approval because it gave adequate protection and representation to the native people of New Mexico, thereby once more demonstrating his true devotion to the cause which he had always made his mission in life and projecting his great figure as a true patriot.

As has been truthfully recorded in the Leading Facts of New Mexican History by Twitchell, he advocated the nomination of representatives of the native people for a larger number of the State offices and the result of his efforts was noticeable in the attitude of all the native-son delegates in the State convention of both parties and brought about the nomination and election of the late Ezequiel Cabeza de Baca as the first native-son Governor of the State of New Mexico.

He was elected Governor of New Mexico in 1918, which was still during the great World War, and thereby became the post-war Governor of New Mexico, and his administration is a shining star of faithful service, true devotion, and patriotism. His executive gesture in preventing the coal strike from enveloping the coal mines of New Mexico and his measure for the equal distribution of aid to the farmers and stockmen of the State during such times of reconstruction and hardship will ever be remembered by the people of our State with admiration and sincere gratitude. It was during his term of office as governor that he initiated the project which he lived to see become a policy of the actual administration of President Hoover, and it was Governor Larrazolo who launched the idea to have the lands of the public domain returned to the States in which they were situated.

The wisdom and justice of that measure have now become apparent throughout the land; but the governor's proposal went further, as it includes the return of the ownership of the subsoil as well as the surface of the lands. It was also during his administration that the great act of justice and mercy was performed of discharging the Villista soldiers who were arrested in connection with the raid of the border town of Columbus by Pancho Villa and his band, and which later were fully exonerated by a jury of the vicinage, thereby upholding the governor's action.

He was elected and served as Member of the House of Representatives for the third legislative district of the State of New Mexico in 1927 to 1928, and his work on behalf of the farmers of the middle Rio Grande district is well and favorably known by those most deeply concerned in the reclamation and drainage of the valley.

In 1928 he was elected Senator of the United States to fill out the unexpired term caused by the death of the late Senator Andrieus A. Jones. During the short time in which he served as United States Senator and while suffering greatly from sickness, he prepared and submitted to Congress his bill for the establishment of an industrial school for boys and girls, that being another of his great projects for which he had labored in his efforts to have the youth of New Mexico provided with equal educational preparation for lifework and American citizenship. He accompanied his proposed law with an introductory address which was received with applause and merited a congratulatory message from Vice President Dawes.

The Senator was well known throughout the Southwest as a gifted and accomplished orator in both English and Spanish and was acknowledged as a leader of the Spanish-American people of New Mexico, a distinction which he well and truly deserved.

As has been commented by a local newspaper upon the death of our subject, "Governor Larrazolo was born with the gift of a passionate eloquence. He was one of the great masters of oratory of his day. Few speakers could excel him, none that we know of in New Mexico and not many outside of the State. Those who have attended public meetings in Albuquerque recall without effort the ease with which Governor Larrazolo could catch and hold the imagination of his audiences. He was a vigorous pleader; he could thrust his personality with uncanny accuracy into the deeper emotions of his listeners; he could always arouse great admiration for his powers, even from those who might differ at the moment with his thesis. In appearance Governor Larrazolo was the true patriotic type. He looked every inch the statesman. He was tall, spare. His eyes carried in their depths the brooding storm of the keenly sensitive mind. His face was that of a strong man accustomed to victory and defeat, of the man who accepted either verdict fighting. Governor Larrazolo was the great champion of the Spanish-American people, always uncompromising in his concern for their welfare. He was their acknowledged spokesman. His vigorous efforts in their behalf sprang from deep sincerity and strong-hearted devotion. During his short term as United States Senator Mr. Larrazolo introduced a measure for the establishment of an industrial school for the youth of the State. That was his effort to equalize opportunities; it was his last great cause in behalf of his State."

Another contemporary appreciation from the press of New Mexico is as follows: "There was in Larrazolo a curious blending of gentleness with strength. In the executive office he was suave and considerate, but he knew how to be stern. In the executive mansion there was about him the unfailing charm of princeliness. Brilliant and effective as a lawyer; resourceful and determined as an executive; courageous to the point of fearlessness as a legislator—but it was as an orator that he reached the pinnacle of his powers. Rarely distinguished in presence and bearing, he had the voice, the command of language, and the histrionic power to sway audiences to his mood. Spanish was his mother tongue, but when he spoke in English there was just enough accent to lend an added charm to his speech."

The great steps of progress are marked by tombstones; so the death of Æschylus was the ascension of Greece to the ideal. The death of Tacitus was an ascension of Rome to justice. Everything is utilized in the fruitful laboratory of nature. From the ashes of the great dead spring forth the issues of the living. Love conquers death. Such was the verse of the Shulamite revealed by the death of the Martyr of Golgotha, and is eternally true. The heroes of a country do not die but rather extend the flight of their life through spirit, their ashes becoming part of the soul of the collectivity of the country where they lived, converted into the idea, the sentiment, the aspiration of the people similarly situated. To Larrazolo, as to Carlyle, history was the poetic splendor of human activity, the triumphal procession of the virtues exemplified in the humanistic cause that every other human shall have an equal opportunity with his fellow being and which represents the true idea of the fatherhood of God and the brotherhood of man. The heroes of American independence, like the heroes of Mexican independence and of every other nation which brought forth a better expression of manhood, were so thoroughly defined in all the make-up of our subject that it can truthfully be said that it was part of his inner being. His mind and his soul touched with the mind and soul of the universe in that regard. He was a true humanitarian in principle and was thoroughly impregnated with the ideal of the full development of the expression of the true, the beautiful, and the good, which is a common attribute in all humanity.

Octaviano Ambrosio Larrazolo has shed the mortal coil, thereby paying the unrequited tribute to nature's implacable law. His life was nurtured in the baskings of the imperishable light which moves the warp and woof of the inner being that proclaims infinity. The sun of

wisdom, and of truth, and of justice is eternal. In such planes our subject moved and had his being, lived and died, and the memory of his name and of his deeds will be cherished by the grateful people of New Mexico and revered and respected with the halo of immortality. His name and deeds in New Mexico will adorn the brilliant pages of Spanish-American history alongside of the names of Miranda of Venezuela, the precursor of South American independence; Bolivar, who has been called the Washington of South America; Sucre, who was a common figure to Colombia, Ecuador, and Bolivia; San Martin, the liberator of the southern half of South America; O'Higgins, the Chilean hero; and Hidalgo, Morelos, and Benito Juarez, emancipators of Mexico; and all of whose names emblazon the pages of the history of those republics.

Octaviano Ambrosio Larrazolo will be the contribution of the Spanish-American people for New Mexico, of the lawyer, the orator, the executive, the statesman, the man; and as a good, true, noble, and patriotic citizen of this great country of ours, the United States of America.

The bar association of Bernalillo County, N. Mex., pays this tribute of respect, admiration, and affection to its departed brother and directs by resolution that this tribute be filed in the archives of the association, and a copy thereof be delivered to the family of the deceased, and copy to the Supreme Court of New Mexico.

PHILIPPINE INDEPENDENCE

Mr. CONNALLY. Mr. President, I ask to have printed in the RECORD an address by the senior Senator from Missouri [Mr. HAWES] on Philippine independence, which was broadcast from station WMAL over the Columbia Broadcasting System on June 5, 1930.

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

The average American has little knowledge of the Philippines. He knows these islands came into the possession of the United States, in some way, as the result of the Spanish-American War. He has a hazy recollection of the historical incidents marking the many years of rebellion over alleged brutalities, both in Cuba and the Philippines, previous to the Spanish-American War and during the control of these island possessions by Spain.

He knows that in South America all of the nations had set up independent democratic governments years ago, and that there was the same desire on the part of Cuba and the Philippines at the time of the war in 1898.

He recalls the destruction of the battleship *Maine* in the harbor of Habana and remembers or has read of the call to arms that followed. The end of the war is quite fresh in memory to many of us, and is one of the recent martial pages of American history.

But at this point the average American's acquaintance with the Philippines begins to grow hazy, and the average man simply takes it for granted that at the close of the war we came into possession of both Cuba and the Philippines, and that Cuba was later given her complete sovereignty while the Philippines remained with us.

The average American knows little of the details of the Spanish War, except that Admiral Dewey sailed into Manila Harbor, and, turning his guns upon the city of Manila, became master of the situation.

It is necessary to refresh our memories on this subject before we realize that the Spaniards had been driven before the land forces of the veteran Filipino leader, Aguinaldo, until the Spaniards were practically confined to the city of Manila; and that while our vessels stood with guns trained on this capital, we had no land forces to occupy the islands; and that it was the army of Aguinaldo, the Filipino leader, who cut off the water supply from Manila and penned the Spaniards in that city, where they remained powerless under the range of the guns of the American Fleet.

At this point the knowledge of most Americans ends as to the Philippine Islands and the problems which they present to the United States Government.

Very few take the time to consider even the geographical facts in connection with these islands. They lie out in the Pacific 7,000 miles from the nearest point of the American Pacific coast. Our ships take 21 days from a Pacific coast port to reach the islands, and yet they are only 30 hours' sailing from the coast of Asia. They are a part of the Asiatic Continent, just as is Cuba a part of the American Continent.

Very few Americans realize that there are more than 7,000 of these Philippine Islands, more than 2,000 of which have never been named, consisting of small islets; that they stretch along for 1,000 miles just off the Asiatic coast south of Japan; that they are but a short ferry ride from the Japanese outpost of Formosa and not far removed from the isle of Borneo.

There are 13,000,000 of people on these islands who are under the jurisdiction of the United States, but who are not American citizens under the law. These people are Malays, living in a Torrid Zone, in a climate not suitable for either the health or comfort of the white race.

If we remained in possession of the islands for the next 300 years, as did Spain, we would be powerless to change the appearance of these people, the color of their hair, the texture of their skin, their racial customs, or their traditions and aspirations.

Spain controlled these islands for 300 years, which is almost twice as long a period of time as the period between to-day and the day when we declared our independence in 1776. And yet in all that 300 years the Filipinos have remained Filipinos; they remained Malayans; they remained orientals.

To-day there is a growing discussion of the Philippines, and the average American desires to know what these problems are. In a very brief way to-night I shall try to explain very simply the question before Congress with respect to the Philippine Islands.

When we took possession of the islands in 1898 we did so largely because they were a possession of Spain, with whom we had been at war.

In the treaty which followed the war the Philippines became definitely ours, and the first laws which we passed relating to the Philippine Islands did not touch upon the question of our future policy with respect to the islands.

The first government we set up was a military government; the Army took charge, as it does in all occupations of war. But we soon discovered that we owed a further and more enlightened duty.

In 1901 the late Chief Justice William H. Taft was made civil governor of the Philippine Islands.

In 1902 an act was passed authorizing the taking of a census of the islands and also providing for the holding of an election to select delegates to a popular law-making body for the islands.

The Philippine Assembly was established in 1907.

All of these steps by the United States from the time of the military occupation to 1907 were found to be necessary in the setting up of what we considered to be some sort of a representative government for these people under which they could be developed.

But in 1916 Congress gave serious attention to the question of our future in the Philippine Islands, and in that year there was passed what is known as the Jones Act, which gave to these people practically all of the functions of self-government, with the exception that we retained, through certain designated officers, a supervision over everything they did, and we retained also the right to nullify any legislative act they may pass.

The preamble to the Jones Act of 1919 reads as follows—and remember this is a part of the law of the United States as passed by Congress. I quote from the Jones Act:

"Whereas it was never the intention of the people of the United States in the incipiency of the war with Spain to make it a war of conquest or for territorial aggrandizement; and

"Whereas it is, as it has always been, the purpose of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and

"Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without in the meantime impairing the exercise of the rights of sovereignty by the people of the United States, in order that, by the use and exercise of popular franchise and governmental powers, they may be better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence."

Then the act provides that, considering the preamble which I have just read, certain things shall be done in the Philippines.

We have accordingly conveyed to them practically all of the functions of government except that we authorized the appointment of the Governor General, who still remains there, a Vice Governor General, and an auditor.

Under the provisions of the Jones law the Filipinos began to manage their own affairs under our supervision, and they took as an inspiration for their efforts the preamble of the bill, which promised them independence, sovereignty, and freedom.

As is shown in the report of a majority of 8 of the 12 members of the Insular Affairs Committee of the Senate, of which I am a member, of the more than 20,000 employed in civil service in the islands to-day, there are fewer than 500 Americans.

English is the official language of the islands.

The chief justice and three of the eight members of the supreme court are Filipinos. The governors and members of the provincial boards of the 39 regularly organized Provinces of the Philippines are all native Filipinos elected by the people.

The officials of the 800 municipal governments in the islands are all Filipinos.

There are 30,000 teachers in 8,000 schools throughout the islands and all but 293 are Filipinos.

Ninety-one per cent of the population is Christian. The Moros, or Mohammedans, of the islands number some 423,000, or only 4 per cent of the population. These Moros adopted the Mohammedan religion in the fourteenth and fifteenth centuries, and there are differences existing between them and other groups of the Filipinos. But the committee which heard witnesses and took testimony with respect to this

Philippine problem has evidence before it to the effect that the Moros unite with the other Filipinos in the demand for Philippine sovereignty.

The body which maintains peace and order in the islands is known as the Philippine Constabulary, or Insular Police Affairs. It is composed of 6,331 Filipinos, and of the 398 officers all but 23 are Filipinos.

The Filipinos elect 86 native Filipinos out of the 95 members of their legislative house, and they elect 22 members of their senate, two being appointed to represent the non-Christian provinces.

All but two of the judges of the courts of first instance are Filipinos, and all of the justices of the peace, without exception, are Filipinos throughout the islands.

Whatever weight anyone may attach to our influence in the Philippines, or whatever importance one may assign to the wise counsel and supervision of our few American officials there, no one will deny that the administration of the functions of government in the Philippine Islands is in the hands of the Filipinos.

The Filipinos raise their own revenue for governmental purposes from taxation. They pay their own governmental bills, pay their financial obligations, are meeting their bonded indebtedness, and their cost to us annually is measured only by our participation through the Army in their island affairs and the slight cost to us of handling their consular and diplomatic functions.

We gave so much autonomy of government under the Jones Act that there is only one step forward, independence, or we must take a backward step, undoing the hope and promise of 30 years, by departing from American traditions and creating a colonial form of government.

The American must keep constantly in mind that we have promised these people their independence. Within the last year they have sent a delegation of Philippine representatives to the Congress of the United States seeking the independence which we promised them. Through a presentation of the facts they assert their right to that independence on the basis of the provisions of the Jones Act. They insist they are ready for independence.

Matters, other than the presence of the Philippine delegation, have brought the Philippines into the immediate consideration of Congress.

The first is the plea of the American farmer that the raw products of the Philippines are being sent into the United States to compete with the products of the American farm. The farmer points out that he is already coming into new competition by the opening up of our own western country, through great irrigation and dam projects, and that it is unfair to him for the American Government to permit the raw products of the Philippines to come into this country free from the tariff barriers applicable to all the other nations of the world. Eighty per cent of all Philippine imports to the United States are agricultural products.

The farmer is advised to curtail production, to reduce planting, and yet is threatened with permanent agricultural competition, 7,000 miles from the American shore, of 114,000 square miles of agricultural land.

Then comes the plea of the American Federation of Labor in the name of the working men and women of the United States. They say that it is unfair for the Government of the United States to permit cheap Philippine labor to come into the United States from these far-off islands to break down the American wage scale. They point to recent racial disturbances on the Pacific coast showing that this influx of Philippine labor is presenting a very serious problem.

Certain manufacturers then called the attention of Congress to the fact that the Philippines are beginning to make certain products out of the abundant raw materials of the islands and are sending these manufactured products into the United States to compete unfairly with American-made products.

Thus the farmer and manufacturer ask that Philippine products be placed under our tariff laws, and the American Federation of Labor asks Congress to exclude the Philippine people from our shores, just as we do other orientals.

But there seems to be a distinct feeling in Congress that it would be manifestly unfair for the American Government either to place the ban of exclusion on a people who are still under our flag, or to restrict the products of a people by tariff barriers, when one of the purposes of our occupation of the Philippines is to assist these people to develop their resources.

No nation in the world, including England, France, and Holland, has ever attempted to exclude their own colonials from the home country. The application of tariff barriers would seem to be equally unfair.

Congress, refusing to act in a piecemeal manner on any of the pleas made to it by these essential elements in our American life, is confronted with the problem of the future of the Philippines.

Everyone who knows anything of the Philippine problem at all admits that, as the result of our presence in the islands without a fixed policy for the future, a great uncertainty exists which is bad for the Philippines and harmful to American interests.

Not knowing what the future is to be, new American capital will not enter the islands to develop them; foreign capital will not enter the islands at all.

The Philippine people have been taught to believe they will be given independence. An entire generation has grown up with this promise constantly before it. It is part of the national aspirations of these people. The demand for independance comes from every walk of life in the Philippine Islands—its bankers, its industrialists, its governmental officials, its educators. In fact, every element of Philippine life, from the veteran Aguinaldo down to the 1,110,000 children in the Philippine schools, unite without a dissenting voice in a demand for independence.

Beginning with President McKinley and continuing under Roosevelt, Taft, Wilson, and Harding, we find in the expressions of our Chief Executives statements clearly indicating that all of our constructive work in the Philippines has been to prepare for independence.

And yet we have to-day no definite plan for the future. In the face of our lack of definite policy on the one hand, and our promise on the other, the uncertainty that has arisen is tending to breed trouble for both the Filipino and the American interested in the Philippines.

We have reached a point where we must redeem our promises, or, at least, remove the uncertainty.

There are five ways in which to settle the uncertainty:

First. We could grant them immediate independence. While the Filipinos demand this, most Americans do not urge it, as there undoubtedly will be a period of reconstruction under a new relationship during which trying time the Philippines should have the benefit of our aid and assistance.

Second. We could fix some distant date in the future when independence shall be granted, but it is manifest that if this date is postponed for any considerable length of time the commercial and economic ties that will have grown up between the islands and the United States will render ultimate independence impossible.

Third. We could grant to the Philippines a colonial form of government for the future and permanently retain them. But such a course has never been proposed since our occupation of the islands, and is repugnant to the best traditions of our own Nation.

Fourth. We might incorporate them as a State of the Union, but it is not considered, because there are social, racial, and geographical impediments to this course.

It would seem that the only solution of our problem in the Philippines is to set a time for their independence at some early date; direct the character of government we desire them to put in operation; supervise the framing of a constitution for them, give them a "test period" of, say, five years in which to try out the burdens of new relationship, such as graduated tariff barriers, and, at the end of that 5-year period, provide for them to hold a plebiscite to determine at the polls whether, having felt the full harmful effects of separation from us, they desire to go on as an independent people.

If they do so decide after this "acid test" period, then we should grant them their complete sovereignty in keeping with the pledges and promises we have made to them.

It has been impossible for me to-night to do more than touch the very high points of a discussion of the Philippine Islands. Involved in this problem are great international questions.

We, for instance, have just concluded a conference in London with respect to naval armaments, and yet, in a previous naval and military agreement, we signed a treaty with Japan and Great Britain which forbids us to fortify the Philippines, and thus we have destroyed the possibility of the Philippines offering a post of military or naval advantage.

The Orient as a whole is watching the United States in its relation to the Philippines. There are those who argue that the Philippines offer to us an excellent trade advantage in the Orient. It is doubtful, however, whether our continued presence in the Orient through our possession of the Philippines will be advantageous to us.

Our work in the Philippines has been accepted by the Orient as a valuable contribution to the benefit of those people, but we have told the world in our legislative acts that all of these activities are in preparation for the independence of the islands. There is grave doubt, if we now abandon this policy and announce our intention to remain in the Philippines, whether our presence in the Orient will be of advantage to us in the future. It may prove to be a distinct disadvantage, as our treatment of the Philippines will be the measure by which the oriental will weigh our international honesty.

As a member of the committee which has recently concluded hearings on this Philippine problem, I think it is but proper for me to state that the representatives of the Philippine people from all sections of the islands who have been in Washington pleading for the fulfillment of our promises are alert, kindly, and engaging people. Most of them are college graduates, they have a keen sense of humor, and have been honest and straightforward in their dealings with the Senate committee. These people have impressed the Senate committee with the sincerity of their purpose and the honesty of their convictions, but contact with them has not removed the thought from the members of the committee that these are a Malayan, oriental people whose traditions and ideals will never be completely westernized.

If their readiness for government is to be measured solely on the basis of our own standards, without regard to their oriental traditions and their oriental customs, habits, and aspirations, they will never be ready for independence, because they can never be fully Americanized.

The Philippines present a problem of to-day, not of next year or the year after. If Congress fails to clarify the American policy with respect to these islands of the Pacific, it will be responsible for any eventuality arising out of the present uncertainty. If we postpone a statement of policy, the day will come when it will be too late to draft a policy. A new policy may unexpectedly be forced upon us.

BUYING THE RIGHT TO GOVERN

Mr. WHEELER. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the Christian Century for June 4, 1930, entitled "Buying the Right to Govern."

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

BUYING THE RIGHT TO GOVERN

Is America to be governed by money? Has the Nation reached the point where, in its populous States, only the possessor of great wealth can aspire successfully to high office? Are seats in the Senate to be knocked down to the highest bidder? Is democracy, after having fought off the advance of bureaucracy, to give place to plutocracy?

Questions such as these are growing in the minds of all thoughtful citizens as they contemplate recent campaigns. They have become too serious for further silence with the publication of the expenses incurred by Mrs. RUTH HANNA MCCORMICK in her race for the Republican senatorial nomination in Illinois. For in this case, despite the precedents set by senatorial action in denying seats to other nominees whose campaign funds were considered excessive, and despite the knowledge that the country was closely watching the methods employed by the first conspicuous woman candidate, Mrs. MCCORMICK acknowledges that she spent a quarter of a million dollars to obtain the nomination for an office that carries a salary of only $10,000 a year.

Fully to comprehend the seriousness of the situation disclosed by Mrs. MCCORMICK'S primary campaign accounts, it is necessary to recall a little history. Curiously enough, much of this history has concerned senatorial elections in Illinois.

During the closing years of the nineteenth century the Nation developed a growing suspicion of the faithfulness to the public interest of Members of the United States Senate. Whereas the Populists and Mr. Bryan, when they advocated the direct election of Senators during the early nineties, were vituperated as iconoclasts who would destroy the foundations of the Republic, by the time of the Roosevelt administration attacks upon the Senate had become the order of the day. Looking at a body that was dominated by such men as Mrs. MCCORMICK'S father, Marcus A. Hanna, the younger Rockefeller's father-in-law, Nelson Aldrich, or the president of the New York Central Railroad, Chauncy Depew, it grew customary to speak of the Senate as "a rich man's club." One has but to turn back to the pages of such novels of the period as Winston Churchill's A Modern Chronicle or William Allen White's A Certain Rich Man to recall how the great corporations were commonly reputed to use money or influence, or both, in inducing members of State legislatures to send to the Senate men who were looked on as representing, primarily, the corporations to which they owed their elections.

If any one incident served to bring to a focus this generally diffused suspicion of the method by which Senators were then elected it was the election to the Senate made in 1908 by the Legislature of Illinois. This body, after a deadlock, suddenly forgot party lines and chose a Chicago politician of bad repute, William Lorimer. Mr. Lorimer took his seat in 1909. His right to that seat was immediately challenged, but a committee of the Senate in 1910, and that body acting as a whole in 1911, confirmed him in his place. However, public wrath at the disclosure of the way in which about $50,000 had been spent in the Illinois Legislature to bring to pass this election finally reached such a pitch that in the next year, 1912, Mr. Lorimer was expelled. Theodore Roosevelt played no small part in forcing the final expulsion of Lorimer. The incident gave effective ammunition to Democrats and Bull Moosers in the presidential campaign of 1912.

The Lorimer scandal gave the final push to the campaign for the direct election of Senators. A year later, in 1913, the seventeenth amendment was in the Constitution. The Nation believed that by thus placing the choice of Members of the upper House of Congress in the hands of the people the tendency toward plutocracy in that Chamber would be checked. For the next few years the country was too engrossed in the war and other matters to be aware of the working of its political methods. But in 1919 another scandal showed that the day of practically buying seats in the Senate had not closed with the coming of direct elections.

It is not necessary to recall the national agitation which followed the disclosure of the expenditure by Truman H. Newberry, of Detroit, of $190,000 in his campaign against Henry Ford. Mr. Newberry held his seat in the Senate until 1922. Then, when that body, in response to public demand, was on the verge of passing a vote of expulsion, he resigned.

Following the Newberry case came the cases of Frank L. Smith, of Illinois, with a campaign expenditure of about $450,000, and of William S. Vare, of Philadelphia, with an expenditure of about $750,000. In both cases, the Senate vote was not of expulsion but of refusal to allow the elected candidate to be seated.

It is clear that, in these four recent cases, the Senate has consistently protected itself against the presence of Members who have been held to have spent abnormally large amounts to secure office. In the cases of Lorimer and Smith, the size of the sum spent was aggravated by the way in which it was spent or by the sources from which it came. In the Newberry case, only the fact of excessive expenditure was involved. But the principle has been firmly established that the Senate is the final judge of the qualifications of its own Members, and that excessive expenditures constitute a cause for debarment or expulsion. The country is in accord with the Senate on this, for it has become increasingly clear since the close of the war that the Senate is by far the most important branch of the National Legislature. Should this branch again fall into the hands of persons of great wealth, or those able to control great financial backing, the National Government would be well on the way toward becoming a plutocracy.

Seen against this background, the sinister importance of Mrs. MCCORMICK'S primary expenditures is clear. In fact, so clear is it that Mrs. MCCORMICK herself testified, before the Senate Investigating Committee, that she hoped the inquiry might lead to legislation which would hold campaigning expenses within bounds in the future. Since she acknowledges, in this way, that her expenditures have been large enough to raise grave questions of public policy, by what means does Mrs. MCCORMICK seek to justify them? Her attempt at justification is two-sided.

On the one hand, Mrs. MCCORMICK and those who seek to extenuate the size of her primary campaign fund insist that, no matter how regrettably large the figures may be, the situation is as it is, and only by the use of enormous sums can an electorate of almost 3,000,000 voters be reached. This was Mrs. MCCORMICK'S attitude before the Senate committee. She deplored, in effect, the spending of so much money. But she held that she had merely played the game as she had found it, and as it must be played as long as the rules remain unchanged. "The mailing of one letter each to all the voters of Illinois would cost approximately $120,000," she told the committee. That "one letter" argument has been generously used, despite the fact that Mrs. MCCORMICK'S total postage bill, as submitted to the Senate committee, was only $12,400, and despite the further fact that neither she nor any other candidate resorted to any such ineffective means of campaigning.

But let pass any contrast between the way in which Mrs. MCCORMICK might have spent her quarter million and the way in which she actually did spend it. Consider only her main proposition, that the growth of a large electorate necessitates the expenditure of large sums. If this is true, then the case for democracy is lost right here. If this is true, then the control of government is at the mercy of money. This may be the wealth of individuals, of groups, or of corporations. It may even eventually come to be the wealth of gangsters. But it is wealth. And if there are still States in which the poor man has a chance to hold important office without selling his soul to mercenary interests in return for a campaign chest, then, according to Mrs. MCCORMICK'S conception of the course of our Nation's history, we have only to await the inevitable day when these States will have multiplied their population to see such participation in politics eliminated and this money power established in every Commonwealth.

We do not believe that any such contention is well founded. We have more hope for the future of the Republic. We do not think that tremendous expenditures are necessary, whether in Illinois or anywhere else. It is well, before succumbing to this sophistry, to compare the expenditures in Mrs. MCCORMICK'S primary campaign with those of Senator W. H. MCMASTER, who was renominated at almost the same time in South Dakota. Senator MCMASTER faced a campaign fully as dangerous to his ambitions as did Mrs. MCCORMICK. He knew, and everybody in his State knew, that if he pulled through at all it would be by a narrow margin. In point of the number of citizens to be reached, the population of South Dakota is, to be sure, only one-tenth that of Illinois. But in point of territory included in the campaigning, Mr. MCMASTER had 20,000 square miles more than Mrs. MCCORMICK to cover. Yet Mr MCMASTER won his nomination with an expenditure approximately one one-hundred-and-twenty-fifth as large as that of Mrs. MCCORMICK! He spent $2,000; Mrs. MCCORMICK spent $250,000.

The other aspect of the attempted justification of this expenditure is the fact that the money thus spent was Mrs. MCCORMICK'S own money. Certainly, so far as her own accounting discloses, there attached to her spending none of the Frank Smith-Insull taint.

Mrs. MCCORMICK is a very wealthy woman, even as wealth is estimated in the United States. She has the money; why shouldn't she spend it in this fashion if she wants to? Mrs. MCCORMICK took care to emphasize this conception of her campaign fund when testifying before the Senate committee, and her defenders constantly refer to it.

But there is a sense in which it is clearly worse to obtain office by the use of unlimited personal wealth than by the use of money contributed by others. For to do this is to put public office exclusively at the disposal of persons of private fortune. It is to return to the condition that Rome knew during the days of its decline, when public honors went to the highest bidder. In the case of Mrs. McCORMICK it is a direct return to the condition that obtained in the Newberry case, without even as much justification as Mr. Newberry had. Mr. Newberry spent what the country considered to be an illegitimately large sum—it was $60,000 less than Mrs. McCORMICK has spent in this primary, without estimating what her total expense, by the end of the coming election, will be—and it was also his own money. Moreover, his opponent was the wealthiest man in America. But the Senate, and the Nation refused to justify Mr. Newberry's course on that account.

The outlook for our national institutions in the light of such a disclosure as Mrs. McCORMICK'S primary expenditure is undeniably serious. It is so serious that a special committee of the Senate, under the chairmanship of Senator NYE, is beginning an investigation. Even if this committee uncovers nothing more concerning the recent Illinois primary than is already acknowledged, the outlook is serious. From a partisan point of view it is serious for the Republican Party, for it has been the ill luck of this party to be involved in every one of the Senate expulsions or debarments for this cause to date. And, in the light of the precedents, it is impossible to see how the Senate can seat Mrs. McCORMICK, even should she be elected.

But this issue is too important to be considered from any partisan standpoint or even from the standpoint of the person immediately involved. The issue transcends both parties and personalities. It is the issue as to whether high office in the Republic is to be reserved for those who have, or can employ, great wealth. Mrs. McCORMICK herself acknowledged the seriousness of this issue when she expressed her hope that, in the future, legislation would safeguard the elections from plutocratic control. But the issue grows urgent in the future because of what has been done in the present. If the citizens of the Republic wish to protect democracy against the control of wealth, they must not condone any such auction of office as marked the Illinois primary.

THE TARIFF—CONFERENCE REPORT

Mr. SMOOT. Mr. President, on behalf of the conferees on the tariff bill I send to the desk a conference report covering both the reports which have been in conference. I ask that the report be printed and lie on the table, and I give notice that I shall call it up to-morrow for consideration.

Mr. HARRISON. Mr. President, I desire to address myself to this report for a few moments to-day. I thought perhaps the Senator from Utah would request immediate consideration of the report, in which event I was going to suggest that if there were no one who desired to speak on the report, it might go over and something else be taken up; but the Senator's request is satisfactory.

Mr. SMOOT. In accordance with the suggestion of the Senator from Mississippi, then, I ask unanimous consent that the Senate proceed to the consideration of the conference report.

Mr. HARRISON. With the understanding that it can be laid aside for some other matters, and that it will not be pressed to a vote to-day if no one is ready to speak on it.

Mr. SMOOT. I will ask that it go over until to-morrow with that understanding, when I shall bring it up.

Mr. BLAINE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. BLAINE. If the conference report is taken up at this time, will a motion that the report be recommitted be in order to-morrow?

The VICE PRESIDENT. Such a motion would be in order at any time before final action.

Mr. McNARY. Mr. President, the request is that the Senate proceed immediately to consider the conference report on the tariff bill.

Mr. SMOOT. Yes; and if no one desires to speak on it this afternoon, that it be laid aside until to-morrow.

Mr. McNARY. What effect would agreeing to that request have upon the unfinished business?

The VICE PRESIDENT. The unfinished business would still remain the unfinished business.

Is there objection to the request of the Senator from Utah? The Chair hears none, and the conference report is before the Senate.

The report is as follows:

[S. Doc. No. 161]

The committee of conference on the disagreeing votes of the two Houses on those amendments of the Senate to the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes, upon which an agreement was reported by a previous committee of conference to the House on April 28, 1930 (H. Rept. No. 1326), and to the Senate on April 29, 1930 (S. Doc. No. 148), having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the same action with respect to such amendments (except amendments numbered 327, 424, 425, 454, 657, 848, and 849) be taken as recommended in the report of such previous committee of conference. A print of such report is appended hereto for the information of the Senate and House.

That the Senate recede from its amendments numbered 424, 425, 454, 848, and 849.

Amendmentment numbered 327: That the House recede from its disagreement to the amendment of the Senate numbered 327, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 367. (a) Watch movements, and time-keeping, time-measuring, or time-indicating mechanisms, devices, and instruments, whether or not designed to be worn or carried on or about the person, all the foregoing, if less than 1.77 inches wide, whether or not in cases, containers, or housings:

"(1) If more than 1½ inches wide, $1.25 each; if more than 1$\frac{7}{16}$ inches but not more than 1½ inches wide, $1.40 each; if more than 1 inch but not more than 1$\frac{7}{16}$ inches wide, $1.55 each; if more than nine-tenths of 1 inch but not more than 1 inch wide, $1.75 each; if more than eighth-tenths of 1 inch but not more than nine-tenths of 1 inch wide, $2 each; if more than six-tenths of 1 inch but not more than eight-tenths of 1 inch wide, $2.25 each; if six-tenths of 1 inch or less wide, $2.50 each.

"(2) In the case of any of the foregoing having no jewels or only one jewel, the above rates shall be reduced by 40 per cent.

"(3) Any of the foregoing having more than seven jewels shall be subject to an additional duty of 15 cents for each jewel in excess of seven.

"(4) Any of the foregoing shall be subject to an additional duty of $1 for each adjustment of whatever kind (treating adjustment to temperature as two adjustments) in accordance with the marking as hereinafter provided.

"(5) Any of the foregoing shall be subject to an additional duty of $1 each, if constructed or designed to operate for a period in excess of 47 hours without rewinding, or if self-winding, or if a self-winding device may be incorporated therein.

"(6) Any of the foregoing having more than 17 jewels, whether adjusted or unadjusted, and whether with or without dials, shall, in lieu of the duties provided in clauses (1), (2), (3), (4), and (5), be subject to a duty of $10.75 each.

"(b) All the foregoing shall have cut, engraved, or die sunk, conspicuously and indelibly on one or more of the top plates or bridges: The name of the country of manufacture; the name of the manufacturer or purchaser; in words and in Arabic numerals the number of jewels, if any, serving a mechanical purpose as frictional bearings; and, in words and in Arabic numerals, the number and classes of adjustments, or, if unadjusted, the word 'unadjusted.'

"(c) Parts for any of the foregoing shall be dutiable as follows:

"(1) Parts (except pillar or bottom plates, or their equivalent, bridges or their equivalent, and jewels) imported in the same shipment with complete movements, mechanisms, devices, or instruments, provided for in subparagraph (a) of this paragraph (whether or not suitable for use in such movements, mechanisms, devices, or instruments), 45 per cent ad valorem; but this clause of this subparagraph shall not be applicable to that portion of all the parts in the shipment which exceeds in value 4 per cent of the value of such complete movements, mechanisms, devices, or instruments.

"(2) Pillar or bottom plates, or their equivalent, shall be subject to one-half the amount of duty which would be borne by the complete movement, mechanism, device, or instrument for which suitable.

"(3) Each assembly or subassembly (unless dutiable under clause (1) of this subparagraph) consisting of two or more parts or pieces of metal or other material joined or fastened together shall be subject to a duty of 3 cents for each such part or piece of material, except that in the case of jewels the duty shall be 15 cents instead of 3 cents, and except that in the case of pillar or bottom plates or their equivalent the duty shall be the rate provided in clause (2) of this subparagraph instead of 3 cents, and except that in the case of a balance assembly the duty shall be 50 cents for the assembly instead of 3 cents for each part or piece thereof. No assembly or subassembly shall be subject to a greater amount of duty than would be borne by the complete movement, mechanism, device,

or instrument for which suitable, nor to a less rate of duty than 45 per cent ad valorem. For the purpose of this clause a balance assembly shall be an assembly consisting of a balance wheel, balance staff, and hairspring, with or without the other parts commercially known as parts of a balance assembly. For the purpose of this clause bimetallic balance wheels (not part of a balance assembly), and mainsprings with riveted ends, shall each be considered as one part or piece.

"(4) All other parts (except jewels), 65 per cent ad valorem.

"(d) Jewels, suitable for use in any movement, mechanism, device, or instrument, dutiable under this paragraph or paragraph 368, or in any meter or compass, 10 per cent ad valorem.

"(e) Dials for any of the foregoing movements, mechanisms, devices, or instruments, if such dials are less than one and seventy-seven one-hundredths inches wide, and are imported separately, 5 cents each and 45 per cent ad valorem. Dials for any of the movements, mechanisms, devices, or instruments provided for in this paragraph, whether or not attached thereto, shall have stamped, cut, engraved, or die sunk, conspicuously and indelibly thereon the name of the country of manufacture; which marking, if the dial is imported attached to any of the foregoing movements, mechanisms, devices, or instruments, shall be placed on the face of the dial in such manner as not to be obscured by any part of the case, container, or housing.

"(f) All cases, containers, or housings, designed or suitable for the enclosure of any of the foregoing movements, mechanisms, devices, or instruments, whether or not containing such movements, mechanisms, devices, or instruments, and whether finished or unfinished, complete or incomplete, except such containers as are used for shipping purposes only:

"(1) If made of gold or platinum, 75 cents each and 45 per cent ad valorem.

"(2) If in part of gold, silver, or platinum, or wholly of silver, 40 cents each and 45 per cent ad valorem.

"(3) If set with precious, semiprecious, or imitation precious or imitation semiprecious stones, or if prepared for the setting of such stones, 40 cents each and 45 per cent ad valorem.

"(4) If of base metal (and not containing gold, silver, or platinum), 20 cents each and 45 per cent ad valorem.

"(5) Any of the foregoing cases, containers, or housings, if enameled, shall be subject to an additional duty of 15 per cent ad valorem.

"(g) Any of the foregoing cases, containers, or housings, shall have cut, engraved, or die sunk, conspicuously and indelibly on the inside of the back cover, the name in full of the manufacturer or purchaser and the name of the country of manufacture.

"(h) For the purposes of this paragraph the width of any movement, mechanism, device, or instrument, shall be the shortest surface dimension through the center of the pillar or bottom plate, or its equivalent, not including in the measurement any portion not essential to the functioning of the movement, mechanism, device, or instrument.

"(i) For the purposes of this paragraph and paragraph 368 the term 'jewel' includes substitutes for jewels.

"(j) An article required by this paragraph to be marked shall be denied entry unless marked in exact conformity with the requirements of this paragraph."

And the Senate agree to the same.

Amendment numbered 657: That the House recede from its disagreement to the amendment of the Senate numbered 657, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "Filaments of rayon or other synthetic textile, single or grouped, and yarns of rayon or other synthetic textile, singles, all the foregoing not specially provided for, weighing 150 deniers or more per length of 450 meters, 45 per cent ad valorem; weighing less than 150 deniers per length of 450 meters, 50 per cent ad valorem; and, in addition, yarns of rayon or other synthetic textile, plied, shall be subject to an additional duty of 5 per cent ad valorem: *Provided*, That none of the foregoing filaments shall be subject to a less duty than 40 cents per pound, and none of the foregoing yarns shall be subject to a less duty than 45 cents per pound. Any of the foregoing yarns if having more than 20 turns twist per inch shall be subject to an additional cumulative duty of 45 cents per pound"; and the Senate agree to the same.

REED SMOOT,
JAMES E. WATSON,
SAMUEL M. SHORTRIDGE,
Managers on the part of the Senate.
W. C. HAWLEY,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
Managers on the part of the House.

[Print of previous conference report]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 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, 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 3, 11, 22, 24, 34, 44, 45, 53, 83, 84, 85, 86, 87, 104, 108, 109, 118, 141, 159, 160, 168, 169, 170, 171, 172, 190, 191, 192, 193, 209, 212, 215, 227, 234, 246, 247, 248, 253, 261, 263, 265, 266, 298, 299, 330, 331, 335, 336, 340, 343, 382, 384, 429, 432, 440, 447, 485, 513, 521, 529, 557, 565, 572, 573, 586, 588, 589, 590, 591, 592, 594, 603, 607, 609, 616, 621, 622, 623, 647, 651, 655, 667, 669, 671, 673, 675, 677, 679, 681, 682, 684, 690, 693, 700, 701, 714, 718, 733, 741, 742, 746, 757, 759, 760, 769, 770, 773, 774, 788, 789, 790, 792, 796, 801, 810, 811, 815, 826, 831, 832, 833, 835, 841, 847, 852, 853, 854, 856, 858, 859, 860, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 886, 894, 944, 949, 967, 968, 998, 1007, 1030, 1043, 1097, 1117, 1142, 1143, 1144, 1146, 1147, 1153, 1159, 1160, 1162, 1163, 1165, 1166, 1174, 1176, 1177, 1198, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1225, 1226, 1228, 1240, 1248, and 1253.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 6, 10, 12, 13, 15, 16, 18, 19, 20, 21, 23, 25, 28, 30, 31, 33, 35, 36, 37, 38, 39, 46, 47, 50, 51, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 68, 69, 70, 71, 72, 74, 75, 76, 77, 78, 79, 81, 82, 88, 89, 90, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 103, 105, 107, 110, 111, 112, 113, 114, 116, 117, 119, 120, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 133, 134, 135, 136, 137, 138, 139, 140, 142, 143, 144, 145, 146, 147, 148, 150, 152, 153, 154, 155, 156, 157, 158, 161, 162, 164, 165, 166, 173, 174, 175, 176, 177, 178, 179, 180, 182, 183, 184, 185, 186, 187, 188, 189, 194, 196, 197, 198, 199, 200, 201, 202, 203, 210, 211, 216, 217, 218, 219, 222, 225, 229, 231, 232, 233, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 249, 250, 251, 252, 255, 256, 257, 258, 259, 260, 262, 264, 267, 268, 269, 270, 271, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 286, 287, 288, 290, 291, 295, 296, 297, 300, 301, 302, 303, 304, 305, 308, 309, 310, 313, 314, 316, 318, 320, 321, 322, 323, 324, 325, 326, 333, 334, 338, 339, 345, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 365, 366, 378, 388, 389, 390, 391, 393, 397, 398, 399, 400, 402, 403, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 426, 427, 428, 430, 431, 433, 434, 435, 436, 437, 438, 439, 441, 442, 443, 444, 445, 446, 449, 450, 451, 452, 453, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 486, 487, 488, 489, 490, 491, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 515, 516, 517, 518, 519, 520, 522, 523, 524, 525, 526, 527, 528, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 558, 559, 560, 561, 562, 563, 564, 566, 567, 568, 569, 570, 571, 574, 575, 577, 578, 580, 581, 582, 583, 584, 585, 587, 593, 595, 596, 597, 598, 599, 600, 601, 602, 604, 605, 606, 608, 610, 611, 612, 613, 614, 617, 618, 619, 620, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 648, 650, 653, 654, 656, 658, 659, 660, 661, 662, 663, 664, 665, 666, 668, 670, 672, 674, 676, 678, 680, 683, 685, 686, 687, 688, 689, 691, 692, 694, 695, 696, 697, 698, 699, 702, 703, 704, 705, 706, 710, 711, 712, 713, 715, 716, 717, 720, 721, 722, 723, 725, 726, 727, 728, 730, 731, 734, 735, 736, 737, 738, 739, 740, 743, 744, 749, 750, 751, 752, 753, 754, 755, 756, 758, 762, 763, 766, 767, 768, 772, 775, 776, 777, 778, 779, 780, 781, 782, 783, 786, 793, 794, 802, 803, 804, 805, 806, 807, 808, 809, 812, 813, 814, 816, 818, 819, 820, 821, 822, 823, 828, 829, 834, 836, 837, 838, 839, 840, 842, 843, 844, 845, 846, 850, 855, 857, 861, 889, 890, 900, 912, 918, 924, 939, 941, 943, 986, 988, 990, 991, 994, 996, 1000, 1001, 1005, 1011, 1042, 1044, 1045, 1054, 1056, 1065, 1069, 1073, 1088, 1100, 1101, 1106, 1107, 1108, 1110, 1113, 1115, 1116, 1118, 1119, 1121, 1122, 1123, 1124, 1125, 1127, 1136, 1137, 1145, 1148, 1149, 1150, 1154, 1155, 1164, 1167, 1169, 1170, 1172, 1173, 1175, 1178, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1199, 1200, 1201, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1227, 1229, 1230, 1231, 1232, 1233, 1234, 1236, 1237, 1238, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1249, 1250, 1251, and 1252, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1⅝ cents"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the

matter proposed to be inserted by the Senate amendment insert "3½ cents"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert "formic acid, 3 cents per pound" and a semicolon; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "5 cents"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "11 cents"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "oleic acid or red oil, 20 per cent ad valorem" and a semicolon; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 cents"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "$1.25"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "75 cents"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "calcium acetate, crude, 1 cent per pound" and a semicolon; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "30 per cent"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"pound.

"(b) Synthetic indigo, 'Colour Index No. 1177,' and sulphur black, 'Colour Index No. 978,' 3 cents per pound and 20 per cent ad valorem.

"(c) The ad valorem rates provided in this paragraph shall be based upon the American selling price (as defined in subdivision (g) of section 402, Title IV) of any similar competitive article manufactured or produced in the United States. If."

And the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert "; digitalis, 20 per cent ad valorem"; 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 matter proposed to be inserted by the Senate amendment insert "1¾ cents"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "10 per cent ad valorem; drawing ink, 15 per cent"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "three-fourths of"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 51. Menthol, 50 cents per pound; natural crude camphor, 1 cent per pound; natural refined camphor, 5 cents per pound; synthetic camphor, 5 cents per pound. If at the end of three years after the enactment of this act, the President finds that during the preceding six months the domestic production by quantity of synthetic camphor did not exceed 25 per cent of the domestic consumption thereof by quantity, or, at the end of four years after the enactment of this act, that during the preceding six months such domestic production did not exceed 30 per cent of such consumption, or, at the end of five years after the enactment of this act, that during the preceding six months such domestic production did not exceed 50 per cent of such consumption, he shall by proclamation so declare and, after six months thereafter, the rate on synthetic camphor shall be 1 cent per pound. To assist the President in making the investigation required by this provision, the Tariff Commission is empowered to investigate, to such extent as may be necessary, in the manner provided in the case of investigations under section 336 of this act, and shall report to the President the result of its investigation."

And the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "3½ cents per pound, but not less than 45 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: On page 24 of the House bill, line 13, after "valorem," insert "eucalyptus, 15 per cent ad valorem" and a semicolon; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 65. (a) Paints, colors, and pigments, commonly known as artists', school, students', or children's paints or colors:

"(1) In tubes, jars, cakes, pans, or other forms, not exceeding 1½ pounds net weight each, and valued at less than 20 cents per dozen pieces, and not assembled in paint sets, kits, or color outfits, three-fourths of 1 cent per tube, jar, cake, pan, or other form.

"(2) In tubes, jars, cakes, pans, or other forms, not exceeding 1½ pounds net weight each, and valued at 20 cents or more per dozen pieces, and not assembled in paint sets, kits, or color outfits: In tubes or jars, 2 cents per tube or jar and 40 per cent ad valorem; in cakes, pans, or other forms, 1¼ cents per cake, pan, or other form and 40 per cent ad valorem.

"(3) In tubes, jars, cakes, pans, or other form, not exceeding 1½ pounds, net weight each, when assembled in paint sets, kits, or color outfits, with or without brushes, water pans, outline drawings, stencils, or other articles, 70 per cent ad valorem on the value as assembled.

"(4) In bulk, or in any form exceeding 1½ pounds net weight each, 8¼ cents per ounce.

"(b) For the purposes of this paragraph, tubes, jars, cakes, pans, or other forms, shall not be considered as assembled in a paint set, kit, or color outfit, unless assembled in such form and container, and with such assortment of merchandise, as to be suitable for sale at retail to artists, students, or children, as a paint set, kit, or color outfit."

And the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "containing by weight less than 30 per cent of zinc sulphide, 1¾ cents per pound; containing by weight 30 per cent or more of zinc sulphide, 1¾ cents per pound and 15 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "14 cents"; and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu

of the matter proposed to be inserted by the Senate amendment insert "2½ cents per pound"; and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "$3 per ton"; and the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 90. Turpentine, gum and spirts of, and rosin, 5 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert "silica, crude, not specially provided for, $3.50 per ton" and a semicolon; and the Senate agree to the same.

Amendment numbered 205: That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "containing more than 97 per cent of calcium fluoride, $5.60 per ton; containing not more than 97 per cent of calcium fluoride, $8.40 per ton"; and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "; sand containing 95 per cent or more of silica and not more than six-tenths of 1 per cent of oxide of iron and suitable for use in the manufacture of glass, $2 per ton"; and the Senate agree to the same.

Amendment numbered 207: That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 208. (a) Mica, unmanufactured: Valued at not above 15 cents per pound, 4 cents per pound; valued at above 15 cents per pound, 4 cents per pound and 25 per cent ad valorem.

"(b) Mica, cut or stamped to dimensions, shape, or form, 40 per cent ad valorem.

"(c) Mica films and splittings, not cut or stamped to dimensions: Not above twelve ten-thousandths of 1 inch in thickness, 25 per cent ad valorem; over twelve ten-thousandths of 1 inch in thickness, 40 per cent ad valorem.

"(d) Mica films and slittings cut or stamped to dimensions, 45 per cent ad valorem.

"(e) Mica plates and built-up mica, and all manufactures of mica, or of which mica is the component material of chief value, by whatever name known, and to whatever use applied, and whether or not named, described, or provided for in any other paragraph of this act, 40 per cent ad valorem.

"(f) Untrimmed phlogopite mica from which no rectangular piece exceeding 2 inches in length or 1 inch in width may be cut, 15 per cent ad valorem.

"(g) Mica waste and scrap valued at not more than 5 cents per pound, 25 per cent ad valorem; mica waste and scrap valued at more than 5 cents per pound shall be classified as mica, unmanufactured.

"(h) Mica, ground or pulverized, 20 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "35 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 213: That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "in addition to the foregoing there shall be paid a duty of 10 cents per dozen separate pieces on all tableware, kitchenware, and table and kitchen utensils" and a period; and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "crystalline lump, chip, or dust, 30 per cent ad valorem; crystalline flake, 1.65 cents per pound"; and the Senate agree to the same.

Amendment numbered 220: That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "valorem; gauge glass tubes, wholly or in chief value of glass, 60 per cent"; and the Senate agree to the same.

Amendment numbered 221: That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(c) Illuminating articles of every description, finished or unfinished, wholly or in chief value of glass, for use in connection with artificial illumination: Prisms, glass chandeliers, and articles in chief value of prisms, 60 per cent ad valorem; chimneys, 55 per cent ad valorem; globes and shades, 70 per cent ad valorem; all others, 60 per cent ad valorem: *Provided*, That parts not specially provided for, wholly or in chief value of glass, of any of the foregoing shall be subject to the same rate of duty as the articles of which they are parts."

And the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert "That none of the foregoing weighing less than 16 ounces but not less than 12 ounces per square foot shall be subject to a less rate of duty than 50 per cent ad valorem: *Provided further*" and a comma; and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "That cylinder, crown, and sheet glass, imported in boxes, shall be denied entry unless packed in units containing 50 square feet or multiples thereof, as nearly as sizes will permit, and the duty shall be computed thereon according to actual weight of glass"; and the Senate agree to the same.

Amendment numbered 226: That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "720 square inches, 17 cents per square foot; above that, and not exceeding 1,008 square inches, 17½ cents per square foot; all above that, 19¾ cents per square foot"; and the Senate agree to the same.

Amendment numbered 228: That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "15 cents"; and the Senate agree to the same.

Amendment numbered 230: That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "15 cents"; and the Senate agree to the same.

Amendment numbered 254: That the House recede from its disagreement to the amendment of the Senate numbered 254, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "granular or sponge iron, $2.25 per ton" and a semicolon; and the Senate agree to the same.

Amendment numbered 272: That the House recede from its disagreement to the amendment of the Senate numbered 272, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert ": *Provided further*, That on hollow bars and hollow drill steel valued at more than 4 cents per pound there shall be levied, collected, and paid an additional duty of three-fourths of 1 cent per pound"; and the Senate agree to the same.

Amendment numbered 284: That the House recede from its disagreement to the amendment of the Senate numbered 284, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) Ingots, shot, bars, sheets, wire, or other forms, not specially provided for, or scrap, containing more than 50 per cent of tungsten, tungsten carbide, molybdenum, or molybdenum carbide, or combinations thereof: Ingots, shot, bars, or scrap, 50 per cent ad valorem; sheets, wire, or other forms, 60 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 285: That the House recede from its disagreement to the amendment of the Senate numbered 285, and agree to the same with an amendment as follows: In lieu of the

matter proposed to be inserted by the Senate amendment insert "50"; and the Senate agree to the same.

Amendment numbered 289: That the House recede from its disagreement to the amendment of the Senate numbered 289, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "35 per cent"; and the Senate agree to the same.

Amendment numbered 292: That the House recede from its disagreement to the amendment of the Senate numbered 292, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "staples, in strip form, for use in paper fasteners or stapling machines, 2 cents per pound" and a semicolon; and the Senate agree to the same.

Amendment numbered 293: That the House recede from its disagreement to the amendment of the Senate numbered 293, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "8½ cents per pound and 40"; and the Senate agree to the same.

Amendment numbered 294: That the House recede from its disagreement to the amendment of the Senate numbered 294, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert "; the foregoing rates shall apply to the foregoing articles whether or not containing electrical heating elements as constituent parts thereof"; and the Senate agree to the same.

Amendment numbered 306: That the House recede from its disagreement to the amendment of the Senate numbered 306, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "35 per cent"; and the Senate agree to the same.

Amendment numbered 307: That the House recede from its disagreement to the amendment of the Senate numbered 307, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1¼ cents"; and the Senate agree to the same.

Amendment numbered 311: That the House recede from its disagreement to the amendment of the Senate numbered 311, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "55 per cent ad valorem, unless in chief value of glass, in which case the rate shall be 70 per cent"; and the Senate agree to the same.

Amendment numbered 312: That the House recede from its disagreement to the amendment of the Senate numbered 312, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "35 per cent ad valorem, unless in chief value of glass, in which case the rate shall be 60 per cent"; and the Senate agree to the same.

Amendment numbered 315: That the House recede from its disagreement to the amendment of the Senate numbered 315, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "valorem; drawing instruments, and parts thereof, wholly or in chief value of metal, 45 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 317: That the House recede from its disagreement to the amendment of the Senate numbered 317, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "valued at not more than $2 per dozen, 5 cents each and 60 per cent ad valorem; valued at more than $2 per dozen, 10 cents each and 60 per cent"; and the Senate agree to the same.

Amendment numbered 319: That the House recede from its disagreement to the amendment of the Senate numbered 319, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 364. Bells (except church and similar bells and carillons), finished or unfinished, and parts thereof, 50 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 327: That the House recede from its disagreement to the amendment of the Senate numbered 327, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 367. (a) Watch movements, and other time-keeping, time-measuring, or time-indicating mechanisms, devices, and instruments, all the foregoing designed to be, or such as ordinarily are, worn or carried on or about the person, if less than one and seventy-seven one-hundredths inches wide, whether or not in cases, containers, or housings:

"(1) If more than one and one-half inches wide, $1.25 each; if more than one and two-tenths inches but not more than one and one-half inches wide, $1.40 each; if more than one inch but not more than one and two-tenths inches wide, $1.55 each; if more than nine-tenths of one inch but not more than one inch wide, $1.75 each; if more than eight-tenths of one inch but not more than nine-tenths of one inch wide, $2 each; if more than six-tenths of one inch but not more than eight-tenths of one inch wide, $2.25 each; if six-tenths of one inch or less wide, $2.50 each.

"(2) In the case of any of the foregoing having no jewels or only one jewel, the above rates shall be reduced by 40 per cent;

"(3) Any of the foregoing having more than seven jewels shall be subject to an additional duty of 20 cents for each jewel in excess of seven.

"(4) Any of the foregoing shall be subject to an additional duty of $1 each for each adjustment of whatever kind (treating adjustment to temperature as two adjustments) in accordance with the marking as hereinafter provided.

"(5) Any of the foregoing shall be subject to an additional duty of $1 each, if constructed or designed to operate for a period in excess of 47 hours without rewinding, or if self-winding, or if a self-winding device may be incorporated therein.

"(6) Any of the foregoing having more than 17 jewels, whether adjusted or unadjusted, and whether with or without dials, shall in lieu of the duties provided in clauses (1), (2), (3), (4), and (5), be subject to a duty of $10.75 each.

"(b) All the foregoing shall have cut, engraved, or die sunk, conspicuously and indelibly on one or more of the top plates or bridges: The name of the country of manufacture; the name of the manufacturer or purchaser; in words and in Arabic numerals the number of jewels, if any, serving a mechanical purpose as frictional bearings; and, in words and in Arabic numerals, the number and classes of adjustments, or, if unadjusted, the word 'unadjusted.'

"(c) Parts for any of the foregoing shall be dutiable as follows:

"(1) Parts (except pillar or bottom plates, or their equivalent, bridges or their equivalent, and jewels) imported in the same shipment with complete movements, mechanisms, devices, or instruments, provided for in subparagraph (a) of this paragraph (whether or not suitable for use in such movements, mechanisms, devices, or instruments), 45 per cent ad valorem; but this clause of this subparagraph shall not be applicable to that portion of all the parts in the shipment which exceeds in value 4 per cent of the value of such complete movements, mechanisms, devices, or instruments.

"(2) Pillar or bottom plates, or their equivalent, shall be subject to one-half the amount of duty which would be borne by the complete movement, mechanism, device, or instrument for which suitable.

"(3) Each assembly or subassembly (unless dutiable under clause (1) of this subparagraph) consisting of two or more parts or pieces of metal or other material joined or fastened together shall be subject to a duty of 3 cents for each such part or piece of material, except that in the case of jewels the duty shall be 20 cents instead of 3 cents, and except that in the case of pillar or bottom plates or their equivalent the duty shall be the rate provided in clause (2) of this subparagraph instead of 3 cents, and except that in the case of a balance assembly the duty shall be 50 cents for the assembly instead of 3 cents for each part or piece thereof. No assembly or subassembly shall be subject to a greater amount of duty than would be borne by the complete movement, mechanism, device, or instrument for which suitable, nor to a less rate of duty than 45 per cent ad valorem. For the purpose of this clause a balance assembly shall be an assembly consisting of a balance wheel, balance staff, and hairspring, with or without the other parts commercially known as parts of a balance assembly. For the purpose of this clause bimetallic balance wheels (not part of a balance assembly), and mainsprings with riveted ends, shall each be considered as one part or piece.

"(4) All other parts (except jewels), 65 per cent ad valorem.

"(d) Jewels, unset, suitable for use in any movement, mechanism, device, or instrument, dutiable under this paragraph or paragraph 368, or in any meter or compass, 10 per cent ad valorem.

"(e) Dials for any of the foregoing movements, mechanisms, devices, or instruments, if such dials are less than 1.77 inches wide and are imported separately or attached to any of the foregoing movements, mechanisms, devices, or instruments having not more than 17 jewels, 5 cents each and 45 per cent ad valorem. Dials for any of the movements, mechanisms, devices, or instruments provided for in this paragraph shall have stamped, cut, engraved, or die sunk, conspicuously and indelibly thereon the name of the country of manufacture; which

marking, if the dial is imported attached to any of the foregoing movements, mechanisms, devices, or instruments, shall be placed on the face of the dial in such manner as not to be obscured by any part of the case, container, or housing.

"(f) All cases, containers, or housings, designed or suitable for the inclosure of any of the foregoing movements, mechanisms, devices, or instruments, whether or not containing such movements, mechanisms, devices, or instruments, and whether finished or unfinished, complete or incomplete, except such containers as are used for shipping purposes only:

"(1) If made of gold or platinum, 75 cents each and 45 per cent ad valorem.

"(2) If in part of gold, silver, or platinum, or wholly of silver, 40 cents each and 45 per cent ad valorem.

"(3) If set with precious, semiprecious, or imitation precious, or imitation semiprecious stones, or if prepared for the setting of such stones, 40 cents each and 45 per cent ad valorem.

"(4) If of base metal (and not containing gold, silver, or platinum), 20 cents each and 45 per cent ad valorem.

"(5) Any of the foregoing cases, containers, or housings, if enameled, shall be subject to an additional duty of 15 per cent ad valorem.

"(g) Any of the foregoing cases, containers, or housings, shall have cut, engraved, or die sunk, conspicuously and indelibly on the inside of the back cover, the name in full of the manufacturer or purchaser and the name of the country of manufacture.

"(h) For the purposes of this paragraph the width of any movement, mechanism, device, or instrument, shall be the shortest surface dimension through the center of the pillar or bottom plate, or its equivalent, not including in the measurement any portion not essential to the functioning of the movement, mechanism, device, or instrument.

"(i) For the purposes of this paragraph and paragraph 368 the term 'jewel' includes substitutes for jewels.

"(j) An article required by this paragraph to be marked shall be denied entry unless marked in exact conformity with the requirements of this paragraph."

And the Senate agree to the same.

Amendment numbered 328:

That the House recede from its disagreement to the amendment of the Senate numbered 328, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 368. (a) Clocks, clock movements, including lever movements, clockwork mechanisms, time-keeping, time-measuring, or time-indicating mechanisms, devices, and instruments, synchronous and subsynchronous motors of less than one-fortieth of one horsepower valued at not more than $3 each, not including the value of gears or other attachments, and any mechanism, device, or instrument intended or suitable for measuring time, distance, speed, or fares, or the flowage of water, gas, or electricity, or similar uses, or for regulating, indicating, or controlling the speed of arbors, drums, disks, or similar uses, or for recording or indicating time, or for recording, indicating, or performing any operation or function at a predetermined time or times, all the above (except the articles enumerated or described in paragraph 367), whether or not in cases, containers, or housings:

"(1) If valued at not more than $1.10 each, 55 cents each; valued at more than $1.10 but not more than $2.25 each, $1 each; valued at more than $2.25 but not more than $5 each, $1.50 each; valued at more than $5 but not more than $10 each, $3 each; valued at more than $10 each, $4.50 each.

"(2) Any of the foregoing shall be subject to an additional duty of 65 per cent ad valorem.

"(3) Any of the foregoing containing jewels shall be subject to an additional cumulative duty of 25 cents for each such jewel.

"(b) All the foregoing shall have cut, engraved, or die sunk, conspicuously and indelibly on the most visible part of the front or back plate: The name of the country of manufacture; the name of the manufacturer or purchaser; and the number of jewels, if any. If such markings are in whole or in part sufficiently similar to the trade name or trade-mark of an established American manufacturer as to be liable to deceive the user in the United States, entry thereof shall be denied, if such trade name or trade-mark has been placed on file with the collector of customs.

"(c) Parts for any of the foregoing shall be dutiable as follows:

"(1) Parts (except plates provided for in clause (2) of this subparagraph, and jewels) imported in the same shipment with complete movements, mechanisms, devices, or instruments, provided for in subparagraph (a) of this paragraph (whether or not suitable for use in such movements, mechanisms, devices, or instruments), 45 per cent ad valorem; but this clause of this subparagraph shall not be applicable to that portion of all the parts in the shipment which exceeds in value 1½ per cent of the value of such complete movements, mechanisms, devices, or instruments.

"(2) A plate suitable for assembling thereon the clockwork mechanism constituting or contained in any of the foregoing movements, mechanisms, devices, or instruments, shall be subject to one-half the amount of duty which would be borne by the complete movement, mechanism, device, or instrument for which suitable. If two or more such plates are imported together they shall be dutiable as one plate if they are necessary, as a set, for such assembling.

"(3) Each assembly or subassembly (unless dutiable under clause (1) or (4) of this subparagraph) consisting of two or more parts or pieces of metal or other material joined or fastened together shall be subject to a duty of 65 per cent ad valorem and, in addition, to a duty of 3 cents for each such part or piece of material, except that in the case of jewels the specific duty shall be 25 cents instead of 3 cents. For the purpose of this clause and clause (4), bimetallic balance wheels, and mainsprings with riveted ends, shall each be considered as one part or piece.

"(4) Each assembly or subassembly consisting in part of a plate or plates provided for in clause (2) of this subparagraph shall be subject to the rate of duty provided for such plate or plates, and, in addition, to a duty of 5 cents for each part or piece of material (except such plate or plates) in such assembly or subassembly, except that in the case of jewels the specific duty shall be 25 cents instead of 5 cents.

"(5) No assembly or subassembly shall be subject to a greater amount of duty than would be borne by the complete movement, mechanism, device, or instrument for which suitable.

"(6) All other parts (except jewels), 65 per cent ad valorem.

"(d) Dials for any movements, mechanisms, devices, or instruments enumerated or described in this paragraph or in paragraph 367 (except dials specifically provided for in paragraph 367) when imported separately, 50 per cent ad valorem. All such dials (whether imported separately or attached to any of the foregoing) shall have stamped, cut, engraved, or die sunk, conspicuously and indelibly thereon the name of the country of manufacture; which marking, if the dial is imported attached to any of the foregoing movements, mechanisms, devices, or instruments, shall be placed on the face of the dial in such manner as not to be obscured by any part of the case, container, or housing.

"(e) Cases, containers, or housings suitable for any of the movements, mechanisms, devices, or instruments enumerated or described in this paragraph, not specially provided for, when imported separately, 45 per cent ad valorem. Any such case, container, or housing, whether imported separately or attached to any of the foregoing movements, mechanisms, devices, or instruments, shall have stamped, cut, engraved, or die sunk, conspicuously and indelibly on the back thereof, the name of the country of manufacture.

"(f) An article required by this paragraph to be marked shall be denied entry unless marked in exact conformity with the requirements of this paragraph.

"(g) Taximeters and parts thereof, finished or unfinished, 85 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 329: That the House recede from its disagreement to the amendment of the Senate numbered 329, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 369. (a) Automobile trucks valued at $1,000 or more each, automobile truck and motor bus chassis valued at $750 or more each, automobile truck bodies valued at $250 or more each, motor busses designed for the carriage of more than 10 persons, and bodies for such busses, all the foregoing, whether finished or unfinished, 25 per cent ad valorem.

"(b) All other automobiles, automobile chassis, and automobile bodies, and motor cycles, all the foregoing, whether finished or unfinished, 10 per cent ad valorem.

"(c) Parts (except tires and except parts wholly or in chief value of glass) for any of the articles enumerated in subparagraph (a) or (b), finished or unfinished, not specially provided for, 25 per cent ad valorem.

"(d) If any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, in excess of the duty herein provided, there shall be imposed upon such article, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to that imposed by such country, dependency,

province, or other subdivision of government on such article imported from the United States, but in no case shall such duty exceed 50 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 332: That the House recede from its disagreement to the amendment of the Senate numbered 332, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert "steam turbines, 20 per cent ad valorem" and a semicolon; and the Senate agree to the same.

Amendment numbered 337: That the House recede from its disagreement to the amendment of the Senate numbered 337, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "27½ per cent"; and the Senate agree to the same.

Amendment numbered 341: That the House recede from its disagreement to the amendment of the Senate numbered 341, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "4"; and the Senate agree to the same.

Amendment numbered 342: That the House recede from its disagreement to the amendment of the Senate numbered 342, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "7"; and the Senate agree to the same.

Amendment numbered 344: That the House recede from its disagreement to the amendment of the Senate numbered 344, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert "and 10 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 346: That the House recede from its disagreement to the amendment of the Senate numbered 346, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert "and 10 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 347: That the House recede from its disagreement to the amendment of the Senate numbered 347, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert "and 20 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 348: That the House recede from its disagreement to the amendment of the Senate numbered 348, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "35 per cent"; and the Senate agree to the same.

Amendment numbered 349: That the House recede from its disagreement to the amendment of the Senate numbered 349, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "45 per cent"; and the Senate agree to the same.

Amendment numbered 350: That the House recede from its disagreement to the amendment of the Senate numbered 350, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "55 per cent"; and the Senate agree to the same.

Amendment numbered 367: That the House recede from its disagreement to the amendment of the Senate numbered 367, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "45 per cent"; and the Senate agree to the same.

Amendment numbered 368: That the House recede from its disagreement to the amendment of the Senate numbered 368, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "45 per cent"; and the Senate agree to the same.

Amendment numbered 392: That the House recede from its disagreement to the amendment of the Senate numbered 392, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "47½ per cent"; and the Senate agree to the same.

Amendment numbered 401: That the House recede from its disagreement to the amendment of the Senate numbered 401, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "$2.50 per ton"; and the Senate agree to the same.

Amendment numbered 404: That the House recede from its disagreement to the amendment of the Senate numbered 404, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "$2.27½"; and the Senate agree to the same.

Amendment numbered 405: That the House recede from its disagreement to the amendment of the Senate numbered 405, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "$2.92½"; and the Senate agree to the same.

Amendment numbered 425: That the House recede from its disagreement to the amendment of the Senate numbered 425, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "40 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 448: That the House recede from its disagreement to the amendment of the Senate numbered 448, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by the Senate amendment; and the Senate agree to the same.

Amendment numbered 454: That the House recede from its disagreement to the amendment of the Senate numbered 454, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "or frozen" and a comma; and the Senate agree to the same.

Amendment numbered 483: That the House recede from its disagreement to the amendment of the Senate numbered 483, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1½ cents"; and the Senate agree to the same.

Amendment numbered 484: That the House recede from its disagreement to the amendment of the Senate numbered 484, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "4½ cents"; and the Senate agree to the same.

Amendment numbered 492: That the House recede from its disagreement to the amendment of the Senate numbered 492, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "not specially provided for, not shelled, 2½ cents per pound; shelled, 5 cents per pound; cashew nuts, shelled or unshelled, 2 cents per pound; any of the foregoing, if blanched, shall be subject to the same rate of duty as if not blanched"; and the Senate agree to the same.

Amendment numbered 514: That the House recede from its disagreement to the amendment of the Senate numbered 514, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "3 cents per pound in the case of peas, and, in the case of chickpeas or garbanzos, 2"; and the Senate agree to the same.

Amendment numbered 576: That the House recede from its disagreement to the amendment of the Senate numbered 576, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "40 per cent"; and the Senate agree to the same.

Amendment numbered 579: That the House recede from its disagreement to the amendment of the Senate numbered 579, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 924. All the articles enumerated or described in this schedule (except in par. 922) shall be subject to an additional duty of 10 cents per pound on the cotton contained therein having a staple of 1⅛ inches or more in length."

And the Senate agree to the same.

Amendment numbered 615: That the House recede from its disagreement to the amendment of the Senate numbered 615, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"PAR. 1102. (a) Wools, not specially provided for, not finer than 44s, in the grease or washed, 29 cents per pound of clean content; scoured, 32 cents per pound of clean content; on the skin, 27 cents per pound of clean content; sorted, or matchings, if not scoured, 30 cents per pound of clean content: *Provided*, That a tolerance of not more than 10 per cent of wools not finer than 46s may be allowed in each bale or package of wools imported as not finer than 44s."

And the Senate agree to the same.

Amendment numbered 649: That the House recede from its disagreement to the amendment of the Senate numbered 649, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 1122. Fabrics (except printing-machine cylinder lapping in chief value of flax), in the piece or otherwise, containing 17 per cent or more in weight of wool, but not in chief value thereof, and whether or not more specifically provided for, shall be dutiable as follows:

"That proportion of the amount of the duty on the fabric, computed under this schedule, which the amount of wool bears

to the entire weight, plus that proportion of the amount of the duty on the fabric, computed as if this paragraph had not been enacted, which the weight of the component materials other than wool bears to the entire weight."

And the Senate agree to the same.

Amendment numbered 652: That the House recede from its disagreement to the amendment of the Senate numbered 652, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "woven fabrics in the piece, not exceeding 30 inches in width, whether woven with fast or split edges, wholly or in chief value of silk, including umbrella silk or Gloria cloth, 60 per cent ad valorem; any of the foregoing, if Jacquard-figured, 65 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 657: That the House recede from its disagreement to the amendment of the Senate numbered 657, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "Filaments of rayon or other synthetic textile, single or grouped, and yarns of rayon or other synthetic textile, singles, all the foregoing not specially provided for, weighing 150 deniers or more per length of 450 meters, 45 per cent ad valorem; weighing less than 150 deniers per length of 450 meters, 50 per cent ad valorem; and, in addition, yarns of rayon or other synthetic textile, plied, shall be subject to an additional duty of 5 per cent ad valorem: *Provided*, That none of the foregoing shall be subject to a less duty than 45 cents per pound. Any of the foregoing yarns if having more than 20 turns twist per inch shall be subject to an additional cumulative duty of 45 cents per pound"; and the Senate agree to the same.

Amendment numbered 707: That the House recede from its disagreement to the amendment of the Senate numbered 707, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "three-fourths of"; and the Senate agree to the same.

Amendment numbered 708: That the House recede from its disagreement to the amendment of the Senate numbered 708, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1½ cents"; and the Senate agree to the same.

Amendment numbered 709: That the House recede from its disagreement to the amendment of the Senate numbered 709, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "8¾ cents"; and the Senate agree to the same.

Amendment numbered 719: That the House recede from its disagreement to the amendment of the Senate numbered 719, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert " ; tubes wholly or in chief value of paper, commonly used for holding yarn or thread, if parallel, 1 cent per pound and 25 per cent ad valorem; if tapered, 3 cents per pound and 35 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 724: That the House recede from its disagreement to the amendment of the Senate numbered 724, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "one-fourth of 1 cent per inch, 60 per cent ad valorem; valued at more than one-fourth of 1 cent and not more than 1 cent per inch, one-half of 1 cent per inch and 60 per cent ad valorem; valued at more than 1 cent and not more than 5 cents per inch, 1 cent per inch and 40"; and the Senate agree to the same.

Amendment numbered 729: That the House recede from its disagreement to the amendment of the Senate numbered 729, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 177 of the House bill, line 19, after "hemp," insert "and braids and plaits, wholly or in chief value of ramie, all the foregoing"; and the Senate agree to the same.

Amendment numbered 732: That the House recede from its disagreement to the amendment of the Senate numbered 732, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "$3.50 per dozen and 50"; and the Senate agree to the same.

Amendment numbered 745: That the House recede from its disagreement to the amendment of the Senate numbered 745, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "2½ cents"; and the Senate agree to the same.

Amendment numbered 747: That the House recede from its disagreement to the amendment of the Senate numbered 747, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "Dolls and doll clothing, composed in any part, however small, of any of the laces, fabrics, embroideries, or other materials or articles provided for in paragraph 1529 (a), 90 per cent ad valorem; dolls and toys, composed wholly or in chief value of any product provided for in paragraph 31, having any movable member or part, 1 cent each and 60 per cent ad valorem; not having any movable member or part, 1 cent each and 50 per per cent ad valorem; parts of dolls or toys, composed wholly or in chief value of any product provided for in paragraph 31, 1 cent each and 50 per cent ad valorem; all other dolls, parts of dolls (including clothing), doll heads, toy marbles, toy games, toy containers, toy favors, toy souvenirs" and a comma; and the Senate agree to the same.

Amendment numbered 748: That the House recede from its disagreement to the amendment of the Senate numbered 748, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "As used in this paragraph the term 'toy' means an article chiefly used for the amusement of children, whether or not also suitable for physical exercise or for mental development" and a period; and the Senate agree to the same.

Amendment numbered 761: That the House recede from its disagreement to the amendment of the Senate numbered 761, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "and plates, mats, linings, strips, and crosses of dressed dog, goat, or kid skins, 25 per cent ad valorem; all the foregoing, if dyed, 30 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 764: That the House recede from its disagreement to the amendment of the Senate numbered 764, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 189 of the House bill, line 4, after "valorem," insert "; composed wholly or in chief value of dog, goat, or kid skins, and not specially provided for, 35 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 765: That the House recede from its disagreement to the amendment of the Senate numbered 765, and agree to the same with an amendment as follows: On page 190 of the House bill, line 1, after "valorem," insert "but not less than 25 cents per pound"; and the Senate agree to the same.

Amendment numbered 771: That the House recede from its disagreement to the amendment of the Senate numbered 771, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) Men's silk or opera hats, in chief value of silk, $2 each and 75 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 784: That the House recede from its disagreement to the amendment of the Senate numbered 784, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "or 1530 (e), or in Title II (free list)"; and the Senate agree to the same.

Amendment numbered 785: That the House recede from its disagreement to the amendment of the Senate numbered 785, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by the Senate amendment and on page 195 of the House bill, line 1, strike out "or (c)"; and the Senate agree to the same.

Amendment numbered 787: That the House recede from its disagreement to the amendment of the Senate numbered 787, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "Hose and half-hose wholly or in chief value of cotton or of wool shall not be dutiable at the above rate by reason of being embroidered, if the embroidery is such as is commonly known as clocking and does not exceed 1 inch in width or 6 inches in length, exclusive of the fork, but shall be subject to a duty of 75 per cent ad valorem" and a period; and the Senate agree to the same.

Amendment numbered 791: That the House recede from its disagreement to the amendment of the Senate numbered 791, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "valued at not more than 70 cents per dozen, 3 cents each and 40 per cent ad valorem; valued at more than 70 cents per dozen, 4 cents each and 40 per cent ad valorem: *Provided*, That any of the foregoing valued at not more than 70 cents per dozen, if made with hand rolled or hand made hems, shall be subject to an additional duty of 1 cent each"; and the Senate agree to the same.

Amendment numbered 795: That the House recede from its disagreement to the amendment of the Senate numbered 795, and agree to the same with an amendment as follows: In lieu of

the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 1530. (a) Hides and skins of cattle of the bovine species (except hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles), raw or uncured, or dried, salted, or pickled, 10 per cent ad valorem.

"(b) Leather (except leather provided for in subparagraph (d) of this paragraph), made from hides or skins of cattle of the bovine species:

"(1) Sole or belting leather (including offal), rough, partly finished, finished, curried, or cut or wholly or partly manufactured into outer or inner soles, blocks, strips, counters, taps, box toes, or any forms or shapes suitable for conversion into boots, shoes, footwear, or belting, 12½ per cent ad valorem.

"(2) Leather welting, 12½ per cent ad valorem.

"(3) Leather to be used in the manufacture of harness or saddlery, 12½ per cent ad valorem.

"(4) Side upper leather (including grains and splits), patent leather, and leather made from calf or kip skins, rough, partly finished, or finished, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, 15 per cent ad valorem.

"(5) Upholstery, collar, bag, case, glove, garment, or strap leather, in the rough, in the white, crust, or russet, partly finished, or finished, 20 per cent ad valorem.

"(6) Leather to be used in the manufacture of footballs, basket balls, soccer balls, or medicine balls, 20 per cent ad valorem.

"(7) All other rough, partly finished, finished, or curried, not specially provided for, 15 per cent ad valorem.

"(c) Leather (except leather provided for in subparagraph (d) of this paragraph), made from hides or skins of animals (including fish, reptiles, and birds, but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished, 25 per cent ad valorem; vegetable-tanned rough leather made from goat or sheep skins (including those commercially known as India-tanned goat or sheep skins), 10 per cent ad valorem; any of the foregoing if imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, 10 per cent ad valorem.

"(d) Leather of all kinds, grained, printed, embossed, ornamented, or decorated, in any manner or to any extent (including leather finished in gold, silver, aluminum, or like effects), or by any other process (in addition to tanning) made into fancy leather, and any of the foregoing cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, all the foregoing by whatever name known, and to whatever use applied, 30 per cent ad valorem.

"(e) Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for, 20 per cent ad valorem; boots, shoes, or other footwear (including athletic or sporting boots and shoes), the uppers of which are composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile, silk, or substitutes for any of the foregoing, whether or not the soles are composed of leather, wood, or other materials, 35 per cent ad valorem.

"(f) Harness valued at more than $70 per set, single harness valued at more than $40, saddles valued at more than $40 each, saddlery, and parts (except metal parts) for any of the foregoing, 35 per cent ad valorem; saddles made wholly or in part of pigskin or imitation pigskin, 35 per cent ad valorem; saddles and harness, not specially provided for, parts thereof, except metal parts, and leather shoe laces, finished or unfinished, 15 per cent ad valorem.

"(g) The Secretary of the Treasury shall prescribe methods and regulations for carrying out the provisions of this paragraph."

And the Senate agree to the same.

Amendment numbered 797: That the House recede from its disagreement to the amendment of the Senate numbered 797, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 1532. (a) Gloves made wholly or in chief value of leather, whether wholly or partly manufactured, shall be dutiable at the following rates, the lengths stated in each case being the extreme length (including the unfolded length of cuffs or other appendages) when stretched to their fullest extent namely: Men's gloves not over 12 inches in length, $6 per dozen pairs; women's and children's gloves not over 12 inches in length, $5.50 per dozen pairs; for each inch or fraction thereof in excess of 12 inches, 50 cents per dozen pairs: *Provided*, That, in addition thereto, on all the foregoing there shall be paid each of the following cumulative duties: When machine seamed, otherwise than overseamed, $1 per dozen pairs; when seamed by hand, $5 per dozen pairs; when lined with cotton, wool, silk, or other fabrics, $3.50 per dozen pairs; when trimmed with fur, $4 per dozen pairs; when lined with leather or fur, $5 per dozen pairs: *Provided further*, That all the foregoing shall be dutiable at not less than 50 per cent ad valorem: *Provided further*, That glove tranks, with or without the usual accompanying pieces, shall be subject to 75 per cent of the duty provided for the gloves in the fabrication of which they are suitable.

"(b) Gloves wholly or in chief value of leather made from horsehides or cowhides (except calfskins), whether wholly or partly manufactured, 25 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 798: That the House recede from its disagreement to the amendment of the Senate numbered 798, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "Artificial flies, snelled hooks, leaders or casts, finished or unfinished, 55 per cent ad valorem; fishing rods and reels, and parts thereof, finished or unfinished, not specially provided for, 55 per cent ad valorem; fish hooks, artificial baits, and all other fishing tackle and parts thereof, fly books, fly boxes, fishing baskets or creels, finished or unfinished, not specially provided for, except fishing lines, fishing nets, and seines, 45 per cent ad valorem: *Provided*, That any prohibition of the importation of feathers in this act shall not be construed as applying to artificial flies used for fishing, or to feathers used for the manufacture of such flies"; and the Senate agree to the same.

Amendment numbered 799: That the House recede from its disagreement to the amendment of the Senate numbered 799, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "Candles, 27½ per cent ad valorem; manufactures"; and the Senate agree to the same.

Amendment numbered 800: That the House recede from its disagreement to the amendment of the Senate numbered 800, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert "; manufactures of chip roping, 25 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 817: That the House recede from its disagreement to the amendment of the Senate numbered 817, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "Sponges, commercially known as sheepswool, 30 per cent ad valorem; sponges, commercially known as"; and the Senate agree to the same.

Amendment numbered 824: That the House recede from its disagreement to the amendment of the Senate numbered 824, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "50 cents"; and the Senate agree to the same.

Amendment numbered 825: That the House recede from its disagreement to the amendment of the Senate numbered 825, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "30 per cent"; and the Senate agree to the same.

Amendment numbered 827: That the House recede from its disagreement to the amendment of the Senate numbered 827, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "Black leads for pencils, not in wood or other material, and black leads exceeding 0.06 of 1 inch in diameter, 6 cents"; and the Senate agree to the same.

Amendment numbered 830: That the House recede from its disagreement to the amendment of the Senate numbered 830, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "photographic dry plates, not specially provided for, 20 per cent ad valorem" and a semicolon; and the Senate agree to the same.

Amendment numbered 848: That the House recede from its disagreement to the amendment of the Senate numbered 848, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert "or driven across the northern boundary line by the owner for temporary pasturage purposes only" and a comma; and the Senate agree to the same.

Amendment numbered 849: That the House recede from its disagreement to the amendment of the Senate numbered 849, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert

"eight months in the case of the northern boundary line, and, in the case of the southern boundary line, within three"; and the Senate agree to the same.

Amendment numbered 851: That the House recede from its disagreement to the amendment of the Senate numbered 851, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "Arrowroot, crude or manufactured, and arrowroot starch and flour"; and the Senate agree to the same.

Amendment numbered 887: That the House recede from its disagreement to the amendment of the Senate numbered 887, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 1640. Burrstones, manufactured or bound up into millstones."

And the Senate agree to the same.

Amendment numbered 888: That the House recede from its disagreement to the amendment of the Senate numbered 888, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1641"; and the Senate agree to the same.

Amendment numbered 891: That the House recede from its disagreement to the amendment of the Senate numbered 891, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1642"; and the Senate agree to the same.

Amendment numbered 892: That the House recede from its disagreement to the amendment of the Senate numbered 892, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1643"; and the Senate agree to the same.

Amendment numbered 938: That the House recede from its disagreement to the amendment of the Senate numbered 938, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "(notwithstanding any other provision of this act) those grades of"; and the Senate agree to the same.

Amendment numbered 1083: That the House recede from its disagreement to the amendment of the Senate numbered 1083, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert a comma and the following: "and in the case of individuals returning from abroad, all professional books, implements, instruments, and tools of trade, occupation, or employment" and a comma; and the Senate agree to the same.

Amendment numbered 1084: That the House recede from its disagreement to the amendment of the Senate numbered 1084, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert a colon and the following: "*Provided further*, That a resident of the United States shall not take advantage of the exemption herein granted within a period of 30 days from the last exemption claimed"; and the Senate agree to the same.

Amendment numbered 1114: That the House recede from its disagreement to the amendment of the Senate numbered 1114, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "prescribe. Such marking, stamping, branding, or labeling shall be as nearly indelible and permanent as the nature of the article will permit. The Secretary of the Treasury may, by regulations prescribed hereunder, except any article from the requirement of marking, stamping, branding, or labeling if he is satisfied that such article is incapable of being marked, stamped, branded, or labeled or can not be marked, stamped, branded, or labeled without injury, or except at an expense economically prohibitive of the importation, or that the marking, stamping, branding, or labeling of the immediate container of such article will reasonably indicate the country of origin of such article" and a period; and the Senate agree to the same.

Amendment numbered 1120: That the House recede from its disagreement to the amendment of the Senate numbered 1120, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January 1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States" and a period; and the Senate agree to the same.

Amendment numbered 1126: That the House recede from its disagreement to the amendment of the Senate numbered 1126, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 319. Duty on coffee imported into Porto Rico:

"The Legislature of Porto Rico is hereby empowered to impose tariff duties upon coffee imported into Porto Rico, including coffee grown in a foreign country coming into Porto Rico from the United States. Such duties shall be collected and accounted for as now provided by law in the case of duties collected in Porto Rico."

And the Senate agree to the same.

Amendment numbered 1152: That the House recede from its disagreement to the amendment of the Senate numbered 1152, and agree to the same with an amendment as follows: On page 157 of the Senate engrossed amendments, line 23, strike out "January" and insert "July"; and the Senate agree to the same.

Amendment numbered 1158: That the House recede from its disagreement to the amendment of the Senate numbered 1158, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"(b) Review of appraiser's decision: A decision of the appraiser that foreign value, export value, or United States value can not be satisfactorily ascertained shall be subject to review in reappraisement proceedings under section 501; but in any such proceeding, an affidavit executed outside of the United States shall not be admitted in evidence if executed by any person who fails to permit a Treasury attaché to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the value or classification of such merchandise."

And the Senate agree to the same.

Amendment numbered 1161: That the House recede from its disagreement to the amendment of the Senate numbered 1161, and agree to the same with an amendment as follows: On page 162 of the Senate engrossed amendments, line 18, strike out "(d)" and insert "(e)"; and the Senate agree to the same.

Amendment numbered 1168: That the House recede from its disagreement to the amendment of the Senate numbered 1168, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"(d) Exceptions by regulations: The Secretary of the Treasury may by regulations provide for such exceptions from the requirements of this section as he deems advisable."

And the Senate agree to the same.

Amendment numbered 1235: That the House recede from its disagreement to the amendment of the Senate numbered 1235, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "case, which shall be paid out of any appropriations available for the collection of the revenue from customs" and a period; and the Senate agree to the same.

Amendment numbered 1239: That the House recede from its disagreement to the amendment of the Senate numbered 1239, and agree to the same with an amendment as follows:

On page 181 of the Senate engrossed amendments, lines 17 and 18, strike out "United States Court of Customs and Patent Appeals" and insert "United States Customs Court"; and on page 182 of the Senate engrossed amendments, lines 5 and 6, strike out "United States Court of Customs and Patent Appeals" and insert "United States Customs Court"; and the Senate agree to the same.

The committee of conference have not agreed on the following amendments:

DISAGREEMENT AS TO SUBSTANCE

Amendments numbered 195, 364, 369, 370, 371, 372, 373, 376, 394, 395, 396, 885, 893, 903, 904, 1004, 1006, 1035, 1091, 1092, 1093, 1095, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1138, 1139, 1140, 1141, and 1151.

DISAGREEMENT AS TO CLERICAL AMENDMENTS DEPENDING ON AMENDMENT NUMBERED 1140

Amendments numbered 1156, 1157, and 1171.

AGREEMENT AS TO SUBSTANCE BUT DISAGREEMENT AS TO PARAGRAPH NUMBERS OR REFERENCES THERETO

Amendments numbered 901, 914, 919, 934, 950, 953, 962, 964, 983, 992, 1031, 1032, 1047, 1064, 1071, 1109, and 1179.

DISAGREEMENT SOLELY AS TO PARAGRAPH NUMBERS OR REFERENCES THERETO

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, 902, 905, 906, 907, 908, 909, 910, 911, 913, 915, 916, 917, 920, 921, 922, 923, 925, 926, 927, 928, 929, 930, 931, 932, 933, 935, 936, 937, 940, 942, 945, 946, 947, 948, 951, 952, 954, 955, 956, 957, 958, 959, 960, 961, 963, 965, 966, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 984, 985, 987, 989, 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, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1046, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1066, 1067, 1068, 1070, 1072, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1085, 1086, 1087, 1089, 1090, 1094, 1096, 1098, 1099, 1102, 1103, 1104, 1105, 1111, and 1112.

REED SMOOT,
JAMES E. WATSON,
SAMUEL M. SHORTRIDGE,
Managers on the part of the Senate.

W. C. HAWLEY,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
Managers on the part of the House.

[S. Doc. No. 162]

The committee of conference on the disagreeing votes of the two Houses on the following numbered amendments of the Senate to the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes, namely, amendments numbered 40, 41, 42, 43, 48, 49, 65, 66, 67, 364, 371, 374, 375, 377, 379, 380, 381, 383, 385, 386, 387, 885, 893, 895, 896, 897, 898, 899, 901, 902, 903, 904, 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, 1004, 1006, 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, 1091, 1093, 1094, 1095, 1096, 1098, 1099, 1102, 1103, 1104, 1105, 1109, 1111, 1112, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1138, 1139, 1140, 1141, 1151, 1156, 1157, 1171, and 1179, 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 364, 885, 893, 903, 904, 1004, 1006, 1095, 1128, 1134, 1138, 1139, 1141, and 1156.

That the House recede from its disagreement to the amendments of the Senate 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, 1091, 1093, 1129, 1132, and 1133, and agree to the same.

Amendment numbered 371: That the House recede from its disagreement to the amendment of the Senate numbered 371, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 401. Timber hewn, sided, or squared, otherwise than by sawing, and round timber used for spars or in building wharves; sawed lumber and timber not specially provided for; all the foregoing, if of fir, spruce, pine, hemlock, or larch, $1 per thousand feet, board measure, and in estimating board measure for the purposes of this paragraph no deduction shall be made on account of planing, tonguing, and grooving: *Provided*, That there shall be exempted from such duty boards, planks, and deals of fir, spruce, pine, hemlock, or larch, in the rough or not further manufactured than planed or dressed on one side, when imported from a country contiguous to the continental United States, which country admits free of duty similar lumber imported from the United States."

And the Senate agree to the same.

Amendment numbered 969: That the House recede from its disagreement to the amendment of the Senate numbered 969, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1709"; and the Senate agree to the same.

Amendment numbered 970: That the House recede from its disagreement to the amendment of the Senate numbered 970, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1710"; and the Senate agree to the same.

Amendment numbered 971: That the House recede from its disagreement to the amendment of the Senate numbered 971, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1711"; and the Senate agree to the same.

Amendment numbered 972: That the House recede from its disagreement to the amendment of the Senate numbered 972, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1712"; and the Senate agree to the same.

Amendment numbered 973: That the House recede from its disagreement to the amendment of the Senate numbered 973, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1713"; and the Senate agree to the same.

Amendment numbered 974: That the House recede from its disagreement to the amendment of the Senate numbered 974, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1714"; and the Senate agree to the same.

Amendment numbered 975: That the House recede from its disagreement to the amendment of the Senate numbered 975, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1715"; and the Senate agree to the same.

Amendment numbered 976: That the House recede from its disagreement to the amendment of the Senate numbered 976, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1716"; and the Senate agree to the same.

Amendment numbered 977: That the House recede from its disagreement to the amendment of the Senate numbered 977, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1717"; and the Senate agree to the same.

Amendment numbered 978: That the House recede from its disagreement to the amendment of the Senate numbered 978, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1718"; and the Senate agree to the same.

Amendment numbered 979: That the House recede from its disagreement to the amendment of the Senate numbered 979, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1719"; and the Senate agree to the same.

Amendment numbered 980: That the House recede from its disagreement to the amendment of the Senate numbered 980, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1720"; and the Senate agree to the same.

Amendment numbered 981: That the House recede from its disagreement to the amendment of the Senate numbered 981, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1721"; and the Senate agree to the same.

Amendment numbered 982: That the House recede from its disagreement to the amendment of the Senate numbered 982, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1722"; and the Senate agree to the same.

Amendment numbered 983: That the House recede from its disagreement to the amendment of the Senate numbered 983, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 1723. Muzzle-loading muskets, shotguns, rifles, and parts thereof."

And the Senate agree to the same.

Amendment numbered 984: That the House recede from its disagreement to the amendment of the Senate numbered 984, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1724"; and the Senate agree to the same.

Amendment numbered 985: That the House recede from its disagreement to the amendment of the Senate numbered 985, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1725"; and the Senate agree to the same.

Amendment numbered 987: That the House recede from its disagreement to the amendment of the Senate numbered 987, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1726"; and the Senate agree to the same.

Amendment numbered 989: That the House recede from its disagreement to the amendment of the Senate numbered 989, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1727"; and the Senate agree to the same.

Amendment numbered 992: That the House recede from its disagreement to the amendment of the Senate numbered 992, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1728. Nux vomica, gentian, sarsaparilla root, belladonna, henbane, stramonium, and ergot"; and the Senate agree to the same.

Amendment numbered 993: That the House recede from its disagreement to the amendment of the Senate numbered 993, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1729"; and the Senate agree to the same.

Amendment numbered 995: That the House recede from its disagreement to the amendment of the Senate numbered 995, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1730"; and the Senate agree to the same.

Amendment numbered 997: That the House recede from its disagreement to the amendment of the Senate numbered 997, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1731"; and the Senate agree to the same.

Amendment numbered 999: That the House recede from its disagreement to the amendment of the Senate numbered 999, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1732"; and the Senate agree to the same.

Amendment numbered 1002: That the House recede from its disagreement to the amendment of the Senate numbered 1002, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1733"; and the Senate agree to the same.

Amendment numbered 1003: That the House recede from its disagreement to the amendment of the Senate numbered 1003, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1734"; and the Senate agree to the same.

Amendment numbered 1008: That the House recede from its disagreement to the amendment of the Senate numbered 1008, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1735"; and the Senate agree to the same.

Amendment numbered 1009: That the House recede from its disagreement to the amendment of the Senate numbered 1009, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1736"; and the Senate agree to the same.

Amendment numbered 1010: That the House recede from its disagreement to the amendment of the Senate numbered 1010, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1737"; and the Senate agree to the same.

Amendment numbered 1012: That the House recede from its disagreement to the amendment of the Senate numbered 1012, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1738"; and the Senate agree to the same.

Amendment numbered 1013: That the House recede from its disagreement to the amendment of the Senate numbered 1013, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1739"; and the Senate agree to the same.

Amendment numbered 1014: That the House recede from its disagreement to the amendment of the Senate numbered 1014, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1740"; and the Senate agree to the same.

Amendment numbered 1015: That the House recede from its disagreement to the amendment of the Senate numbered 1015, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1741"; and the Senate agree to the same.

Amendment numbered 1016: That the House recede from its disagreement to the amendment of the Senate numbered 1016, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1742"; and the Senate agree to the same.

Amendment numbered 1017: That the House recede from its disagreement to the amendment of the Senate numbered 1017, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1743"; and the Senate agree to the same.

Amendment numbered 1018: That the House recede from its disagreement to the amendment of the Senate numbered 1018, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1744"; and the Senate agree to the same.

Amendment numbered 1019: That the House recede from its disagreement to the amendment of the Senate numbered 1019, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1745"; and the Senate agree to the same.

Amendment numbered 1020: That the House recede from its disagreement to the amendment of the Senate numbered 1020, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1746"; and the Senate agree to the same.

Amendment numbered 1021: That the House recede from its disagreement to the amendment of the Senate numbered 1021, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1747"; and the Senate agree to the same.

Amendment numbered 1022: That the House recede from its disagreement to the amendment of the Senate numbered 1022, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1748"; and the Senate agree to the same.

Amendment numbered 1023: That the House recede from its disagreement to the amendment of the Senate numbered 1023, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1749"; and the Senate agree to the same.

Amendment numbered 1024: That the House recede from its disagreement to the amendment of the Senate numbered 1024, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1750"; and the Senate agree to the same.

Amendment numbered 1025: That the House recede from its disagreement to the amendment of the Senate numbered 1025, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1751"; and the Senate agree to the same.

Amendment numbered 1026: That the House recede from its disagreement to the amendment of the Senate numbered 1026, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1752"; and the Senate agree to the same.

Amendment numbered 1027: That the House recede from its disagreement to the amendment of the Senate numbered 1027, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1753"; and the Senate agree to the same.

Amendment numbered 1028: That the House recede from its disagreement to the amendment of the Senate numbered 1028, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1754"; and the Senate agree to the same.

Amendment numbered 1029: That the House recede from its disagreement to the amendment of the Senate numbered 1029, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1755"; and the Senate agree to the same.

Amendment numbered 1031: That the House recede from its disagreement to the amendment of the Senate numbered 1031, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1756. Sea herring, smelts, and"; and the Senate agree to the same.

Amendment numbered 1032: That the House recede from its disagreement to the amendment of the Senate numbered 1032, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1757. Cowpeas not specially provided for, and sugar"; and the Senate agree to the same.

Amendment numbered 1033: That the House recede from its disagreement to the amendment of the Senate numbered 1033, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1758"; and the Senate agree to the same.

Amendment numbered 1034: That the House recede from its disagreement to the amendment of the Senate numbered 1034, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1759"; and the Senate agree to the same.

Amendment numbered 1036: That the House recede from its disagreement to the amendment of the Senate numbered 1036, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1761"; and the Senate agree to the same.

Amendment numbered 1037: That the House recede from its disagreement to the amendment of the Senate numbered 1037, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1762"; and the Senate agree to the same.

Amendment numbered 1038: That the House recede from its disagreement to the amendment of the Senate numbered 1038, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1763"; and the Senate agree to the same.

Amendment numbered 1039: That the House recede from its disagreement to the amendment of the Senate numbered 1039, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1764"; and the Senate agree to the same.

Amendment numbered 1040: That the House recede from its disagreement to the amendment of the Senate numbered 1040, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1765"; and the Senate agree to the same.

Amendment numbered 1041: That the House recede from its disagreement to the amendment of the Senate numbered 1041, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1766"; and the Senate agree to the same.

Amendment numbered 1046: That the House recede from its disagreement to the amendment of the Senate numbered 1046, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1767"; and the Senate agree to the same.

Amendment numbered 1047: That the House recede from its disagreement to the amendment of the Senate numbered 1047, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 1768. Spices and spice seeds:

"(1) Cassia, cassia buds, and cassia vera; cloves; clove stems; cinnamon and cinnamon chips; ginger root, not preserved or candied; mace; nutmegs; black or white pepper; and pimento (allspice); all the foregoing, if unground;

"(2) Anise; caraway; cardamom; coriander; cummin; and fennel."

And the Senate agree to the same.

Amendment numbered 1048: That the House recede from its disagreement to the amendment of the Senate numbered 1048, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1769"; and the Senate agree to the same.

Amendment numbered 1049: That the House recede from its disagreement to the amendment of the Senate numbered 1049, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1770"; and the Senate agree to the same.

Amendment numbered 1050: That the House recede from its disagreement to the amendment of the Senate numbered 1050, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1771"; and the Senate agree to the same.

Amendment numbered 1051: That the House recede from its disagreement to the amendment of the Senate numbered 1051, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1772"; and the Senate agree to the same.

Amendment numbered 1052: That the House recede from its disagreement to the amendment of the Senate numbered 1052, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1773"; and the Senate agree to the same.

Amendment numbered 1053: That the House recede from its disagreement to the amendment of the Senate numbered 1053, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1774"; and the Senate agree to the same.

Amendment numbered 1055: That the House recede from its disagreement to the amendment of the Senate numbered 1055, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1775"; and the Senate agree to the same.

Amendment numbered 1057: That the House recede from its disagreement to the amendment of the Senate numbered 1057, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1776"; and the Senate agree to the same.

Amendment numbered 1058: That the House recede from its disagreement to the amendment of the Senate numbered 1058, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1777"; and the Senate agree to the same.

Amendment numbered 1059: That the House recede from its disagreement to the amendment of the Senate numbered 1059, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1778"; and the Senate agree to the same.

Amendment numbered 1060: That the House recede from its disagreement to the amendment of the Senate numbered 1060, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1779"; and the Senate agree to the same.

Amendment numbered 1061: That the House recede from its disagreement to the amendment of the Senate numbered 1061, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1780"; and the Senate agree to the same.

Amendment numbered 1062: That the House recede from its disagreement to the amendment of the Senate numbered 1062, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1781"; and the Senate agree to the same.

Amendment numbered 1063: That the House recede from its disagreement to the amendment of the Senate numbered 1063, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1782"; and the Senate agree to the same.

Amendment numbered 1064: That the House recede from its disagreement to the amendment of the Senate numbered 1064, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1783. (a) Impure tea, tea waste, and tea siftings and sweepings, for manufacturing purposes in bond, pursuant to the provisions of the act entitled 'An act to prevent the importation of impure and unwholesome tea,' approved March 2, 1897, and acts amendatory thereof and supplementary thereto.

"(b) Tea."

And the Senate agree to the same.

Amendment numbered 1066: That the House recede from its disagreement to the amendment of the Senate numbered 1066, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1784"; and the Senate agree to the same.

Amendment numbered 1067: That the House recede from its disagreement to the amendment of the Senate numbered 1067, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1785"; and the Senate agree to the same.

Amendment numbered 1068: That the House recede from its disagreement to the amendment of the Senate numbered 1068, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1786"; and the Senate agree to the same.

Amendment numbered 1070: That the House recede from its disagreement to the amendment of the Senate numbered 1070, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1787"; and the Senate agree to the same.

Amendment numbered 1071: That the House recede from its disagreement to the amendment of the Senate numbered 1071, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 1788. Truffles, fresh, or dried or otherwise prepared or preserved."

And the Senate agree to the same.

Amendment numbered 1072: That the House recede from its disagreement to the amendment of the Senate numbered 1072, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1789"; and the Senate agree to the same.

Amendment numbered 1074: That the House recede from its disagreement to the amendment of the Senate numbered 1074, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1790"; and the Senate agree to the same.

Amendment numbered 1075: That the House recede from its disagreement to the amendment of the Senate numbered 1075, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1791"; and the Senate agree to the same.

Amendment numbered 1076: That the House recede from its disagreement to the amendment of the Senate numbered 1076, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1792"; and the Senate agree to the same.

Amendment numbered 1077: That the House recede from its disagreement to the amendment of the Senate numbered 1077, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1793"; and the Senate agree to the same.

Amendment numbered 1078: That the House recede from its disagreement to the amendment of the Senate numbered 1078, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1794"; and the Senate agree to the same.

Amendment numbered 1079: That the House recede from its disagreement to the amendment of the Senate numbered 1079, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1795"; and the Senate agree to the same.

Amendment numbered 1080: That the House recede from its disagreement to the amendment of the Senate numbered 1080, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1796"; and the Senate agree to the same.

Amendment numbered 1081: That the House recede from its disagreement to the amendment of the Senate numbered 1081, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1797"; and the Senate agree to the same.

Amendment numbered 1082: That the House recede from its disagreement to the amendment of the Senate numbered 1082, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1798"; and the Senate agree to the same.

Amendment numbered 1085: That the House recede from its disagreement to the amendment of the Senate numbered 1085, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1799"; and the Senate agree to the same.

Amendment numbered 1086: That the House recede from its disagreement to the amendment of the Senate numbered 1086, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1800"; and the Senate agree to the same.

Amendment numbered 1087: That the House recede from its disagreement to the amendment of the Senate numbered 1087, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1801"; and the Senate agree to the same.

Amendment numbered 1089: That the House recede from its disagreement to the amendment of the Senate numbered 1089, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1802"; and the Senate agree to the same.

Amendment numbered 1090: That the House recede from its disagreement to the amendment of the Senate numbered 1090, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1803"; and the Senate agree to the same.

Amendment numbered 1094: That the House recede from its disagreement to the amendment of the Senate numbered 1094, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1804"; and the Senate agree to the same.

Amendment numbered 1096: That the House recede from its disagreement to the amendment of the Senate numbered 1096, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1805"; and the Senate agree to the same.

Amendment numbered 1098: That the House recede from its disagreement to the amendment of the Senate numbered 1098, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1806"; and the Senate agree to the same.

Amendment numbered 1099: That the House recede from its disagreement to the amendment of the Senate numbered 1099, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1807"; and the Senate agree to the same.

Amendment numbered 1102: That the House recede from its disagreement to the amendment of the Senate numbered 1102, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1808"; and the Senate agree to the same.

Amendment numbered 1103: That the House recede from its disagreement to the amendment of the Senate numbered 1103, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1809"; and the Senate agree to the same.

Amendment numbered 1104: That the House recede from its disagreement to the amendment of the Senate numbered 1104, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1810"; and the Senate agree to the same.

Amendment numbered 1105: That the House recede from its disagreement to the amendment of the Senate numbered 1105, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1811"; and the Senate agree to the same.

Amendment numbered 1109: That the House recede from its disagreement to the amendment of the Senate numbered 1109, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 1812. Gobelin tapestries used as wall hangings."

And the Senate agree to the same.

Amendment numbered 1111: That the House recede from its disagreement to the amendment of the Senate numbered 1111, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1813"; and the Senate agree to the same.

Amendment numbered 1112: That the House recede from its disagreement to the amendment of the Senate numbered 1112, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1814"; and the Senate agree to the same.

Amendment numbered 1130: That the House recede from its disagreement to the amendment of the Senate numbered 1130, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert a comma and the following: "but in no event for longer than 90 days after the effective date of this act"; and the Senate agree to the same.

Amendment numbered 1131: That the House recede from its disagreement to the amendment of the Senate numbered 1131, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "No person shall be eligible for appointment as a commissioner unless he is a citizen of the United States, and, in the judgment of the President, is possessed of qualifications requisite for developing expert knowledge of tariff problems and efficiency in administering the provisions of Part II of this title. Not more than three of the commissioners shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable" and a period; and the Senate agree to the same.

Amendment numbered 1135: That the House recede from its disagreement to the amendment of the Senate numbered 1135, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "$11,000"; and the Senate agree to the same.

Amendment numbered 1140: That the House recede from its disagreement to the amendment of the Senate numbered 1140, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 336. Equalization of costs of production:

"(a) Change of classification or duties: In order to put into force and effect the policy of Congress by this act intended, the commission (1) upon request of the President, or (2) upon resolution of either or both Houses of Congress, or (3) upon its own motion, or (4) when in the judgment of the commission there is good and sufficient reason therefor, upon application of any interested party, shall investigate the differences in the costs of production of any domestic article and of any like or similar foreign article. In the course of the investigation the commission shall hold hearings and give reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings. The commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section. The commission shall report to the President the results of the investigation and its findings with respect to such differences in costs of production. If the commission finds it shown by the investigation that the duties expressly fixed by statute do not equalize the differences in the costs of production of the domestic article and the like or similar foreign article when produced in the principal competing country, the commission shall specify in its report such increases or decreases in rates of duty expressly fixed by statute (including any necessary change in classification) as it finds shown by the investigation to be necessary to equalize such differences. In no case shall the total increase or decrease of such rates of duty exceed 50 per cent of the rates expressly fixed by statute.

"(b) Change to American selling price: If the commission finds upon any such investigation that such differences can not

be equalized by proceeding as hereinbefore provided, it shall so state in its report to the President and shall specify therein such ad valorem rates of duty based upon the American selling price (as defined in sec. 402 (g)) of the domestic article, as it finds shown by the investigation to be necessary to equalize such differences. In no case shall the total decrease of such rates of duty exceed 50 per cent of the rates expressly fixed by statute, and no such rate shall be increased.

"(c) Proclamation by the President: The President shall by proclamation approve the rates of duty and changes in classification and in basis of value specified in any report of the commission under this section, if in his judgment such rates of duty and changes are shown by such investigation of the commission to be necessary to equalize such differences in costs of production.

"(d) Effective date of rates and changes: Commencing 30 days after the date of any presidential proclamation of approval the increased or decreased rates of duty and changes in classification or in basis of value specified in the report of the commission shall take effect.

"(e) Ascertainment of differences in costs of production: In ascertaining under this section the differences in costs of production, the commission shall take into consideration, in so far as it finds it practicable:

"(1) In the case of a domestic article: (A) The cost of production as hereinafter in this section defined; (B) transportation costs and other costs incident to delivery to the principal market or markets of the United States for the article; and (C) other relevant factors that constitute an advantage or disadvantage in competition.

"(2) In the case of a foreign article: (A) The cost of production as hereinafter in this section defined, or, if the commission finds that such cost is not readily ascertainable, the commission may accept as evidence thereof, or as supplemental thereto, the weighted average of the invoice prices or values for a representative period and/or the average wholesale selling price for a representative period (which price shall be that at which the article is freely offered for sale to all purchasers in the principal market or markets of the principal competing country or countries in the ordinary course of trade and in the usual wholesale quantities in such market or markets); (B) transportation costs and other costs incident to delivery to the principal market or markets of the United States for the article; (C) other relevant factors that constitute an advantage or disadvantage in competition, including advantages granted to the foreign producers by a government, person, partnership, corporation, or association in a foreign country.

"(f) Modification of changes in duty: Any increased or decreased rate of duty or change in classification or in basis of value which has taken effect as above provided may be modified or terminated in the same manner and subject to the same conditions and limitations (including time of taking effect) as is provided in this section in the case of original increases, decreases, or changes.

"(g) Prohibition against transfers from the free list to the dutiable list or from the dutiable list to the free list: Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of Title I of this act, or in any amendatory act, that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined under the provisions of this section upon such articles shall exceed the maximum ad valorem rate so specified.

"(h) Definitions: For the purpose of this section—

"(1) The term 'domestic article' means an article wholly or in part the growth or product of the United States; and the term 'foreign article' means an article wholly or in part the growth or product of a foreign country.

"(2) The term 'United States' includes the several States and Territories and the District of Columbia.

"(3) The term 'foreign country' means any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions).

"(4) The term 'cost of production,' when applied with respect to either a domestic article or a foreign article, includes, for a period which is representative of conditions in production of the article: (A) The price or cost of materials, labor costs, and other direct charges incurred in the production of the article and in the processes or methods employed in its production; (B) the usual general expenses, including charges for depreciation or depletion which are representative of the equipment and property employed in the production of the article and charges for rent or interest which are representative of the cost of obtaining capital or instruments of production; and (C) the cost of containers and coverings of whatever nature, and other costs, charges, and expenses incident to placing the article in condition packed ready for delivery.

"(i) Rules and regulations of President: The President is authorized to make all needful rules and regulations for carrying out his functions under the provisions of this section.

"(j) Rules and regulations of Secretary of Treasury: The Secretary of the Treasury is authorized to make such rules and regulations as he may deem necessary for the entry and declaration of foreign articles of the class or kind of articles with respect to which a change in basis of value has been made under the provisions of subdivision (b) of this section, and for the form of invoice required at time of entry.

"(k) Investigations prior to the enactment of act: All uncompleted investigations instituted prior to the approval of this act under the provisions of section 315 of the tariff act of 1922, including investigations in which the President has not proclaimed changes in classification or in basis of value or increases or decreases in rates of duty, shall be dismissed without prejudice; but the information and evidence secured by the commission in any such investigation may be given due consideration in any investigation instituted under the provisions of this section."

And the Senate agree to the same.

Amendment numbered 1151: That the House recede from its disagreement to the amendment of the Senate numbered 1151, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 339. Effect of reenactment of existing law:

"Notwithstanding the repeal by section 651 of the laws relating to the United States Tariff Commission and their reenactment in sections 330 to 338, inclusive, with modifications, the unexpended balances of appropriations available for the commission at the time this section takes effect shall remain available for the commission in the administration of its functions under this act; and such repeal and reenactment shall not operate to change the status of the officers and employees under the jurisdiction of the commission at the time this section takes effect. No investigation or other proceeding pending before the commission at such time (other than proceedings under section 315 of the tariff act of 1922) shall abate by reason of such repeal and reenactment, but shall continue under the provisions of this act."

And the Senate agree to the same.

Amendment numbered 1157: That the House recede from its disagreement to the amendment of the Senate numbered 1157, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"(4) In the case of an article with respect to which there is in effect under section 336 a rate of duty based upon the American selling price of a domestic article, then the American selling price of such article."

And the Senate agree to the same.

Amendment numbered 1171: That the House recede from its disagreement to the amendment of the Senate numbered 1171, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert "and in subdivision (j) of section 336 of this act"; and the Senate agree to the same.

Amendment numbered 1179: That the House recede from its disagreement to the amendment of the Senate numbered 1179, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Furniture described in paragraph 1811 shall enter the United States at ports which shall be designated by the Secretary of the Treasury for this purpose. If any article described in paragraph 1811 and imported for sale is rejected as unauthentic in respect to the antiquity claimed as a basis for free entry, there shall be imposed, collected, and paid on such article, unless exported under customs supervision, a duty of 25 per cent of the value of such article in addition to any other duty imposed by law upon such article."

And the Senate agree to the same.

REED SMOOT,
JAMES E. WATSON,
SAMUEL M. SHORTRIDGE,
Managers on the part of the Senate.

W. C. HAWLEY,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
Managers on the part of the House.

FOREIGN PROTESTS AND RETALIATORY MEASURES AGAINST THE INCREASED DUTIES IN THE SMOOT-HAWLEY TARIFF BILL

Mr. HARRISON. Mr. President, no tariff proposal in the legislative history of this Government has caused such widespread anxiety to American business men as the pending measure. And why? They were told in 1922 that war conditions had made necessary a readjustment of tariff rates. Accordingly, the country was given in the passage of the Fordney-McCumber law the highest rates the most extreme protectionist demanded. In the consideration of that measure rates were imposed without regard to any reasonable principle of competition or protection.

For more than seven years those rates have remained in effect, and American industry generally—the exception being agriculture—has made no appeal nor sought any increased duty. It is little wonder, therefore, when the House passed this bill increasing thousands of rates without regard to competitive conditions or differences in cost of production here and abroad, that there arose within our own country protests without approach or parallel.

I have discussed heretofore the numerous increases carried in the pending conference report and the action of the conferees representing the two Houses in adopting in instance after instance the highest rate proposed. It is natural that the average wage earner should cry out against this manifest wrong. He can see that, because of the increased cost to him upon practically every necessity he is compelled to buy, there is little or no likelihood for increased wages to him. He can but look to the future with dismal forebodings and every prospect of distress. He can read in every line of this report an increased burden. And to the army of unemployed every schedule closes the door of opportunity. They must struggle along without hope or promise.

This is but one of the causes that has led to the universal unpopularity of this measure. I am going to-day to direct my remarks to the causes which have led the American business man to look upon the policy embodied in the pending bill with concern and anxiety.

During the World War, under the advice of the Government, new industries were established and old ones enlarged. Following the war the opportunity for enlarged foreign markets was ours. It had captured the imagination of our boldest business spirits. No country ever occupied such a strategic position. The future looked bright. We were practically assured of a strengthened position in the trade and commerce of the world. Wherever the ravages of war had not destroyed the factories of belligerent countries it had dissipated their resources, while we were not only rich in unlimited resources but our fields were plowed and our factories fired to furnish the necessities and demands of the world. Above all other times, it was a time that called for friendly contact and unselfish cooperation with other peoples.

Formerly we had been a debtor Nation, seeking to pay foreign countries interest on our indebtedness to them. If we could not pay by our exports, our debtors were more hurt than we. To-day we are a creditor nation, with Europe owing us billions of dollars. If they have not gold with which to pay us, and can only pay in goods or products, which our people desire and which are not produced here, then we are hurt if by our tariff policy they are prohibited from meeting their payments in goods. In the Wall Street Magazine of August 10, 1929, there appeared this illuminating statement:

> Gold is not an important commodity; it is the final form of money; and even if it were possible for a debtor nation to discharge all its debts by the shipment of gold, the creditor nation would soon be drowned in cheap money and high prices. In the long run, as between nations, gold is used only to settle comparatively minor current balances. Fundamentally debts or obligations are paid in goods and services.

The debtor nations of Europe have not only found it difficult to buy from us the goods necessary for the well-being of their people and the operation of their industries, but they have found it much more difficult to fulfill their obligations to our Government. We have recognized this by compromising their debts to us and extending for 62 years the payments. In some instances we have discounted the debts to less than 25 per cent of the principal amount, and in no case have we received full value, in some cases not even enough to meet the interest charged. Those countries have carried on because we have year by year increased our loans to and our investments with them. Such a condition can not go on forever. Sooner or later the interest due us each year will exceed the new loans and investments made. When that time comes our exports will be no longer artificially stimulated by our increased grants of credit. In that case exports will have to stand on their own feet and be paid for by importations, if paid for at all.

In these circumstances are we, by the adoption of the pending conference report, to follow a narrow and selfish course instead of a broad policy that will best promote the general welfare of the whole country? Some individuals who can not visualize beyond the boundaries of their own industrial plants will not accept the broader viewpoint; but, as a rule, the American business man sees in the passage of this measure consequences that will inevitably react against the industrial and agricultural growth of this country and destroy the full opportunities now presented to us. He knows that a trade war could be carried to the point that would be as disastrous to the trade and commerce and prosperity of this country as a war between armies and navies. He realizes that we can not have our cake and eat it, too; and that the only correct policy is to live and let live.

The American business man knows that no American industry can be as prosperous by running half time as by running full time. The American farmer must know that he can not make ends meet unless he is able to cultivate his lands and utilize his resources. No wage earner can support himself and family by working a few hours and loafing many hours.

I deplore the increasing tendency of American capital to be invested in plants abroad which produce goods to be sold in competition with goods produced here. It means the curtailment of domestic production, the loss of foreign markets, the employment of foreign labor in place of American labor. Already, it is estimated, $960,000,000 have been invested in industrial plants abroad. Whether the American business man desires it or not, this conference report on the tariff bill with the reprisals and retaliatory measures it invites will compel still larger investments of American capital abroad, and check the expansion in America of our more efficient industries. In this respect, these high tariff rates force a tremendous issue; and let us not forget that when American capital is once invested abroad it is most difficult for it to be withdrawn.

Our industries have already pushed mass-production methods to the limit and have reduced labor requirements to a minimum undreamed of a quarter of a century ago. In doing so they have in many lines created a production capacity far in excess of our consumptive needs. In industry after industry to-day overproduction is blamed for unsatisfactory conditions. In many lines, especially in those in which we are most efficient, our prosperity has become dependent upon our ability to produce beyond consumptive requirements and to sell the surplus abroad.

In the long run we can sell to foreign countries those products in which we have an advantage only if in turn it is possible for them to sell to us those products needed by us in which they have an advantage.

This proposal repudiates that theory. We are asked to protect domestic industry, ill adapted in many instances to American conditions and inefficiently operated. No policy is wise that stimulates inefficiency and uneconomically located industries. It inevitably injures the economic well-being of the country.

Take, for instance, sugar. We have raised the rates on sugar until the American people are taxed on that item alone a quarter of a billion dollars, yet we know that after generations of high protection sugar production in continental United States has not increased and the production per acre is lower than in other countries. Many other instances might be cited.

By a policy such as this we may keep inefficient industries alive at great cost to our people, but we invite reprisals and restrict the development of our efficient industries.

It is natural that the automobile industry, for instance, an industry truly American, which is reflected in the industrial life of so many related industries, should see great danger in the passage of this measure and should protest vigorously its adoption. In 1919 we sold abroad $185,351,150 worth of automobiles and accessories. Last year we sold $577,481,252 worth. This industry has already felt the disastrous effects of even the discussion of this bill. Automobile plants have operated on less time, tens of thousands of wage earners have been laid off, and many of their agencies throughout the country have gone bankrupt. One of the reasons why the American people pay less for the American car is because of the ability of home industries to produce in mass and sell their surplus abroad. Any restriction in trade or decrease in output will result in an added cost for the American car to the American purchaser.

It takes no financial genius or seer to read in the present circumstances and in protests and actions of our customers in almost every country throughout the world the inevitable results to our international trade and commerce which will follow the adoption of this report.

From 36 countries scattered all over the globe we have already received protests. Canada, Mexico, Newfoundland, the Dominican Republic, the Bahamas, the Bermudas, and British Hon-

duras in North America have already protested. While only Argentina, Paraguay, and Uruguay have expressed in formal protests their opposition to the tariff rates provided in this report, their views are shared by every other South American country. Only this week Mr. John Barrett, former head of the Pan American Union and to-day chairman of the International Pan American Committee, a man who, perhaps, above all others during this generation has done most to bring about more cordial relations with our South American neighbors and to give impetus to increased trade and commerce with them, in a public statement, following his query to 600 statesmen, editors, and other representative Latin Americans, asking them their candid opinion of the pending tariff measure, to which more than 500 of them responded, warned—

If the billion-dollar tariff becomes law, these hundreds of Latin Americans say it will just about completely offset and neutralize the good done by the Hoover and Lindbergh journeys, the visits of Presidents-elects Prestes, of Brazil, and Olaya, of Colombia, and all the diplomacy of Ambassador Dwight Morrow in Mexico.

With the exception of Russia, practically every European country has protested against the treatment accorded them by the increased rates written in this report. I list the following: The United Kingdom, France, Germany, Italy, Spain, Belgium, Czechoslovakia, Denmark, Finland, Greece, Hungary, the Irish Free State, Latvia, the Netherlands, Norway, Portugal, Rumania, Sweden, Switzerland, and Turkey in Europe. From Asia have come protests from Japan and Persia and from the British Indies.

Africa and Australasia have joined in the chorus, and protests have come from Egypt and Australia. Although New Zealand has not filed a protest, newspaper accounts state that the subject was debated in the New Zealand Parliament and the necessity of imposing increased tariff rates against American products was generally concurred in. I shall quote the language of some of the protests.

From the London Times of September 5, 1929, it is learned that the leader of the opposition in the New Zealand Parliament called attention to the large imports from the United States and the effect of the proposed increased American tariff on the ability of New Zealand to pay for such imports. He pointed out that New Zealand imports annually from the United States goods to the value of £8,000,000 sterling and sells only £4,000,000 sterling to that country.

But more significant was the fact that Sir Joseph Ward, the Prime Minister, said in reply that—

He has been watching developments closely. * * * The [American] tariff was becoming nearly prohibitive to New Zealand goods, and although New Zealand was a small country the time was arriving when New Zealanders must pay particular attention to increases and adjust their own tariff accordingly.

Mr. Sullivan, of the Labor Party, urged that definite action should be taken regarding motor-car imports so as to reduce the gap between exports and imports.

Aside from the formal or informal protests filed by foreign governments, there are numerous other indications of feeling in foreign countries against what they consider an outrageous increase in tariff duties, duties which seem to them prohibitive.

In the last few days newspapers have carried an account of the activities of the Swiss watch industry at which is aimed one of the most unjustifiable increases in the pending tariff bill.

The Swiss industry estimates that the watch schedule carries an increase of 300 per cent over the existing law, and on this basis it characterizes it as an unfriendly act against Switzerland, and asks that all Swiss "manufacturers, craftsmen, merchants, and consumers banish from their offices, factories, workshops, garages, stores, and residences any merchandise of United States of America origin." This movement to resort to the boycott is an earnest and sincere one.

From an article appearing in the London Times on July 6, 1929, we learn that—

The news of the proposed serious revision of the United States tariff has been boldly seized upon by the four principal trade associations of France as the unforeseen opportunity to weld Europe together in a preferential tariff union. "The strength of the Americans is the division of strength in Europe" is one slogan which appears on the frontispiece of a French export journal. Invitations to discuss retaliatory measures against the United States have been sent by central French trade associations to representative organizations in Great Britain and the principal countries of Europe.

Then follow the suggestions made by the four French associations, one of them being for the appointment of committees to study "how to supplant American exports to Europe either by domestic production or from other foreign sources." Another proposal was the calling of a diplomatic congress—

To consider revising the current scope of the most-favored nation clause * * * so as to allow preferential treatment to those European nations which are willing to grant mutual concessions, and perhaps to all other countries whose tariff policies are found upon examination to be reasonable.

Only last week we read on the front page in the press of the country in dispatches from Paris that the General Federation of French Producers and National Association for Economic Expansion in that country served notice upon the United States that persistence in the present tariff policy as reflected in the Hawley-Smoot measure will inevitably result in France and other European countries resorting to measures of protection. "Certain nations," it is asserted, "have already drawn up schemes for reprisals." Those two organizations whose signatures were affixed to the statement represented virtually all of the French industries. In closing, the statement said:

If America persists in the contradictory attitude in closing its doors to foreign goods and at the same time developing its exportations, how can America be surprised if France, with other nations, decides to take necessary protective measures? Heavy is the responsibility of governments whose policies cause such a terrible economic conflict.

Partially as a result of the pending increase in American tariff duties, Lords Melchet and Beaverbrook initiated in England a campaign for free trade within the British Empire and a tariff against other countries—apparently from all indications chiefly against the United States.

The instances cited above may be dismissed by those whose wish is father to the thought as mere empty threats, but one country, at least, has taken definite steps of reprisal against the inordinate increases in tariff rates proposed by the pending measure. That country is Canada.

Canada is one of our very best customers. In 1928 our exports to Canada amounted to $914,713,000. Our imports were only $498,303,000. The balance of trade with Canada was in our favor to the amount of $425,410,000.

What has happened?

On May 1 the Canadian Minister of Finance introduced in the Canadian Parliament the annual budget, and in the budget proposed a sweeping revision of the Canadian tariff. Subject to the later approval of Parliament, these proposals became effective May 2, this year.

In general the proposals increase the general tariff which applies against the United States and decrease the intermediate tariff against countries with which Canada has special reciprocal trade agreements and also decrease the British preferential tariff applying to countries within the British Empire.

The general tariff was increased on 87 items and reduced on 82. The intermediate tariff was decreased on 98 items and increased on 35. The net effect in many instances was to increase the spread between the intermediate tariff applying to countries having special trade agreements with Canada and the general tariff applying against the United States.

More important were the changes in the British preferential tariff. The rates of this tariff were decreased on 270 items, including 216 items put on the free list. On the other hand, increases were made on only 11 items.

The purpose of these changes is well expressed by Mr. J. A. Stevenson in an article from Ottawa, Canada, under date of May 6, published in the New York Times Annalist. I quote:

The general tendency of the budget is to widen the spread between the rates of the general tariff which applies to American goods and the British preferential rates. In some cases the general rate is decreased and in others the general rate is raised with the British preferential rate left as it was. For instance, on containers made of tin plate the intermediate and general rates are retained at 22½ and 25 per cent, respectively, and the British preferential rate is cut from 15 to 10 per cent.

On these same changes I quote from the weekly report of the United States Department of Commerce for May 12, 1930:

American trade aggregating to between $175,000,000 and $275,000,000 is affected adversely in most instances. Competition between imports from the British Empire and the United States is substantially increased. Two hundred and sixteen items have been added to the free list under the British preferential tariff. British Empire trade favorably affected amounts to about $200,000,000.

Then follows the very significant statement:

American exporters of many lines will be required to lay greater stress on service and quality.

In other words, according to the Department of Commerce, the changes in the Canadian tariff will make it impossible for many American articles to compete on a price basis in Canada.

The Canadian tariff increases on metals are particularly significant. In fact, we have forced Canada through this measure to rewrite its whole metal schedule, with the view of preventing increased imports from the United States and favoring in their stead imports from Great Britain. If this is not retaliation, Mr. President, what would you call it?

On only 8 items in the metal schedule is the British preferential increased; it is reduced on 152 items, many of which are transferred to the free list. The intermediate tariff rates are increased on only 24 items and decreased on 86 items. On the other hand, the general rates applying to American products are decreased on 66 items and increased on 40 items.

In the article in the New York Times Annalist, to which reference has been made, it is stated that—

> The avowed object of these changes is to make it more difficult for American firms to secure Canadian business.

Agricultural machinery was made free coming from the British Empire. British preferential rates were increased on typewriters, dictaphones, and calculating machines. Machinery, engines, boilers, and electrical apparatus, not specifically provided for, are made free when coming from British countries, dutiable at 15 per cent when coming from intermediate tariff countries, and at 20 per cent from general tariff countries such as the United States.

A severe blow was aimed at the American truck farmer by increasing duties on fruits and vegetables, and by making fruits and vegetables free under the British preference, with the object of giving Bermuda and the British West Indian Islands a chance to capture the Canadian winter market now supplied largely by the United States.

Mr. Stevenson states in his article that the new budget has—

> Also met the grievances of the fruit and vegetable growers of Canada against American dumping which glutted the Canadian markets before the later ripening products of the Dominion were ready.

But this is not all. A further blow is aimed at American exports, especially against American agricultural products, by the provision that the rate against any general tariff country shall be the same as that imposed by such country against the Canadian product. This provision was made in the case of 48 items, most of them agricultural, including the following:

Rates affecting American products

Article	Exports of United States to Canada	New British preferential rate	New general rate	Rate which will apply against
Eggs (in shell)	$369,000	2 cents per dozen.	3 cents per dozen.	10 cents per dozen.
Eggs (frozen or otherwise prepared).	60,000	10 per cent	20 per cent	11 cents per pound.
Irish potatoes (natural state).	491,000	Free	Free	2¾ cents per 100 pounds.
Soups and soup preparatoins.	1,809,000	15 per cent	27½ per cent	35 per cent.
Cast-iron pipe	599,000	$5 per ton	$10 per ton	25 per cent.
Live animals (including horses and mules).	825,000	Free	25 per cent	Valued at $150 per head or less, $30 per head.
Ham, shoulders, bacon, and pork.	2,300,000	do	2 cents	3¼ cents per pound.

But what of these protests?

As it happens the countries protesting most vigorously against these tariff increases are those countries with which we have the most advantageous trade. For instance:

Country	Exports to	Imports from	Favorable trade balance
Argentina	$178,899,000	$99,438,000	$79,461,000
Australia	141,440,000	31,577,000	109,863,000
Belgium	111,830,000	75,074,000	36,756,000
Canada	914,713,000	489,303,000	425,410,000
Denmark	47,173,000	3,938,000	43,235,000
France	240,692,000	158,748,000	81,944,000
Italy	162,125,000	101,681,000	60,444,000
Netherlands	142,278,000	83,604,000	58,674,000
Spain	86,613,000	35,018,000	51,595,000
United Kingdom	847,326,000	348,540,000	498,786,000
Germany	467,260,000	222,130,000	245,130,000

All the countries listed in the table have protested against the increased tariff rates proposed in the pending bill. It is little wonder that these countries which make possible and assure our strong position in the sale of our surplus goods and products and furnish to us the large balance of trade we have in international commerce protest at the increased rates carried in this bill, which will inevitably restrict the sale of their products to us and their ability to buy our exportable surplus.

It is not surprising that the automobile industry is protesting against the passage of this bill. We export annually to the countries mentioned in the table many million dollars worth of automobiles. To Australia alone our automobile exports increased from $5,000,000 in 1917 to over $44,000,000 in 1927.

I want to quote in this connection what the Australian commissioner to this country said in his very vigorous protest against the increases carried in the pending bill. After giving the trade balance between the two countries, he says:

> The foregoing statistics indicate a balance of trade exceedingly favorable to the United States. They furnish ample basis for the strong feeling of the Commonwealth Government that any advance in tariff schedules, in which the chief Australian exports to the United States are now included, could not fail to be injurious, not only to individual Australian producers but to the country as a whole. The Australian Government is desirous that mutually profitable and amicable trade relations between the two countries shall be developed and maintained. At the same time the competent authorities of the United States will readily appreciate that if further restrictions be placed on Australian trade by tariff increases affecting Australian products it is inevitable that feeling against American trade preponderance will grow. The Government of the Commonwealth therefore fears that increasing pressure will tend to divert Australian trade from the United States to British countries and to foreign countries with whom the commonwealth has favorable trade relations.

Argentina, one of our best customers and with which, as stated, we have a favorable trade balance of $79,000,000, is up in arms against the proposed increases on her products. Not only are reprisals threatened, but boycott of American goods is agitated.

Uruguay is a smaller country, but stands in the same position as Argentina. With the fine balance of trade with that country in our favor, we read in the press dispatches daily of meetings of citizens of that country, not only protesting against the rates imposed on some of their products but adopting resolutions urging the people of that country to boycott American goods and to buy from more friendly countries. In the protest of their Government, filed with our Secretary of State, it is said:

> If the increased duties on wool, etc., are finally enacted, Uruguay will be forced, not as a deliberate decision but as an inevitable result of its purchasing power, to curtail materially its buying of automobiles, gasoline, agricultural machinery, lumber, iron, cotton, fruits, etc., from the United States.

Let us take Italy as another example. The proposed increases, according to the conference report on olive oil, which our people demand and which they must have, will cripple one of the great Italian industries. In order to maintain a product in this country of less than 1,500,000 pounds annually as compared with importations of 83,000,000 pounds, American consumers will have to pay, under the pending tariff proposal, about $5,000,000 annually in duties, at the same time handicapping a people who are struggling to find some way to pay us for money we loaned them during the tragic days of the World War. On Italian canned tomatoes, filberts, and cheese, which the Italian population in this country demand and to which their taste is attuned, we have increased the rates so inordinately high as to add further to the inability of the Italian industries to carry on.

Let me cite what the chairman of the Finance Committee [Mr. SMOOT], now in charge of this report, stated with reference to Italy when he praised the debt agreement between this Government and Italy. He said:

> Italy has never had a favorable trade balance. The permanent cause of her position is in her lack of raw materials and the necessity of importing a large amount of goods. The relation between exports and imports is to-day substantially as it was during the pre-war period. Imports are still greatly in excess of exports. Most of the exports consist of commodities essential to the operation of Italy's industries. Anything which makes it more difficult for Italy to provide the means to buy raw materials from the outside world impairs her capacity not only to make external payments on her obligations held abroad but also endangers her internal economic situation. * * * Italy's balance of international payments must be such that she can convert the necessary amounts (to be paid on debts owed abroad) into foreign

currencies without endangering the stability of her own internal situation.

To the same arguments that were then made by the Senator from Utah in behalf of Italy his ears are now deaf, but those arguments are presented as reasonable protests upon the part of Italy against this conference report on the tariff bill.

Take Spain. With the large balance of trade favorable to us, the proposed increases in tariff duties strike a blow the repercussions of which are bound to be felt injuriously by the United States in its capacity as creditor and exporter. In their protest they have almost threatened to break off trade relations with us, and daily we read in the press of indignation meetings being held in Spain and threats to boycott American products.

Quantitatively, an even more striking example is the United Kingdom. With our favorable balance of trade of practically $500,000,000 annually, with distressed conditions throughout Great Britain, and the difficulty that country is having in the payment of its huge debt to us, we have in innumerable instances inexcusably increased tariff rates upon items imported from that country in which there is no competition here and from which there is no threatened injury.

Against cement from Belgium, which country provides us a favorable balance of trade to the amount of $36,756,000 annually, we are levying a duty of 6 cents per hundred pounds. Importations are negligible when compared with American consumption, and American manufacturers dominate the market and have made fabulous profits. Through agreements they fix the price to the American people. This is a striking illustration of how such a policy operates to cut off our nose to spite our face.

We have already seen, since the consideration of this measure began, a gradual but constant falling off in our exports and a shrinkage in our balance of trade. During the first four months of this year we have seen a falling off from $1,844,899,000 to $1,463,313,000 as compared with the first four months of last year, a decrease of $357,600,000, or 21 per cent.

If our exports already have declined by such amazing figures, what may be expected to happen when this conference report shall be adopted and the bill shall become a law?

Even if only a small proportion of the threats are carried out, the enactment of the bill can not but have a disastrous effect upon every American industry that heretofore has found markets abroad for its surplus products.

We have taxed the American people millions of dollars annually in the establishment of agencies abroad to study foreign markets and to create in foreign countries an atmosphere of cordial relationship, which will promote the expansion of our international trade and commerce. We have encouraged the American business man to send his agents into foreign countries in order to study the tastes and styles and peculiar wants of the people of such countries and thus enable our manufacturers to prepare themselves to compete in the markets of the world.

The high and dominating position our country has attained in the trade and commerce of the world was only achieved through patient diplomacy, hard work, and the expenditure of huge sums. The adoption of this report will destroy that achievement and signalize a backward step.

During the delivery of Mr. HARRISON'S speech—

The VICE PRESIDENT (at 2 o'clock p. m.). Ordinarily the unfinished business, the merchant marine bill, would be laid before the Senate at this time; but inasmuch as the pending conference report is a privileged matter it takes precedence over the unfinished business, which will be laid before the Senate this afternoon at the conclusion of the consideration of the conference report for the day.

Mr. ODDIE. Mr. President, I intend to vote for the conference report on the tariff bill. That report is worthy of many hours of discussion. I do not, however, intend to take more than a minute or two of the Senate's time now on the report. I should like to go into the details and show wherein I believe the tariff bill, when it shall be enacted into law, will be of vast benefit to American industry and to American labor. American industry needs the reassurance which will be afforded by the passage of the tariff bill.

Mr. President, I now rise particularly to say a few words of appreciation of the chairman of the Finance Committee, the Senator from Utah [Mr. SMOOT]. That Senator has labored here for months and months on the tariff bill. He worked on the bill throughout last summer, day after day, from morning until night, and away into the night, all during the terribly hot weather. Since then he has stood here like the rock of Gibraltar in defense of the measure. He has met attack after attack; he has defended the various provisions of the bill. He has performed with credit to the Senate and to himself almost a superhuman task.

The Senator from Utah has shown great patience, ability, and consideration in his dealings with the various Members of the Senate during the long debate on this bill. He has stood here in the Senate and answered questions by the thousands affecting the countless items of the bill. Senators on both sides of the Chamber owe him a debt of gratitude for his great industry and courtesy under most difficult and trying conditions. I refer to those who have disagreed with him on certain matters as well as to those who have agreed with him.

The country, I feel sure, will benefit by his work when the bill shall have become a law; and we owe him a vote of thanks for the great service he has rendered during its consideration.

Mr. BRATTON. Mr. President, I wish to supplement what the Senator from Nevada [Mr. ODDIE] has just said with reference to the industry, patience, and the kindly attitude of the Senator from Utah [Mr. SMOOT] throughout our long consideration of the tariff bill. Regardless of whether one agrees with his views on economic questions or not, it is appropriate to say that the Senator from Utah has for months devoted himself continuously to the consideration of the measure. He has been uniformly kind and considerate to those who sought information from him.

We have our differences on legislation of this kind, as well as on legislation of other kinds. Mr. President, quite aside from whether one agrees with the Senator from Utah, I think every Member of this body will unite in saying that he has been patient; he has been considerate; he has devoted himself industriously to the bill; he has been helpful to his colleagues in the Senate in dealing with the scores upon scores and hundreds upon hundreds of subjects and their various aspects and various ramifications. He has been tolerant toward those who differed with him. As one Member of the Senate who differs with the Senator from Utah so far as political affiliation is concerned, I desire to express a tribute of deep appreciation of the industrious service, covering many months, which he has rendered in connection with this proposed legislation. He has rendered faithful service as he viewed the situation.

Mr. THOMAS of Oklahoma obtained the floor.

Mr. ASHURST. Mr. President——

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

Mr. THOMAS of Oklahoma. I yield.

Mr. ASHURST. Mr. President, I presume there is no Senator in the Chamber who differed more radically from the tariff views of the senior Senator from Utah [Mr. SMOOT] than have I, but I join with the other Senators in their tribute to his industry and to his character. I have seldom agreed with him at any point during the discussion of the thousands of items of the tariff bill, but I have been the recipient of constant acts of courtesy on his part as chairman of the Finance Committee. He has listened to arguments with civil consideration; and all anyone has a right to ask is that the duly appointed authority listen to argument.

Mr. THOMAS of Oklahoma. Mr. President, as a Member of the Senate, and likewise of the Finance Committee, I can join whole-heartedly in all that has been said about the hard-working chairman of the Finance Committee. During the time this bill has been before the Senate I am safe in saying that no member of the committee gave the work anything like the time that did the chairman. But, Mr. President, what kind of a bill have we now as a result of all this work?

The speech just made by the Senator from Mississippi [Mr. HARRISON] is the first effort to show the effect of this bill outside of the United States. Heretofore, this bill has been portrayed as a local measure. The statement has been made time and time again that the tariff is a local problem. In a way, that is true; but I assert that the tariff question is more than a local problem. It is a State problem; it is an interstate problem; it is a national problem; it is an international problem; and I might add that tariff legislation is now a world problem.

When the time shall come to cast our votes upon this bill, we shall not vote upon it as a measure affecting local interests. We shall be called upon to vote upon this bill as a measure that not only affects the United States but in addition all the peoples of all the nations of the world. Instead of this bill affecting only the 120,000,000 people of continental United States, I contend that it will affect vitally the people of the earth. Instead of this bill being enacted for the 120,000,000 Americans, it is being enacted for the 2,000,000,000 people that populate the globe.

The alleged purpose of this bill is to provide revenue, to regulate commerce with foreign countries, to encourage the indus-

tries of the United States, and to protect American labor; but the effect of its provisions will be much greater than outlined in the title. I hold no brief for any foreign nation; yet the time has come when we can not pass a tariff bill, we should not pass a tariff bill, unless and until we take into consideration the interests of the peoples with whom we trade.

What is the relation of the United States to-day to the nations of the world? We live in a different country, a different world, from that which we had 10 years ago. Before the recent World War America was a debtor nation. Other nations assumed the rôle of being the creditor nations. To-day America is the creditor nation of the world. At this moment foreign nations owe the United States Government on account of war debts some $10,500,000,000. That is not all the interest we have in foreign countries. American investors and American financial institutions have loaned and invested abroad some $17,000,000,000. That is not all.

Mr. WATSON. Mr. President, will the Senator yield to me?

Mr. THOMAS of Oklahoma. I gladly yield.

Mr. WATSON. The Senator was very anxious to have a tariff on oil. We gave him 5 votes on it in the Senate. I cordially joined with him in attempting to get a tariff on oil. He was the leader of the movement. When he was insisting on a tariff on oil, was he doing it for the benefit of the rest of the world, or for the benefit of the oil-producers of Oklahoma particularly and of the United States generally?

Mr. THOMAS of Oklahoma. When I was asking for a tariff on oil, I was demanding that tariff in behalf of American farmers, American landowners, American wage earners, and American capital invested in the oil business, but I did not ask an embargo tariff rate. I asked only for a tariff rate to cover the difference in the cost of producing oil abroad and at home.

I have just stated that foreign nations owe our Government ten and a half billions of dollars. We expect the interest on that money annually. Eventually, we expect the principal. Unless foreign nations can make money and unless foreign nations can trade with us, how can they pay us that interest? How can they eventually pay us the principal?

Americans have invested abroad, as I said a moment ago, something like $17,000,000,000. If foreign nations are not prosperous, if foreign nations can not make money, if foreign nations can not trade with us, how can they pay interest and dividends on that gigantic sum?

But that is not all. The foreign trade of the United States amounts to approximately $10,000,000,000 annually. We sell abroad goods to the value of something like five and a half billions of dollars. We buy goods abroad to the value of something like four and a half billion dollars, making the value of our foreign trade approximately $10,000,000,000. Add the ten and a half billions owed by foreign nations to our Government, the $17,000,000,000 of American investments abroad and the $10,000,000,000 of foreign trade, and we have the gigantic sum of over $37,000,000,000 of American interests abroad.

Mr. President, in the consideration of a tariff bill these investments should be considered. They must be considered. What condition would we be in in this country to-day if we should lose our foreign trade or any part of such foreign trade? That is an eventuality that should and must be considered in connection with this bill.

What are the objections to the bill? The objections here at home are that the bill will add something like $1,000,000,000 to the cost of living in the United States. There is another objection raised quite generally—that if this bill passes it will interfere with our foreign trade. I shall come to that, a little more in detail, a little later.

What is the American policy with regard to making tariffs? There is no dispute about that policy. We have the right to pass any kind of a bill that we care to. We can enact any kind of a tariff bill that the Congress will pass and the President will approve. That is our right. Other nations concede America that right; but in conceding us that right they claim the same right for themselves; and now, claiming and having that right, they are proceeding to exercise it in the enactment of new and higher tariff rates against the importation of American-made goods.

We have the right to pass this bill; but another consideration should come into the matter, in my judgment, and that consideration is a matter of policy. Is it for the best interests of America that a bill of this kind be passed? I contend that it is not for our best interests that this bill should pass.

In the short space of 10 or 12 years we have made sufficient progress to become the strongest nation of the earth. We have made such progress that to-day the American Republic is the richest country in the world. Some estimate our total wealth to be in excess of $400,000,000,000. No other nation has such wealth. No other nation is one-half that wealthy. In the short space of time since the World War the isolated, almost unknown, infant country across the Atlantic has become the strong, rich, powerful, and influential giant among the nations.

The United States, the richest, the strongest, the most powerful, the creditor nation of the world is now proposing to pass a tariff bill which may seriously jeopardize and interfere with this, our present most favorable status.

It is my prediction that if this bill passes and is signed by the President, the peak of American supremacy will have been reached. The zenith of our wealth, our power, and our influence among the nations will have been passed, and from this time henceforth, the American Republic will begin to decline. The golden age of America will have come and gone. History will again repeat itself, and the people will be the unwilling sufferers.

The Senator from Mississippi [Mr. HARRISON] a moment ago spoke about foreign protests against this bill. Foreign protests have been made against the passage of this bill. These protests have come to the Secretary of State. They have come in quite a volume. When these protests came they were delivered to the Secretary of State, with the request that such protests be transmitted to the Congress, to the Senate and to the House of Representatives. I can not speak as to just what was done by the Secretary of State; but the public press carried announcements from time to time that these protests had been filed. I am a member of the Finance Committee. None of these protests were laid before our committee. We did not have access to them.

Mr. SMOOT. No; Mr. President——

Mr. THOMAS of Oklahoma. Just a moment, until I make my statement. Then the Senator may answer.

Last summer I introduced in the Senate a resolution requesting the Secretary of State to transmit these protests to the Senate for the information of the Congress. When that resolution was presented the distinguished chairman of the committee objected to its consideration and the resolution went over under the rules. A few days thereafter I again called up my resolution, and again the distinguished chairman objected to the consideration of the resolution. The protests were on file in the office of the Secretary of State. He had been requested by the protesting governments to transmit them to the Congress. They were not here. I was asking for the protests, and the chairman of the committee was objecting. Finally the chairman of our committee made the proposition that if the resolution could be so modified as to have the protests come to the Committee on Finance, he would agree to it. Having no other recourse to secure the data, I consented to the modification, and the resolution was amended to request the Secretary of State to transmit to the Finance Committee the protests filed by foreign nations. The resolution was agreed to, and the Secretary of State sent us the protests, and here is the printed volume that contains protests filed at that time.

This volue contains the protests filed up to the date of September 5, 1929. It contains 250 pages. It contains protests from 38 governments. It contains protests against 300 items of this tariff bill. I want to call attention to some of these protests.

Mr. SMOOT. Before the Senator does that, will he yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. SMOOT. Does the Senator refer only to the protests which were sent under the resolution offered by him, or does he refer now also to any protests he invited from the foreign nations, not through the State Department, but from his own office?

Mr. THOMAS of Oklahoma. I refer to the protests filed by the governments of the world against the provisions of the tariff bill, and the protests which were sent to the Secretary of State, the protests which were requested to be transmitted to the Congress, which meant to the House and to the Senate.

Mr. SMOOT. All the protests which the committee have received were printed in a public document. I suppose that is the document to which the Senator is referring now.

Mr. THOMAS of Oklahoma. All the protests that were received up to September 5, 1929, were presumed to have been sent to the Finance Committee.

Mr. SMOOT. Yes.

Mr. THOMAS of Oklahoma. And such protests filed up to that date are presumed to have been printed in this volume, and the volume contains the protests, as I have said, of 38 countries, and contains 250 pages.

Most of the protests are against the terms of the tariff bill on the ground that its provisions form an embargo against the importation of their goods into the United States.

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

Mr. THOMAS of Oklahoma. I yield.

Mr. SMOOT. I want to say to the Senate, and to the country as well, that no tariff bill has been passed since I have been here, and I do not think there ever was any time in the history of our country when a tariff bill was passed, when the same countries did not protest, and yet the tariff walls in those countries are higher, in 90 per cent of the cases, than the tariff walls of the United States. The first time I ever knew of a Senator writing direct to the embassies here inviting protests against a tariff bill was in the case of this tariff bill, as the Senator knows.

Mr. THOMAS of Oklahoma. Mr. President, so far as I know, no invitations were ever sent to any foreign government to file protests, but as one Member of the Senate, I was interested in knowing what objections were being urged to the provisions of the tariff bill then being prepared by the Finance Committee.

I hold no brief for any foreign government, but I do hold a brief for my State. I hold a partial brief for the entire United States, and I speak here now not merely as a Member of the Senate from the State of Oklahoma but I presume to speak as one of 96 Senators of the entire United States. I am protesting against this bill, not because it hurts my State but because I believe the bill if enacted will hurt the United States and the people who make up this great country of ours.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER (Mr. HOWELL in the chair). Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. THOMAS of Oklahoma. I yield.

Mr. VANDERBERG. I am very anxious to get this information straight, because it seems to me so astounding. Do I understand that the Senator wrote to the embassies in Washington inquiring whether they had any protests to make against the tariff bill?

Mr. THOMAS of Oklahoma. When the bill was passed by the House, I had numerous requests for copies of the bill, and I sent out a copy to each person who requested one, so far as I could get copies, and I asked every person to whom I sent a copy of the bill to advise me as to how it affected him, or his interests, or his country, as the case might be.

Mr. VANDENBERG. I am referring particularly to the foreign embassies at Washington. Do I understand that the Senator wrote the foreign embassies at Washington and asked them whether they had any protests to make against the tariff bill?

Mr. THOMAS of Oklahoma. I did not.

I now call attention to some of the protests on file against this bill. The index to the volume containing such protests lists the following countries: Argentine Republic; Austria; Belgium; Canada; Czechoslovak Republic; Denmark; Dominican Republic; Egypt; Finland; France; Germany; Great Britain: Australia, Bahamas, Bermuda, Dominica, England, India, Scotland, West Indian Colonies; Greece; Guatemala; Hungary; Honduras; Irish Free State; Italy; Japan; Latvia; Mexico; Newfoundland; The Netherlands; Norway; Paraguay; Persia; Portugal; Rumania; Spain; Sweden; Switzerland; Turkey; Union of South Africa; Uruguay.

Since September 5, when this volume was published, foreign nations have kept sending their protests to the United States. I have here a list filed by some 42 governments, the documents having come to the State Department since September 5 of last year. These communications were filed with the Secretary of State, and, although he had been requested by the nations sending them to send them to the Congress, he did not do so at least not to the Senate. They would not be here, I take it, had it not been for the fact that the Senate passed a resolution asking the Secretary of State to send the protests to the Senate for the benefit of its Members. The resolution was passed, the Secretary of State sent the protests to the Senate, and the copies I now exhibit were procured from the office of the Secretary of the Senate. These protests are supplemental to those published in the book to which I have just referred.

I want to call attention to some of the communications filed by some of these foreign governments, to show why they felt called upon to protest the passage of this bill. I have here a protest from the Austrian Legation.

The Austrian Government protests against the passage of the tariff bill and gives the reason for its opposition. The communication is of date March 26, 1930, and as follows:

AUSTRIAN LEGATION,
Washington, D. C., March 26, 1930.

Mr. JOSEPH P. COTTON,
Acting Secretary of State, Washington, D. C.

SIR: Among merchandise exported into the United States from Austria are cigar and cigarette holders made of paper with quill mouthpiece and of mahaleb-wood (Weichsel). They are cheap articles, the first mentioned mostly used only once, to be thrown away with the stub of cigars or cigarettes.

The paper holders sell for $2.30 a thousand, the Weichsel holders, 65 cents a gross.

As no special provisions are made for this kind of smokers' articles it would come under paragraph 1552, H. R. 2667, and be assessed with a duty of 5 cents apiece besides 60 per cent ad valorem.

In other words, a duty of 5 cents would be levied on a paper cigar holder costing only 0.23 cent apiece. It is obvious that this duty of 2,238 per cent ad valorem, respectively, 1,168 per cent ad valorem (for Weichsel holder) was not intended by the framers of the bill, the less so as there are no similar products manufactured in the United States requiring adequate protection.

This legation believes that a mere oversight might have been responsible for this provision which not merely entails unnecessary hardship to Austrian trade but would, without special reason or benefit, exclude from American markets a foreign specialty not competing with any of the home products.

I have the honor to request you to kindly bring the aforesaid to the attention of the chairmen of the Finance and Ways and Means Committees greatly obliging thereby this legation.

Accept, sir, the renewed assurances of my highest consideration.

EDGAR PROCHNIK.

If that is a sample of the tax to be levied against the Austrian imports, then, of course, it can well be seen why the Austrian Government would feel called upon to file a protest with the American Congress.

I call attention next to a protest filed by the Czechoslovakian Government, as follows:

CZECHOSLOVAK LEGATION,
Washington, May 8, 1930.

His Excellency the Hon. HENRY L. STIMSON,
Secretary of the Senate, Washington, D. C.

EXCELLENCY: I have the honor to submit to your excellency a memorandum of Czechoslovak industrial and commercial organizations concerning the proposed tariff in the United States, with a special attention to the Czechoslovak shoe manufacturers.

The public opinion in Czechoslovakia is following with keen interest the proceedings on the tariff bill in the Congress of the United States, and the result reached by the conferees committee substantially increasing the rates on almost all articles imported to this country from Czechoslovakia, which, if put into effect, would practically bar many of these from the United States. The result of these fears is expressed in the inclosed memorandum.

Accept, Excellency, the renewed assurances of my highest consideration.

FERDINAND VEVERKA,
Envoy Extraordinary and Minister Plenipotentiary of the Czechoslovak Republic.

I call attention to a protest filed by the Government of Finland. This protest is against the increases in duties on granite and bread and matches.

I call attention to the protest filed by the German Government. This protest is directed to the United States Congress, and calls attention to the fact that we have treaty relations with Germany, which this tariff bill, if enacted, will violate. They call attention to the treaty of 1923, the one which terminated the war between the United States and Germany, and they also call attention to the treaty of Geneva of 1927. It is the contention of the German Government that if this bill is enacted the terms of each of those treaties, into which we have entered in good faith, will be violated.

I call attention to the protest filed by the Spanish Government. It is of date September 21, 1929. The Spanish Government is protesting against the increased rate on pearls, and in order to show what this bill does, I desire to read as follows:

[Translation]

ROYAL SPANISH EMBASSY,
Washington, September 21, 1929.

The Hon. HENRY L. STIMSON,
Secretary of State, Washington, D. C.

MR. SECRETARY: Complying with instructions which I have just received from the Government of His Majesty, I have the honor to write to your excellency to present to you the condition of our industry producing and exporting imitation pearls, in case the new entry duties on the said merchandise are given final approval by the Senate of the United States.

Last year when the American commission charged with the study of the bill of tariff increases met, it changed the original bill in the sense of suggesting a fixed duty of 0.02 of a dollar per lineal inch of pearls, besides a 20 per cent ad valorem duty, instead of the original proposal to apply a 60 per cent duty on the assumed value of pearls manufactured in the United States.

The proposed tariff of 2 cents, equivalent to about 0.14 of a peseta, besides 20 per cent ad valorem, equivalent to one-half centimo (0.01 of a peseta), would mean a total charge of 14½ centimos, or a duty of about 600 per cent on the price of origin while the still existing tariff applies 60 per cent on the value or origin or 1½ centimos per inch of said article. From the foregoing it is understood that under the proposed tariff it would be impossible to import foreign pearls into the United States.

La Industría Española de Perlas de Imitación, S. A., has four factories at Barcelona, Palma de Mallorca, Manacor, and Felanitz, giving work to some 12,000 workers, and of its total production more than 60 per cent is exported to the United States.

If a new increase in duties should be made in the United States in the manner anticipated, the Industría Española de Perlas de Imitación would be forced to reduce its production and personnel by at least half of its present figure.

In view of this situation the Government of His Majesty wishes to make it clear to the Government of the United States and to its Tariff Commission that the disproportionate increase provided for the said article would cause a very serious crisis for our manufacturers, with the consequent dismissal of 6,000 persons now employed in the manufacture of pearls in Spain.

How much more desirable would a fairer treatment of this merchandise be, inasmuch as the production of imitation pearls in the United States is very small in comparison with the enormous market for this product in the United States.

For the above reasons the Government of His Majesty hopes that the Tariff Commission and the Senate will maintain the type of tariff in force or will accord better treatment to this product than the new duties anticipated.

I avail myself of the opportunity, etc.

MARIANO AMOEDO.

I call attention to a protest filed by Switzerland. This communication is typical of the protests filed by the other nations, and I think the protest filed by the Swiss Government clearly connects the protests with the business relations of the United States. The Swiss Republic raises produce to supply her people with food for only 50 days each year. The Swiss nation must import food supplies to feed their own people for more than 315 days out of each year.

The Swiss Republic must gets its food supplies from the nations with which it trades. Heretofore they have been trading with the United States. Their watch manufacturers sell their products here, and likewise the Swiss lace industry sells its products to the United States. A very large percentage of the watches made in the Swiss Republic come to the United States. A very large percentage of the lace work and the handerchiefs made by the Swiss people come to the United States, and if this bill shall be enacted, the tariff rates will be so high against the Swiss watches, against Swiss laces, and against Swiss handkerchiefs that they no longer could sell them in the United States, and when a new market is found for their products, if such can be found, the Swiss people will likewise find a new source of food supplies, and thus will the American farmers be injured.

I contend that this bill does raise the rates on the Swiss watch and clock industry to such an extent as to bring about a virtual embargo against importations of their product. I make the same claim in regard to laces and Swiss handkerchiefs. If that is true, this bill will affect the producers of food supplies in the United States; it will affect the farmers who raise wheat; it will affect the farmers who produce meat and the other food supplies which heretofore have been shipped to Switzerland.

I could go through this list of 42 nations and show that the protests are all of the same tenor and to the same effect, that if this bill is enacted it will prevent the respective nations from selling their goods to the United States, and in the event they can not sell their goods here they can not buy here. I contend, Mr. President, that that would seriously interfere with the $10,000,000,000 of foreign trade we now enjoy with the nations of the world.

The Senator from Mississippi spoke about reprisals. I know it has been denied that the enactment of this bill would bring about reprisals. But the preparation and consideration of the bill for a year and a half has already brought about reprisals. Over in Great Britain a new party has been formed for the specific purpose of keeping American goods out of Great Britain. The name of this party is the United Empire Party, and its purpose is to keep out of the British Empire goods made in America.

In Australia already reprisals have been adopted. In Canada reprisals are being considered. In France reprisals have been adopted. Even since the bill reached the conference committee a reprisal threatened by the French Government has been successful in reducing the rate upon laces. I saw an account in a paper not very long ago to the effect that in the town of Calais, which I understand makes a large amount of French laces, a day of prayer, protest, and petition was set aside; and on that day laborers to the number of tens of thousands assembled and marched in protest against the passage of this tariff bill. Immediately thereafter the French Parliament took notice of the petition of the lace workers and proposed to raise the tax on American-made automobiles.

I invite attention to the following cablegram which came from Paris to the effect that a bill proposing to raise the rate on American-made automobiles and automobile parts passed the French Parliament practically unanimously, only 2 votes being cast against it. The cablegram is as follows:

NEW FRENCH TARIFF HITS UNITED STATES AUTO TRADE

PARIS—A new and higher French tariff on imported automobiles, aimed especially against motor cars of American manufacture, was approved by the Chamber of Deputies by 475 votes to 2.

The new tariff represents increases ranging from 30 per cent to 60 per cent on present duties. Ad valorem duties, as levied at present, are replaced by duties based upon the weight of cars imported. Under the present tariff the minimum ad valorem duty on tourist cars is 45 per cent.

There was very little criticism in any quarter to-day of the Tardieu government's measure, which strikes a heavy blow at the American automobile industry.

The moment that vote was had in the French Parliament, the information was flashed to America. Among the first ones to get the information were the automobile manufacturers. No sooner did they have the information than the motor magnates of the United States organized for action. They evidently communicated with the conference committee, for at once the rates placed upon French lace were substantially reduced in conference. There is a concrete illustration of a retaliatory measure by the French Parliament which was successful in reducing the tariff on lace.

I exhibit to the Senate a picture presumed to have been taken in Biel, Switzerland. It shows a group protesting against the rates in this bill upon Swiss handkerchiefs, laces, and watches. It is stated in connection with the picture that 15,000 laborers in this one town met in protest against the exorbitant rates proposed to be levied by this act.

I invite attention now briefly to another retaliation which has been effective. I want to explain briefly how retaliation can and has been used as an effective weapon against legislative proposals. A few years ago the shipyards on the Atlantic seaboard took notice of the fact that much boat-building business was going to Germany. They saw that when Americans desired to buy a boat, instead of giving the order to American shipbuilders they gave the orders to Hamburg, Germany.

They saw that a very lucrative business was being done by the Hamburg shipbuilders. The American shipbuilders, not wishing to lose this good business, came down to Washington and asked Congress to give them some protection. At that time—in the Sixty-eighth Congress—no tariff bill was pending, so the shipbuilders went to the House Ways and Means Committee and in connection with the tax reduction bill asked the committee to put an excise tax upon foreign-built boats and yachts.

The Ways and Means Committee, thinking the request reasonable, proceeded to give the shipbuilders on the Atlantic seaboard exactly what they requested. They asked that an annual excise tax of $1 per foot be placed upon boats up to 50 feet in length; a tax of $2 be placed upon boats between 50 and 100 feet in length; and that a tax of $4 be placed upon boats over 100 feet in length. In the absence of a tariff bill and taking advantage of the opportunity they placed the amendment in the tax reduction bill. The Ways and Means Committee reported the amendment and the House passed it and in that form it came to the Senate and the Senate agreed to it, thus placing an excise tax upon foreign-built boats and yachts of from $1 to $4 per foot per year.

It was thought that that tax would stop the practice of Americans going abroad to have their boats built. But, Mr. President, during the ensuing two years' time the American shipbuilders did not secure an additional order for a ship of this class and character. During the Sixty-ninth Congress the shipbuilders came back to Washington when another tax reduction bill was under consideration, and asked that the existing excise tax be doubled. On the 50-foot boats they asked a tax of $2, on the boats between 50 and 100 feet a tax of $4, and on boats of over 100 feet in length a tax of $8; in other words, they asked a doubling of the tax. Again the Ways and Means Committee acceded to the request of the shipbuilders and reported a bill containing such a provision, which was passed. Still this doubled tax gave no protection. Not a single additional order came to the shipbuilders of America.

During the Seventieth Congress the shipbuilders came a third time and advised the Congress, "You have given us two laws; each time you have increased the tax, but still the business goes abroad. We now want that tax raised 500 per cent. We want the tax on the 50-foot boats raised five times and made $10 a foot. We want the tax on the 100-foot boats raised five times and made $20 a foot. We want the tax on boats over 100 feet raised five times and made $40 a foot." That was only two years ago. The House of Representatives, upon the recommendation of the Ways and Means Committee, accepted the amendment and added that clause to the then tax reduction bill. The bill came to the Senate and was referred to the Finance Committee.

In the meantime the Hamburg shipbuilders, learning of the proposal to raise the tax upon their boats 500 per cent, of course, did not desire to lose this lucrative business to American interests. They knew that if the provision was agreed to raising the existing excise tax 500 per cent, that thereafter they would get no more business from the United States. They did not want to see that contingency come to pass. They began immediately to try to defeat the legislation, and they found a way. Here is what Hamburg did.

Hamburg is a city as well as a State, just as New York is a city as well as a State. The Hamburg authorities saw on their streets and roads some 5,000 American-built automobiles. Motor cars from the United States, under the Hamburg laws, have to be registered.

The Hamburg shipbuilders were influential in having introduced in the Parliament a proposal to deny registration to American-built automobiles. As soon as this proposal was made the agents of American automobile manufacturers cabled immediately to their principals what was being proposed. Immediately the automobile manufacturers of America came to Washington in an effort to learn the cause of this trouble. They found the trouble to be our proposal to raise the tax upon German-built ships 500 per cent, and that in retaliation the Hamburg authorities proposed to exclude American-built automobiles.

Mr. President, when this issue was joined the motor interests of the United States were so much more powerful than the shipbuilding interests that the Finance Committee decided to reject immediately the amendment proposed by the House of Representatives. Not only did the Finance Committee proceed to reject that amendment, but recommended that no tax whatever be imposed upon foreign-built boats and yachts, and section 431 of the present revenue act repealed all tax upon foreign-built boats of every kind and character.

There is a practical illustration of a retaliatory measure that was successful. If this bill is passed by the Congress and signed by the President, I predict that the 42 nations which have filed protests will devise some means whereby they can force an immediate reduction of some of these tariff rates.

Mr. President, what does it mean to raise a tariff rate against the products of some foreign country? The higher the Congress raises its tariff wall, the cheaper the goods must be produced abroad if they are to be sold in the American market. The producer abroad must buy his raw material cheaper, and he must pay his wage earners less in order to keep the overhead down, to the end that the goods may be produced at such a cost as to permit of the tax being paid and still compete in price with the goods made in America.

I contend that the high tariff rates of America are responsible for the low wage conditions abroad. In other words, the American protective tariff policy has pauperized the labor of the Old World. In retaliation other nations are now proceeding to establish high tariff duties, are raising their tariff walls, and if this policy is carried on it means only one thing and that is that we must reduce our production costs in order to be able to pay the foreign tariffs and still be able to compete with foreign-made goods.

Therefore if the tariff rates are raised in Great Britain, if they are raised in France, Germany, or Italy, or any place we sell, our factories and our exporters must pay the tariff and to do so they must reduce the production costs of the goods made for export.

From whom does that tariff duty come? I contend that it will come from the producers of the raw materials. I contend that it will come from the wage earners. So that if my analysis is correct, the higher the foreign nations raise their tariff walls, the cheaper we must produce our goods here. In other words, the same rule works both ways. If the high duties of America have pauperized Old World labor, then when the Old World raises their tariff walls the same principle will come back to react against American raw materials and labor, and the high tariff rates imposed by foreign nations will reduce the wages of labor in America to the basis that now prevails abroad.

Mr. President, how do these high rates affect the farmers of the country? How will these high rates in America and the high rates abroad affect the wheat growers, for example, in Nebraska and Kansas? The wheat growers of the United States produce annually something like 200,000,000 bushels of wheat for export purposes. We must sell this surplus wheat abroad, otherwise the $1.05 or $1.06 per bushel we are getting for wheat to-day on the exchanges would probably be 50 or 60 cents. If the tariff rates contained in this bill are raised to such a height that foreign nations can not sell their goods here to get money with which to buy our wheat, then, of course, one of two things must happen: We must destroy our surplus wheat or we must stop the production of wheat over and above what we consume in America.

The same thing is true of automobiles. We produce a very large surplus of automobiles. Unless foreign nations can sell their surplus goods here to get money with which to buy our motor cars, the production of motor cars in the United States must be limited to our local demand.

How do the high tariff rates affect the cotton growers of the South? About 60 per cent of the cotton produced in the United States is exported. Our total cotton production is in the neighborhood of 15,000,000 bales per year, 60 per cent of which is 9,000,000 bales, which represents the quantity of American cotton sold abroad. If we raise our tariff rates so high that foreign nations can not sell their goods here, Mr. President, how can those foreign nations buy the 60 per cent of our cotton crop which we have each year for export? They will not buy the cotton. They will either do without it or they will purchase their supply from some other country where cotton is produced; and at this time it is being produced in northern Africa, in southern Russia, in India, in different places in Europe, in Australia, and in South America. If the nations which have a surplus of goods to sell can not trade with us, they will trade with some other nation with which they can exchange their commodities.

Mr. President, I referred to the automobile business. Not so very long ago I was in Helsingfors, which is the capital of Finland, and which is located north of Russia at one of the far points of the Baltic Sea. Helsingfors is a city of 120,000 people. It is a modern town, well constructed, with paved streets. It looks very much like many American cities, especially when one sees on the streets nothing but American-made motor cars. They are as thick there as they are in cities in the United States of similar population. One sees there the same type of car one sees on the streets of Washington, the moderate-priced car in the main. Foreign-made cars, foreign to America, are just as strange upon the streets of Helsingfors as upon the streets of Washington, and I think one will see more foreign-made cars here than he will see cars not made in America on the streets of that city.

Finland sells us granite, sells us bread, and sells us matches. That country has filed a protest against the pending tariff bill. Mr. President, suppose something should be done to divert the motor demand of Finland to Germany or to France or to Italy or to Great Britain, we would lose that good automobile market, and if their protest shall not be heeded, I prophesy that Finland will find some way to buy its cars from some country other than the United States.

Mr. VANDENBERG. Mr. President, before the Senator leaves the subject of motor cars, will he yield?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. THOMAS of Oklahoma. I am glad to yield to the Senator from Michigan.

Mr. VANDENBERG. Does not the Senator from Oklahoma agree with me that in so far as the effect upon our ultimate export of automobiles is concerned, the greatest hazard is the further expatriation of American capital and the establishment of American factories with American mass production methods in those foreign countries?

Mr. THOMAS of Oklahoma. I am glad the Senator from Michigan has made that suggestion, and in answer I maintain that the passage of the pending bill will make the further investment of American capital abroad inevitable. The action of Henry Ford is a good illustration. Henry Ford now is reported to have abroad 13 factories making motor cars. Why? The reason is that he can make a car in Great Britain cheaper than he can make it here, and he can sell it there. He can make a motor car in France cheaper than he can make it here, and he can sell it there. Henry Ford is a good business man, and he is pursuing good business tactics from his standpoint in

building motor cars abroad, using cheaper material and cheaper labor to make his products.

Just as soon as the pending bill shall pass, those who desire motor cars in Finland, in Germany, in Great Britain, in France, and elsewhere throughout the world, I confidently predict, will proceed to patronize the country which treats them fairly in the matter of tariff rates. I predict that, instead of doing the thing the Senator desires done, the automobile companies in America will establish branches abroad. Only recently the General Motors Co. bought the Oppel factory in Germany.

Mr. VANDENBERG. They did that before the bill was passed by the Senate.

Mr. THOMAS of Oklahoma. But they knew the bill was coming on.

Mr. VANDENBERG. They did not do it simply on that account. The Senator knows very well that the process of European invasion preceded entirely the consideration of the pending tariff bill, and represents a definite, specific policy of American expansion. I am sure he will concede, regardless of tariff controversies, that if that process continues without restraint, sooner or later it will kill all opportunity for American export trade regardless of tariffs.

Mr. THOMAS of Oklahoma. Mr. President, if this bill shall be passed—and for the sake of the argument I concede it will be passed—I predict that in a very short time American motor factories will make a sufficient number of cars to supply America, and no more; that American farmers will raise sufficient wheat to supply America and no more; and that American cotton planters will raise a sufficient amount of cotton to supply America and no more. Already concerns which are supplying America are going abroad to produce, to supply their foreign trade. Take, for illustration, the International Harvester Co. We have free trade in farm implements; there is no tariff on farm machinery; the International Harvester Co. is not afraid of a tariff rate; it has no competition; it is a world-wide monopoly.

Take Mr. Ford again, if you please; he went over to Ireland and built in Ireland a tractor plant for the manufacture of the Fordson tractor. That plant not only supplies the British Isles with tractors but supplies Europe and countries on other continents with tractors; and his surplus he ships back to the United States. The tractors thus brought back come in free; there is no tariff on a Fordson tractor; it is classified as an agricultural implement, and as such it comes in free. Yet 15 per cent of the foreign-made Fordson tractors which thus come to America free of duty have their wheels changed and are placed in use in industry as engines and as various power machines and never see the farm.

Mr. VANDENBERG. Mr. President, if I may suggest one further inquiry, the Senator has at least been proceeding on the theory that tariff reprisals abroad are going to be dangerous. I am submitting to him the thought, if American capital demonstrates its willingness to go abroad, that there is thus provided an impulse to raise foreign tariffs greater than any other incentive that has ever existed, because if an increase in a foreign tariff can shut out the American motor car, and as a result induce the American motor-car manufacturer to go abroad with his factory, it seems to me there is a paramount incentive on the part of the foreign country to put up its rates and thus affect our export trade. The thought I am suggesting to the Senator is that, regardless of our tariff attitude, does he not agree that there is a serious menace and a hazard and danger to American labor and to American prosperity in the expansion of the existing system of the expatriation of American capital?

Mr. THOMAS of Oklahoma. Mr. President, we have been trying for a long time to expand our foreign trade. For example, in the Department of Commerce there is a bureau called the Bureau of Foreign and Domestic Commerce. To maintain that bureau costs our Government about $5,000,000 a year; it has agencies in all the principal countries of the earth; it has something like 600 trained men searching the earth, trying to find markets for the sale of American products, the products of American mines, the products of American factories, and likewise the products of the American farm. Off Pennsylvania Avenue, in Washington, there is now being constructed the largest office building in the world, a building covering something like two blocks, and to cost in the neighborhood of $15,000,000. For what is that building being constructed? In the main it is to house the department and its bureaus which seek to extend American markets, which seek to find a place where American manufacturers can sell more tractors, more motor cars, more radios, more flying machines, and more of the products produced in America.

Mr. President, our goods now go everywhere, and I give credit to the Department of Commerce for extending our trade throughout the world. One can not go any place without finding American goods. Not so long ago in Russia I saw in one warehouse in Moscow 10,000 bales of American cotton. I asked my guide, "Whence does this cotton come?" He replied, "From America." I asked, "What point in America?" He replied, "It is assembled at Houston, Tex., and shipped from Houston, direct to Moscow." Houston, Tex., is the concentration point for Texas and Oklahoma cotton. While I can not say that Oklahoma cotton was in that warehouse, yet I know it was. There were 10,000 bales of American cotton in Moscow.

Mr. President, go to any city, any trading point in the world, and you will see upon the shelves of the stores there goods made in America. If we are to continue the progress we have made, if our trade is to keep on expanding, as it should, in place of curtailing the markets for American manufactured goods they should be extended. I do not believe they can be extended by placing a higher tariff wall around the United States and making it harder for foreign goods to reach the United States. We can not sell abroad unless the nations across the sea can sell here; and if we raise our tariff wall so high that they can not get here, they can not even see our goods, much less purchase them.

Mr. President, the objections to this bill are, first, that it will add very large sums to the living cost of the people of the United States. No one can tell how much that increased cost is going to be, but it is estimated at a minimum of $1,000,000,000 per annum.

It is stated in many places that if the pending tariff bill shall become a law it will be a declaration of economic warfare against the other nations of the world. It remains to be seen whether or not the challenge will be accepted.

If this bill shall be enacted, it will further embitter our international trade relations; if this bill shall pass it will bring about additional reprisals. I said a moment ago that in Great Britain a party is now being formed to keep American goods out of that country. In South America five or six countries have formed a confederacy to oppose the American tariff bill and American tariff rates. We are aware of the proposal for a United States of Europe, the underlying thought back of which proposal is so to unify the countries of Europe that they may combat the high tariff rates proposed in this bill.

If this bill shall be passed, I predict, Mr. President, that it will bring about very soon a definite proposal for the cancellation of the ten and a half billion dollars of war debts that are now owing to this country. If foreign nations can not sell us their goods, they can not pay the interest on the debt which they owe us; if they can not sell us their goods, they can not pay back the principal, even in 62 years. If this bill shall pass, if it shall do what it is claimed it will do—raise the tariff wall and restrict our foreign trade—it will not be long before there will be a pronounced demand, not only abroad but here at home, that this $10,500,000,000 of funded debt now due the American Government shall be canceled. If that should happen, what is the next thing we may expect? Foreign nations will not be able to pay interest on the private loans made by American investors. They will not be able to pay dividends on the funds invested in factories; and, as a result, much of the money loaned to foreign nations and peoples will be lost and the debts repudiated.

Mr. President, if this bill passes, if it becomes a law, if it does what it is claimed it will do, and it is generally admitted that it will, I make the further prediction that before very long the United States will be proposing to have an international conference, not upon the limitation of armaments, but rather upon the limitation of tariff rates. We will be the aggressor. We will be the one asking for the conference, and not the foreign nations.

Mr. President, if this bill finally passes, and is approved by the President, it is going to cost many jobs in this country. It will cost many wage-earner's jobs. It will cost many jobs of people who now are conducting their own business. It will, in my judgment, cost many jobs of Members of the House of Representatives; and, in proportion, it will cost the same number of jobs here in the Senate of the United States. If the bill passes and is approved by the President, it will cost another job, and that job will be the Presidency of the United States.

We did not make this issue. It is here. We accept it. This bill should not pass. For more than 15 months a number in this body have sought to keep this bill from passing. At this time there is neither any substantial reason nor any justification for its passage. The bill is satisfactory to no one. Its provisions are condemned generally here at home. They are condemned universally abroad. Already the embarrassed sponsors of this bill are making apologies for its iniquities.

If the bill finally becomes a law, at that moment a new issue will arise in this country; and that issue will be a demand that

the bill be repealed, and that the tariff rates we now have be substantially reduced.

Mr. BROCK. Mr. President, while I appreciate the long-established custom and advisability of the Senate being a deliberative body and not passing over matters too hurriedly, on the other hand we must admit that we are living in a different age; the country as a whole is restless and expects things to be done; and I can understand the country wondering why the Senate does not more rapidly transact its business.

It has become necessary for the industrial world to do things differently; and I have noticed from observation and experience that the business whose plans and policies have not changed and are slow and deliberate are being run over, absorbed, or put out of business by those who are pursuing a more progressive course.

I sometimes wonder if we are not allowing ourselves to think too much along the lines of how the Senate has always proceeded, because we are prone to excuse ourselves for our procrastinations, being conscientious about it, and not realizing how conditions have changed.

Human nature is such that so long as we are willing to exercise this privilege and take all the time we want to take we are liable to go too far with that privilege.

We must admit that these are facts which apply to individuals in all walks of life—commercial, professional, or otherwise. Why should the Senate, the greatest lawmaking body in the world, be an exception to the rule?

Therefore the long delay in the enactment of this tariff bill has unquestionably affected business, and the country is justifiable in expecting something to be done with this bill without further delay. If any of you question this sentiment, go back home for a few days and be with your people.

Politics is just a name for a big business, just as coal means coal business, steel means steel business, and sugar means sugar business. Therefore politic business needs, just as any other big business, safe and unselfish leadership.

I have never had any personal political ambition, but for 20 years have been active in politics as a matter of conviction, believing it my duty.

America is like an individual in a small city who, upon becoming immensely wealthy, finds himself unpopular with his friends and neighbors; and, realizing this unpopularity, he grows indifferent and out of harmony with his community, and thereby becomes exceedingly unhappy himself.

America controls about 70 per cent of the world's gold. She is the creditor in enormous sums of many of the European countries, and desires to collect her money. Yet she is building up a tariff wall so prohibitive that other countries can not send their products to America, and thus are prevented from paying the debts they rightfully and admittedly owe.

It is only natural that they envy America; and, sensing this unpopularity among the nations of the world, America, too, may grow indifferent. This lack of harmony can not be conducive to our happiness and our welfare.

We have every reason to expect retaliation from other nations that may be so affected by our tariff policies.

Forty-two nations have already protested against our tariff bill, which Congress has devoted the last 14 months of its time to writing. These protests cover some 300 different commodities, and many of them were filed prior to September 5, 1929, as appears from the record of the hearings on the bill in volume 8. Subsequent to these hearings, as indicated by information given to the junior Senator from Oklahoma [Mr. THOMAS] by the State Department, these protests have continued to pile up in the State Department, and clearly reflect a condition which warrants our Government in going slowly when it comes to enacting legislation that will so seriously curtail our exports.

Other nations have already erected tariff barriers, and our exports are suffering.

In comparison with the same months a year ago, our export business has fallen off at the rate of nearly a billion dollars per year; and the difference between a country's satisfactory and unsatisfactory business is its export trade.

The duties collected last year, as given by the Commissioner of Customs, were approximately $604,900,000. The increase by this new tariff bill amounts to approximately $60,000,000 annually, meaning, I predict, a much greater decrease in export goods than the first three months of this year would indicate.

While I believe in reasonable and just protection, I am not in favor of a protective tariff which would be equivalent to an embargo and justification for retaliation by other countries.

We all realize the serious condition of business all over the country, and I am sure the Members of this body are bound to realize the grave responsibility which rests upon us. If there ever was a time when the country needed men with their feet on the ground and their shoulders to the wheel, with a heart's desire to do that which is best for the country, it is to-day.

The difference in the standards of living of this and other countries is too great. We must either lift others or they will pull us down. This can not be accomplished without less politics in business and more business in politics and with an attitude on the part of America that will lead other countries to feel that we believe in a live-and-let-live policy.

THE MERCHANT MARINE

The VICE PRESIDENT. Is there further debate on the conference report? If not, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928.

The VICE PRESIDENT. The pending amendment is that offered by the senior Senator from Tennessee [Mr. MCKELLAR].

Mr. MCNARY. Mr. President, I think it was on Friday that I made the request that this bill be temporarily laid aside to consider what is known as the canners' bill, upon the theory and assumption that probably there would be an agreement among the Senators from New York, Tennessee, and Louisiana. I am advised that they have practically reached an agreement on the amendment heretofore offered by the Senator from Tennessee. If that is true, I hope we may consider the amendment and dispose of the matter this afternoon and pass to something else.

Mr. MCKELLAR. I think we have substantially agreed upon an amendment. Do I understand the Senator from New York to say that he is satisfied with the amendment?

The VICE PRESIDENT. Let the amendment be stated.

The CHIEF CLERK. The Senator from Tennessee offers the following amendment:

On page 4, line 5, after the word "thereby," insert a colon and the following proviso: "*Provided*, That the Postmaster General shall not enter into any contract with any person, firm, corporation, or association which is, directly or indirectly, through any subsidiary, associated or affiliated person, firm, corporation, or association, or as a holding company or through stock ownership, or otherwise, operating, or controlling the operation of, any foreign-flag ships in competition with any American-flag ships, operating to or from any port in the United States: *Provided further*, That the United States Shipping Board, upon an affirmative vote of five members, spread upon the minutes of the board, declares that the policy and primary purposes declared in section 1 of the merchant marine act, 1928 (U. S. C., title 46, sec. 861) and public interest and necessity requires an exception being made in any particular case, and declares the reason for, the nature, extent, and conditions of such exception and certifies same in writing to the Postmaster General, in which event the Postmaster General may accordingly, in his discretion, award a contract in such case."

Mr. MCKELLAR. That represents the agreement as it was understood this morning, and I am perfectly willing to accept that.

Mr. RANSDELL. Mr. President, may I ask the Senator if it was not understood that this action was to be taken upon the affirmative vote of five of the members of the Shipping Board?

Mr. MCKELLAR. That has been placed in the amendment—five out of the seven.

Mr. President, there is just one suggestion that I should like to make to the Senator from Oregon [Mr. MCNARY]. The Senator knows that a motion has been made to reconsider the vote by which the resolution was passed providing for an investigation of the Shipping Board. Will the Senator undertake, on his side of the Chamber, to get a vote on that motion at the present session?

Mr. MCNARY. Mr. President, I am concerned particularly in the passage of the pending bill.

Mr. MCKELLAR. I can understand that.

Mr. MCNARY. The Senator from New York has made a motion to reconsider the vote.

Mr. MCKELLAR. But any Senator can bring it up, and I intend to bring it up at the very earliest possible moment, and all I want to know is whether I can count on the cooperation of the Senator in that respect.

Mr. MCNARY. If the bill can be brought to a vote, and some agreement can be had with regard to the amendment, I shall be glad to cooperate in getting a vote as soon as possible, because I believe there should be opportunity for the discussion of all motions and for a vote.

Mr. MCKELLAR. With that assurance, Mr. President, the amendment is satisfactory to me.

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

Mr. VANDENBERG. Mr. President, I would like to ask the Senator from Tennessee a question before he takes his seat in order to see if I understand the amendment.

Mr. McKELLAR. Very well.

Mr. VANDENBERG. Let us say, for instance, that the United Fruit Co., with a mixed fleet, is a bidder for a contract, and the Shipping Board, by a vote of five out of seven, for good and sufficient reasons, which it makes public, concludes that the contract should be let to that company, in spite of the preamble in the Senator's amendment.

Mr. McKELLAR. No; not the preamble, but in spite of the provision which prohibits the Postmaster General from letting a contract for reasons such as are stated in this amendment.

Mr. VANDENBERG. Then the contract could be let to this company?

Mr. McKELLAR. It could be let under those circumstances.

Mr. VANDENBERG. And the limitation is not still left in the amendment?

Mr. McKELLAR. No; it is out of the amendment.

Mr. COPELAND. Mr. President, I want to call the attention of my friend, the Senator from Michigan, to the fact, however, that I want inserted in this modified amendment, in line 7, the words "operating under a mail contract."

Mr. McKELLAR. Mr. President, that would absolutely annul the amendment, and I am not willing to agree to it, if the Senator is not willing to accept the amendment already agreed upon.

Mr. COPELAND. I do not want the Senator to say that it has already been agreed upon. I have not agreed to anything, so far as I am concerned, except to give consideration to any proposal which had in it reason and common sense.

The amendment proposed by the Senator from Tennessee would prohibit any American-owned line which operated a foreign-flag ship from submitting a bid for a mail contract. It would be foreclosed from doing so, while the suggested change which I have proposed would accomplish everything the Senator from Tennessee wishes to accomplish, when there was a line in competition with a ship already carrying the mail. Why should the Senator from Tennessee be disturbed about the attempt of an American-owned line, operating an American ship, submitting a bid to carry the mail, if there were no other American line carrying mail, or in competition with the line attempting to get the contract?

I do not suppose the significance of this proposal of the Senator from Tennessee is clear to the Senate. Let me give an example; and this is founded upon an actual experience.

An American-owned line, 100 per cent American in its ownership and 100 per cent American in its vessels, had occasion to carry oil for one of its customers from the United States abroad. It had no oil ship but naturally wanted to please its customers, to maintain the good will of the customers, so it chartered a Norwegian ship to carry that cargo of oil, and by reason of the transaction the American line lost $15,000, but preferred to lose that amount of money rather than lose a customer.

If that line having operated the foreign ship, applied for a mail contract, it could not get it. That is destructive of the highest interests of the American merchant marine. It could get it if it got a certificate of necessity from the Shipping Board, but if it developed that a line having a single foreign ship were in competition with any other American line, it could not get it, even under the exception.

I want to have included the statement that it is an American line operating a mail route, this American-owned line having one or two foreign ships, and that is the reason why I object to this amendment. I hope the Senator from Louisiana sees exactly what I am driving at.

Mr. BLAINE. Mr. President, would the Senator yield to me to suggest the absence of a quorum?

Mr. COPELAND. I would not have the Senator do that. It is very kind of the Senator, but my object is to convince the Senator from Tennessee.

Mr. McKELLAR. Mr. President, my mind is made up. I have yielded the last time. We will let the matter take its course. A gentleman came from the Senator's office this morning with a proposed agreement, which I accepted. He said the Senator had accepted it. If the Senator is not willing to do what the agreement suggested, I do not care.

Mr. COPELAND. So far as I am concerned, I do not care, either; so there is no trouble about that.

This is what is proposed:

> That the Postmaster General shall not enter into any contract with any person, firm, corporation, or association which is, directly or indirectly, through any subsidiary, associated or affiliated person, firm, corporation, or association, or as a holding company or through stock ownership, or otherwise, operating, or controlling the operation of, any foreign-flag ships in competition with any American-flag ships.

That is what the Senator proposes. What difference does it make if it is not in competition with an American-flag ship carrying the mail, because the White bill is a bill which relates to the carrying of the mail? But this proposal of the Senator from Tennessee makes it utterly impossible for an American-owned line, which charters a single foreign vessel to amplify its activities, to get a mail contract.

I am perfectly willing to make it impossible for an American line operating a single foreign ship, to get a contract for carrying the mail where there is a competing American line, provided that American line is carrying the mail.

If the Senator from Tennessee will accept that very simple modification, I will accept it, and I will do that in the face of the telegram I hold in my hand, which I received 10 minutes ago. I would like to have those who are interested in the debate hear the telegram. This is from the American Steamship Owners' Association, which represents all the great shipping lines of this country every one of them. It is dated New York, at 12.54 to-day, practically 1 o'clock:

> This association stands unalterably opposed to the McKellar amendment, either in its present form or in a modified form, to the White preference bill. Its effect will be much more far-reaching than the discussions on the floor have thus far indicated, and it should be considered of and by itself at a time when there can be ample opportunity to present in full the effect it will have upon the development of the Americant merchant marine. It is not in any way a proper amendment to the bill in question, and we hope you will not favor it.

That is pretty plain talk from the owners of the American merchant marine, the gentlemen who are investing their money in an attempt to build up in this country an effective American merchant marine. They say, "We are unalterably opposed to it." There is no sense in the legislation anyhow, because it was a live issue when Judge DAVIS introduced the original Davis bill, of which this amendment is simply a modification.

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

Mr. COPELAND. I yield.

Mr. McKELLAR. The Senator knows Mr. Brent, of New Orleans?

Mr. COPELAND. Yes.

Mr. McKELLAR. Did Mr. Brent call on the Senator this morning?

Mr. COPELAND. He did.

Mr. McKELLAR. Did the Senator agree upon a modified amendment and hand it over to Mr. Brent this morning?

Mr. COPELAND. The Senator need call no witnesses.

Mr. McKELLAR. This matter is mixed up in my mind. Mr. Brent came to my office with a copy of my amendment interlined in the Senator's own handwriting, with the last proviso stricken out, without those words the Senator now desires to have put in, and Mr. Brent told me that with those alterations the amendment was entirely satisfactory to the Senator from New York, the Senator from Louisiana, and the Senator from Michigan. I told him that was all right; I thought the matter was settled, and when I spoke to the Senator about it to-day, I understood it was settled. Apparently, since that time the Senator has come to the conclusion that it ought to be changed.

Mr. COPELAND. Now, Mr. President, I will call a witness. Did the Senator from Tennessee say to me that he would not accept this amendment unless I coupled with it a consent to pass the resolution providing for an investigation of the Shipping Board?

Mr. McKELLAR. Oh, no; there was no question about it. I told the Senator he could do either one of two things, either agree to a vote on the motion to reconsider, or the other, and the Senator said he would have to make a speech. I told him that was all right. I thereupon went to the Senator from Oregon, and he said he thought there ought to be a vote, and so I accepted the amendment. It had never been withdrawn, and the Senator sent it to my office. That is the situation. Mr. Brent should not have brought it to me with those statements from the Senator unless they had been so.

Mr. COPELAND. Mr. Brent did his entire duty. He had every reason to believe that these modifications would be satisfactory to me.

Mr. McKELLAR. The modification upon which the Senator now insists was not in the copy which Mr. Brent presented to me.

Mr. COPELAND. It was not; but it is in the copy which I have before me, and I do insist upon it. Having the investigation committee appointed by the House and one ordered by

the President, the Senator is now unwilling to wait for a third investigation until some later time.

Mr. McKELLAR. Indeed, I am not going to await another one, but I am going to insist that at the very first moment we dispose of the Senator's dilatory motion to reconsider. I have no doubt in the world that the Senate is going to vote down the Senator's motion, because I think there is no one opposed to the investigation of the Shipping Board except the Senator from New York. As a matter of fact, practically every Senator to whom I have spoken has assured me that he is in favor of it. It passed the Senate unanimously at one time. I think the Senator from New York was present when it passed. All Senators assure me they are in favor of it. The Shipping Board say they are in favor of it. The shipping interests are in favor of it. I think under those circumstances we will probably have an investigation.

Mr. COPELAND. Just for the sake of the record, and in order that we may have it straight, let me say this further. I am sorry to bore the Senate by any discussion of the matter. The reason why I declined to yield for a quorum call is I do not want to bore any more Senators than necessary. But, as a matter of fact, the Senator from Tennessee knew perfectly well of my opposition and other opposition in the Committee on Commerce to the investigation. In my absence from the Senate the resolution went through just like other matters often do. When I returned I asked that the matter might be reconsidered and placed on the calendar in order that we might have some discussion of it. The Senator from Tennessee objected, and under the rule of the Senate I entered my motion to reconsider. But there is no use quarreling like children over these things. The debate must be upon a higher plane.

Mr. President, we have an American merchant marine for almost the first time in our modern history and are actually building ships, $150,000,000 worth of ships.

I digress to apologize to the patient, considerate leader of the program on the other side of the Chamber, the Senator from Oregon [Mr. McNARY]. It is a shame to take any of the precious time of the Senate at this late day in the session to give consideration to this question. I know that to-morrow the tariff conference report will be here for further consideration. I hesitate to take any time or to have any part in a filibuster against the White bill.

The White bill ought to pass. That is the bill which came from the House and after consideration by the Commerce Committee was reported to the Senate by the able Senator from Louisiana [Mr. RANSDELL]. It is a matter of vital importance to our country that the bill should pass. There are complications and contradictions in the Jones-White Act as regards the letting of mail contracts to steamship lines. As a result of the failure clearly to distinguish between steamship lines it has seemed wise to the Postmaster General and to all interested persons to modify the Jones-White Act, and that is what the White-Ransdell bill is that we have before us. It ought to pass because there has been built up by the enterprise of the citizens of New Orleans a strong shipping company. They have taken over certain ships from the Shipping Board. They are preparing to operate a successful line out of the Gulf, a locally owned line, to serve New Orleans, Galveston, and the other Gulf ports to South America.

If the White bill is not passed there is nothing in the world for the Postmaster General to do—and he has stated that the only thing he can do and the thing he will do—but to let the mail contract to the Munson Line. That is a line which is owned in my city. I am interested in it because it is a local concern. I asked permission of the Senate and did occupy two or three hours of time to point out how the Munson Line has been imposed upon. But having done that I said that the Munson Line people had authorized me to say that so far as they are concerned they are glad and cheerfully consent to the passage of the White bill in order that the Mississippi Line may have this contract, as the Mississippi Line should have it.

That is one thing. On top of it the Senator from Tennessee proposes an amendment which has no more relation to the matter than the moon has to a gold mine in Alaska, and is insisting upon its adoption. I offered during the past week various modifications and finally, with the addition of five words to the amendment as modified by the Senator from Tennessee, I am willing to consent to the adoption of the amendment, even though it has no relation to the bill. But it having been pointed out to me by great steamship owners of the United States, the people who are running all of these lines from all our ports to every part of the world, that it is a pernicious and dangerous amendment in any event, as they put it; nevertheless so far as I am concerned, with the addition of the five words referred to, I am willing to consent, so far as my consent has any bearing upon the case, to the adoption of the amendment. I appeal to my friend from Tennessee in the interest of the Mississippi Steamship Line, of the port of New Orleans, of the Mississippi Valley, to make this, as he considers it, great concession in order that the matter may be disposed of and put behind us.

If the amendment should prevail as modified by the Senator from Tennessee and not as I have suggested, then what would happen? Any American steamship line operating a foreign vessel—and that would mean the United Fruit Line, the International Mercantile Marine, the McCormick Line, the Grace Line, and the Barbour Line operating the West African Coast Line—can not have a mail contract until they have presented the matter to the Shipping Board and obtained the consent of five members of that board. As I understand it they can not have it at all if the line is in competition in any sense with an American line—any American line; not only an American line carrying mail but any American line. The very fact that it is in competition with another American line would impose upon the Government the obligation not to grant any mail contract to it. That is perfectly absurd and destructive of the development of the American merchant marine.

Reference has been made to the United Fruit Co. The United Fruit Co. owns 39 ships. Twenty-five of those are American ships, 3 are Honduran, 6 Panaman, and 5 British. It owns 39 vessels, 25 of which are American-flag vessels. The American-flag vessels represent 115,000 gross tons of a total tonnage of 163,000. Could it have a mail contract? It could not. It has agreed and entered into a contract to construct a total of eight ships aggregating 48,000 gross tons at an estimated cost of approximately $28,000,000; but it could not have a mail contract because in its effort to maintain friendly relations with Honduras, Panama, and other points in the Caribbean, it has made use of some of the ships of the countries involved to a very minor degree; but because of the fact that those boats are owned by them and sail under a foreign flag they can not have a mail contract with the Postmaster General of the United States.

The owners of the United Fruit Co., who have charge of certain ships, often carry sugar or other cargoes between some point in Central or South America and Cuba; but because in the efforts of the line to establish permanent relation with those various countries they fly their flag, the line is to be shut off from the possibility of having a mail contract with the Postmaster General of the United States.

These vessels are serving British and Canadian territories and Cuba. They serve as an outlet to some of the old sea personnel, some of those persons who have long been in the employ of the United Fruit Line but are not able to qualify as American citizens under existing law. I have known some persons in New York to put on revivals of old-time shows in order that some of the old-time actors might be given employment to maintain their self-respect and earn some money. In that same spirit the United Fruit Line has maintained many of its ships in order that old seamen who can not qualify under the La Follette Act might be retained until they passed away.

Then occasionally, Mr. President, in the past, when there has been a seasonal peak, when there has been an extraordinary crop of bananas or pineapples or some other southern fruit, in order that the producing countries to the south might dispose of their crops and market them, the owners of this line have chartered ships and have enabled the planters in South and Central America to market their products. So, because there were not available American ships of the desired size or speed, from time to time the American Fruit Line has chartered foreign ships.

This company has associates who are operating a large fleet of foreign-flag ships between the United Kingdom and the Continent and the West Indies and Central America. Mr. President, in the course of their regular business these ships do not touch United States ports at all; they have not anything to do with our country; yet since they are operated by the American company, if the amendment of the Senator from Tennessee shall be adopted, they can not have any mail contracts. The particular fleet of which I speak, which is engaged between the United Kingdom and the Continent and the West Indies and Central America, consists of 35 ships of a gross registered tonnage of 184,000 tons, all the time operated by an American company interested in the prosperity of America, cultivating the export trade from our country, and building up good will all over the world.

The Senator from Oklahoma [Mr. THOMAS] a little while ago referred to what he feared might be the effect of the pending tariff bill upon the destruction of good will. Without going into that phase of the question at all, I desire to say that here is a concern which for a generation has sought to build up good will between the United States and the other countries which

are touched by its vessels. Are we going to make it possible for the United Fruit Co., this great concern which is now building $28,000,000 worth of new ships, to be put out of the running when it comes to mail contracts? Mr. President, so far as I am concerned, I am not going to vote to impose any such unnecessary burden upon this particular company or upon any other company which is engaged in the legitimate transportation of goods to and from the United States. The modern attitude toward water transportation is a very suggestive thing.

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

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

Mr. COPELAND. I yield.

Mr. McNARY. It is very doubtful unless action shall be had on the pending bill to-day that we shall be able to reach it again during the present session of Congress. I think the Senator from New York will agree that the Shipping Board and the Postmaster General are very anxious that the bill be enacted. Is the Senator from New York willing to have a vote taken on the proposal offered by the Senator from Tennessee [Mr. McKELLAR] and then, if that amendment shall be voted in or out, to dispose of other amendments and finally the bill itself this afternoon?

Mr. COPELAND. I am willing to do this: I am willing for a vote to be taken upon the McKellar amendment; but, in case that amendment should carry, I should feel under obligations to discuss the matter further.

Mr. McNARY. For a few minutes, I assume?

Mr. COPELAND. At least for a few minutes.

Mr. McNARY. I think that would be making progress. I do not want to suggest to the Senator from New York that he shall discontinue his very interesting discussion; but if he would, in a very few minutes, afford the Senate an opportunity to vote upon the amendment, I know we should all be very much pleased at the Senator's action.

Mr. COPELAND. My highest desire is to please. What would be the Senator's plan—to call for a quorum?

Mr. McNARY. Does the Senator desire a quorum? Does he desire a roll call?

Mr. COPELAND. I think it would be cruel at this time of the day to call a quorum.

Mr. McNARY. Mr. President——

Mr. COPELAND. Just one moment. Let it be understood that the American steamship companies, the owners of all the steamship lines, are in bitter opposition to this amendment—I want that understood—and it is because of their opposition, and their experience, and their knowledge, that I am willing to make a martyr of myself here and to stand out against this pending proposal. With that statement, if the Senator intends to ask for a vote now, I shall subside.

Mr. McNARY. Mr. President, I desire to ask the Senator from Tennessee, will the proposal last made be the one considered or will it be the one which was offered some time ago?

Mr. McKELLAR. The vote, I think, would come upon the amendment I have just offered; the amendment which I understood this morning was entirely satisfactory to everybody.

Mr. McNARY. That is, without the language proposed by the Senator from New York?

Mr. McKELLAR. Without the language proposed by the Senator from New York; omitting the five words which he has interlined.

Mr. McNARY. Does the Senator from New York desire a roll call?

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator from New York a question?

Mr. McNARY. Just a moment; I desire to know if the Senator from New York wants a roll call?

Mr. WALSH of Massachusetts. I want to inquire about that. I assume if there should be a roll call the Senator from New York and the Senator from Tennessee would feel obliged for the benefit of absent Senators to explain the amendment?

Mr. COPELAND. I should feel under obligations to do so.

Mr. WALSH of Massachusetts. So nothing would be accomplished, especially if it is desired to have an executive session.

Mr. ASHURST. I am sure that there is a general desire for an executive session, and if we have a roll call it will develop the absence of a quorum, and, in that event, we could not accomplish what is desired in connection with the pending bill; and we would also lose the opportunity of having an executive session this afternoon. So why can not we reach an agreement to vote some time to-morrow—say, at 12.30 o'clock p. m.?

Mr. McNARY. Mr. President, pending the discussion, I am going to make a request for unanimous consent, that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

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

Mr. WALSH of Massachusetts. Mr. President, I want to suggest to the Senator from Oregon, in view of the statement of the Senator from New York, that, after a roll call and Senators now absent shall have come into the Chamber, he would feel obliged to resume his discussion of this amendment, that we can not even dispose of that question to-night.

Mr. McNARY. It was the intention—and it was so stated—to hold an executive session later in the afternoon, but I should like very much to dispose of the pending amendment and the bill this afternoon. It is an important measure. I do not want to repeat, but if not disposed of to-day, I doubt very much that the Senate will ever give time to recur to its consideration during the present session. So far as I am concerned, I want to do all I can to bring it to a vote now. If there is some Senator who does not want it to come to a vote, he may assume the responsibility.

Mr. McKELLAR. Mr. President, I merely wish to say that, notwithstanding I think there was an agreement about the amendment, as I have said, I am perfectly willing to vote right now, and I am perfectly willing to vote with the Senators present. I do not want to stand in the way of a final disposition of the measure.

Mr. RANSDELL. Mr. President——

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

Mr. McNARY. I yield.

Mr. RANSDELL. Mr. President, I have had very little to say about the pending bill, although my name has been mentioned a number of times, and although a great shipping company with headquarters in my State is more vitally interested in the proposed legislation just now than is any other individual or organization. I should like to say just a few words to remind the Senate that the Shipping Board has sold a great many vessels and many lines of vessels to a number of different operators. It has proceeded in the very best of faith, in my judgment. Some 20 lines have been sold, and in every instance, except that relating to the Mississippi Shipping Co., with headquarters in New Orleans, mail contracts, called subsidies by some Senators, have been awarded to the purchasers of those lines. Nineteen such mail contracts have been awarded, and I doubt if the present owners would have purchased those lines if they had not believed mail contracts would be awarded them.

When the 12 ships purchased by the Mississippi Shipping Co. were sold, that company was required to pay a great deal more for the ships than other companies paid for similar ships. When the line was advertised the Mississippi Co. bid for the 12 ships, which it had been operating as agent between New Orleans and the eastern coast of South America, $12 a ton.

The Munson Line, out of New York, which had purchased and was operating a line of ships from New York to the eastern coast of South America, which enjoyed a mail contract of $1,250,000 a year to help it operate its former Government-owned ships, and which is going ahead and operating the ships it bought from the Government under the $1,250,000-a-year mail contract without any obligation whatsoever to build new ships, intervened and bid $28 per ton for the 12 ships which had been operated by the Mississippi Shipping Co., and for which it was bidding $12 a ton, following the example set in many instances by other lines. I can not give the exact amount that had been bid by other companies, but the ship lines were being sold for about $12 per ton.

The Munson Co. having bought ships very cheap, and having received this substantial Government aid of $1,250,000-a-year mail contract, stepped in and said, "We are not satisfied with doing the business from New York to Brazil and Rio de Janeiro, but we are going to do it from New Orleans also, and we will bid such a high figure that the Mississippi Shipping Co. will not be able to meet us." The Shipping Board, exercising the discretion vested in it, said to the Mississippi Shipping Co., "Go a little bit better than $28 per ton, and we will sell you the ships"; and though no absolute statement to that effect was made, this company was led to believe that it would get a contract of $560,000 a year to carry the mail between New Orleans and those ports on the east coast of South America.

The Postmaster General, in making his estimate for the business for this year, had said it was expected that this line was to get this contract of $560,000 a year, and a statement was made giving the names of the other lines that were to get similar contracts. Hence, my friends of the Mississippi Shipping Co., in the best of faith, made a deal with the Shipping Board. They paid something over $28 per ton. They were obliged to pay in cash 25 per cent—about $700,000. They were

obliged to give bonds and securities for the balance of the payments.

When the bids were first advertised for the mail, they bid $2.50 a ton. The Munson Line—an American line, but owning some foreign ships—bid $2 per ton. It was not satisfied with its own big contract of $1,250,000 a year from New York to that coast, but it tried to take away from the Mississippi Shipping Co. this other contract which belonged to it morally.

The Postmaster General, acting under the advice of his legal department, held that he was obliged to let the contract to the lowest bidder. Consequently, he could not give the contract to the Mississippi Shipping Co.; and the matter has been held up ever since. Mr. Brown has been trying to have the law amended, knowing that the spirit of the law was to let the contract to the Mississippi Shipping Co.

Mr. President, the Mississippi Shipping Co. was organized in 1920 by citizens of New Orleans, St. Louis, and Chicago.

It was made agent for the Shipping Board in the operation of a line between Gulf ports and the east coast of South America. This is the first line which ever operated a regular service from New Orleans to Brazilian and Argentine ports and return. Its service, both north and south bound, has become very valuable to the whole Mississippi Valley.

In 1928 the Shipping Board advertised this line for sale, requiring the purchase of 12 ships, with a guaranty of 36 round voyages per year for five years.

The Mississippi Shipping Co. bid $12 per deadweight ton for the ships, the highest price ever paid before for ships of this class.

The Munson Steamship Co. had previously bought the Shipping Board passenger line of new ships operating between New York and these same ports, and are receiving a mail contract of $1,250,000 per year, without any obligation to invest any portion of this money in new ships.

The Munson Line had operated an irregular service out of the Gulf, southbound only, with chartered foreign ships. It desired a monopoly of the east coast South American trade to both Atlantic and Gulf ports, so it bid $28 per ton for the Gulf line.

Under the provision (sec. 7 of the shipping act, 1920) permitting the giving of preference in these sales to "companies having the support financially and otherwise of the local communities," the Mississippi Shipping Co. was invited to slightly better the Munson bid, and the line was sold to it.

In order to insure retention of the control at the Gulf, the Shipping Board in the contract of sale required the Mississippi Shipping Co. to accept most extraordinary terms:

(a) A controlling interest in the company can not be sold to others without the consent of the Shipping Board.

(b) Its officers and directors must be approved by the Shipping Board.

Previous to the sale of the line, at the request of the Shipping Board, the Postmaster General certified this line as an essential route for the carriage of the United States mail.

The Director of the Budget included in the Budget for 1930 $560,000 for the mail pay of this line, and the Post Office Department testified to the Appropriations Committees of the House and Senate that this was to cover a contract to be executed with the purchasers of the line; and Congress made the appropriation.

After the Mississippi Shipping Co. had bought the line, the Postmaster General advertised, under section 407, merchant marine act, 1928, for the carrying of the mail on this route. When the bids were opened the Mississippi Shipping Co. bid $2.50 per mile, the amount authorized by law for ships of this class, and in accordance with the appropriation. Munson bid $2 per mile, after offering the Mississippi Shipping Co. the alternative of selling him a half interest in the line, or underbidding them on the contract.

In 1929 the White bill (H. R. 9592) was passed by the House for the purpose of assuring the mail pay to those companies who purchase these Shipping Board lines and obligate themselves to continue the operation of the lines for a period of years.

After its passage the Postmaster General threw out all former bids and again advertised for the carriage of the mail on this route. Mississippi again bid $2.50, and Munson, without any obligation to operate any round voyages to and from the Gulf, bid $1.74 per mile.

The Postmaster General claims he has no option but to award the contract to the lowest bidder, which is Munson. He has held up the actual award until the Senate acts on the White amendment.

He states that if the bill is defeated or fails of passage he will have to award the contract to Munson.

This means utter ruin to the Mississippi Shipping Co., who bought the ships in good faith on the faith of the award of this contract.

Twenty shipping lines have been sold by the United States Shipping Board to private operators, and in every instance except that of the Mississippi Shipping Co. mail contracts have been awarded.

Senators, I want to say to you that if we do not pass the bill, and if this contract is not awarded to the Mississippi Shipping Co., one of the greatest pieces of injustice ever wrought in this country will be the result. My constituents will be ruined. They have paid their money—nearly $700,000—in good faith. They have paid it in the belief that they were going to get this contract. It would be cruel in the extreme not to pass this bill and permit them to get it.

I appeal to every Senator within the sound of my voice to assist in getting the bill passed. We have had enough debate on it. These are the plain, simple facts in the case. In heaven's name, Senators, let us vote! Let us quit talking, and vote on this measure.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Tennessee [Mr. McKELLAR], as modified.

The amendment, as modified, was agreed to.

The VICE PRESIDENT. The bill is still open to amendment.

Mr. COPELAND. Mr. President, it is an amazing thing that in the haste of closing a session, and in the absence of any considerable number of Senators, so grievous an error as the adoption of this amendment could be perpetrated upon the country.

We have tried for many years to build up in the United States an efficient and effective merchant marine.

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

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

Mr. COPELAND. I yield.

Mr. McNARY. The Senate having adopted the modified McKellar amendment, will the Senator from New York agree to vote upon the passage of the bill on Thursday at 1 o'clock? By that method we may have opportunity to discuss the matter if there should be an interruption of debate concerning the conference report on the tariff bill.

Mr. COPELAND. Mr. President, I regret that in order to have the proposal made by the Senator from Oregon carried into effect, we should have to have a quorum called. It would be unfortunate to have that, would it not?

Mr. McNARY. I do not desire to suggest the absence of a quorum. Will the Senator from New York look sympathetically upon such a movement to-morrow, after the roll call, if I should again propound the proposal?

Mr. COPELAND. The Senator from New York looks sympathetically upon it, because this is not my battle. This is the battle of the administration. I am amazed to think that a Senate made up largely of Republicans should have voted against the desire of the administration with reference to this particular amendment; so I regret that I have to be in the position of defending the administration.

If any reasonable effort on my part can prevent the enactment into law of this monstrous proposal, I do not intend to have that calamity happen. So, frankly, I will say to my friend from Oregon—and nobody loves him more than I do, and nobody is more appreciative of the efforts he makes to keep a steady flow of legislation here—that I shall do what I can, in a proper way, to defeat the passage of this bill. I presume it will be passed after a while; but everybody is going to know that I did all I could to keep it from passing.

Mr. McNARY. I think, if I may make a suggestion, that the Senator will have that opportunity if we might come to an agreement for a final vote, say, at 2 o'clock on Thursday. I am not asking the Senator to enter into an agreement to that effect at this time, because that would require a quorum, and there might be some difficulty in developing a quorum to-night; but if I should propose such a unanimous-consent agreement to-morrow, may I have the hope, if not the assurance, that the Senator will agree to it?

Mr. COPELAND. The Senator always has the hope.

EXECUTIVE SESSION

Mr. McNARY. Mr. President, I am willing to take a chance, because I know the fairness of the Senator from New York; and I move that the Senate proceed to the consideration of executive business.

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

Mr. COPELAND. I do.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business in open session.

UNITED STATES CIVIL SERVICE COMMISSION

Mr. DALE. From the Committee on the Civil Service, I report back favorably the nomination of Thomas E. Campbell, of Arizona, to be a member of the United States Civil Service Commission, vice William C. Deming, resigned.

Mr. ASHURST. Mr. President, I ask unanimous consent for the present consideration of this nomination.

Mr. McKELLAR. As I understand, both the Senator and his colleague, the junior Senator from Arizona [Mr. HAYDEN], are entirely favorable to this nomination?

Mr. ASHURST. Very much so.

Mr. McKELLAR. I take pleasure in not objecting.

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

REPORT OF A JUDICIAL NOMINATION

Mr. STEIWER, from the Committee on the Judiciary, reported favorably the nomination of Raymond U. Smith, of New Hampshire, to be United States attorney, district of New Hampshire, which was placed on the Executive Calendar.

Are there further reports of committees? If not, the calendar is in order.

THE JUDICIARY

Mr. McKELLAR. Mr. President, I understand that there are two nominations of citizens of Arkansas that Senators ROBINSON and CARAWAY both desire to have confirmed. They have been delayed for a day or two. I ask unanimous consent that the two nominations be confirmed.

The VICE PRESIDENT. Let them be stated.

The Chief Clerk announced the nomination of George L. Mallory, of Arkansas, to be United States marshal, eastern district of Arkansas (now serving under an appointment expiring June 15, 1930).

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

The Chief Clerk announced the nomination of Wallace Townsend, of Arkansas, to be United States attorney, eastern district of Arkansas, vice Charles F. Cole, term expired.

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

The calendar is in order.

TREATIES

The Chief Clerk proceeded to announce sundry treaties.

The VICE PRESIDENT. The treaties will be passed over.

POSTMASTERS

The Chief Clerk proceeded to announce the nominations of sundry postmasters.

Mr. PHIPPS. I ask unanimous consent that the postmasters be confirmed en bloc, and the President notified.

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

APPOINTMENT IN THE ARMY

The Chief Clerk announced the nomination of Col. William Harvey Tschappat to be Assistant to the Chief of Ordnance, with rank of brigadier general, vice Brig. Gen. Samuel Hof.

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

EXECUTIVE MESSAGES REFERRED

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

RECESS

Mr. McNARY. As in legislative session, I move that the Senate carry out the unanimous-consent agreement and recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Tuesday, June 10, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 9, 1930

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

David E. Kaufman, of Pennsylvania, to be envoy extraordinary and minister plenipotentiary of the United States of America to Siam.

MEMBER OF THE UNITED STATES CIVIL SERVICE COMMISSION

Thomas E. Campbell, of Arizona, to be a member of the United States Civil Service Commission, vice William C. Deming, resigned.

PROMOTION IN THE NAVY

Capt. Charles H. Harlow, United States Navy, retired, to be a commodore on the retired list of the Navy from the 29th day of May, 1930, in accordance with a provision contained in an act of Congress approved on that date.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 9, 1930

MEMBER OF THE UNITED STATES CIVIL SERVICE COMMISSION

Thomas E. Campbell.

UNITED STATES ATTORNEY

Wallace Townsend, eastern district of Arkansas.

UNITED STATES MARSHAL

George L. Mallory, eastern district of Arkansas.

APPOINTMENT IN THE ARMY

Col. William Harvey Tschappat to be assistant to the Chief of Ordnance, with rank of brigadier general.

POSTMASTERS

ARKANSAS

Roy L. Goad, Cabot.

FLORIDA

Arthur W. Lawrence, Clewiston.
Ethel P. Summitt, Shamrock.

ILLINOIS

Hoyt B. Kerr, Brookport.
Victor F. Boltenstern, Cambridge.
Clyde S. Coyle, Hurst.
Ora C. Baiar, Johnston City.
Howard J. Bailey, Princeton.
Howard W. Ruedger, Thawville.

KANSAS

Harry R. Markham, Alton.
William A. Tihen, Harper.

MISSISSIPPI

Roy F. Bonds, Booneville.
Ray A. Whelan, Indianola.
Della A. Myers, Newhebron.

NEW YORK

George A. Hardy, Philadelphia.
James F. Cooper, Stanley.

NORTH CAROLINA

John E. Rickman, Franklin.
Walter D. Warren, Sylva.

WEST VIRGINIA

Archie N. Cook, Cameron.

HOUSE OF REPRESENTATIVES

MONDAY, *June 9, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, we praise Thee for these sacred silences in which we may sound our own hearts and where Thou art assuredly found. May we take all we can from this place and turn it to account in living a life that has definite value. O light of life, a star from the everlasting flame, shine upon our path. Let the thought of Thy mercy be with us to-day, guiding us as the star guides the sailor. Bless us all with the riches of wisdom, peace, and friendship until we commune with Thee in the garden at twilight. Do Thou keep our Republic a pure and undefiled democracy, in which every man, woman, and child shall have the utmost liberty consistent with the liberty of others. In the Father's name. Amen.

The Journal of the proceedings of Friday, June 6, 1930, was read and approved.

RAILROAD CONSOLIDATIONS

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of railroad consolidations.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks on the subject of railroad consolidations. Is there objection?

There was no objection.

Mr. ANDRESEN. Mr. Speaker, I arise at this time to call the attention of the House to the Couzens-Knutson resolution, which recently passed the Senate and which now lies in the House Committee on Interstate and Foreign Commerce. The resolution provides for the suspension of the powers of the Interstate Commerce Commission to permit railroad consolidations until such time as Congress shall have had full opportunity to make its investigation as to the feasibility of the proposals made by the various railroad companies.

For several months the Minnesota delegation in the House has been active in bringing about an organized effort for the passage of the Couzens-Knutson resolution. A member of the delegation appeared before the Senate committee in behalf of the entire 10 Members and presented an exhaustive and complete brief in support of the resolution. Our delegation brought about the organized effort on the part of the Middle West and Western States represented in the House to join with labor, agricultural, and business groups in opposition to proposed consolidations and in support of the resolution.

Representatives of the railroad brotherhoods and of small business groups have cooperated whole-heartedly with the delegation in an effort to secure action on the resolution opposing railroad consolidations. The State of Minnesota has placed its attorney general and its railroad and warehouse commission in readiness to act for the protection of the people of the State of Minnesota.

The House should pass the Couzens-Knutson resolution before adjournment of Congress, and the Interstate and Foreign Commerce Committee should therefore authorize immediate hearings and report the resolution to the House for action. It is true that the time is probably short, but we demand action now and feel that this matter is an emergency of such importance to the people that prompt action can be had.

On June 6, 1930, after a personal conference with Chairman PARKER, of the committee, the 10 members of the Minnesota delegation in the House submitted the following demand for a hearing on the resolution:

JUNE 6, 1930.

Hon. JAMES S. PARKER,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. CHAIRMAN: The undersigned Members of the Minnesota delegation wish to urge upon you the desirability of holding hearings on the Couzens-Knutson resolution to suspend the powers of the Interstate Commerce Commission to permit railroad consolidations until such a time as Congress shall have had an opportunity to investigate the subject more fully.

While we realize that the time is drawing short, we feel that you should at least begin holding hearings before the adjournment of Congress so as to serve notice upon the Interstate Commerce Commission that the matter is receiving the earnest attention of Congress and that no further action should be taken by the commission until Congress shall have had an opportunity to conclude its study of this very important subject.

Very truly yours,

HAROLD KNUTSON, *Chairman.*	GODFREY G. GOODWIN.
CONRAD G. SELVIG.	WILLIAM A. PITTENGER.
AUGUST H. ANDRESEN.	FRANK CLAGUE.
VICTOR CHRISTGAU.	W. I. NOLAN.
MELVIN J. MAAS.	PAUL J. KVALE.

Every pressure should be brought upon Mr. PARKER and the members of the Committee on Interstate and Foreign Commerce to hold hearings at once. The leadership of the House and the administration owe a duty to the people, and should insist on action before adjournment.

At the present time I am particularly opposed to the proposed consolidation of the Great Northern and Northern Pacific. Rumors are in the air to the effect that secret negotiations are taking place for a consolidation as soon as Congress adjourns. It is, therefore, highly important that Congress act promptly on the merger matter in order to protect the interests of the people.

If the Interstate Commerce Commission approves the merger of the two Northern Railroads, thousands of laboring men will be thrown out of employment, railroad shops will be moved out of many cities in the Northwest, and those communities destroyed.

It has been stated by railroad executives that approximately $10,000,000 per year will be saved by a merger of the two Northerns, but the same executives will give no assurance to the public that this saving will be reflected in lower transportation rates. In fact, they state that possibly at some future time they will take into consideration a lowering of rates, but not for the present. Instead of lowering freight rates, a movement is on foot to secure further increase with an additional burden to the public.

The life of agriculture depends to a large extent upon lower transportation rates, but it seems from past actions that the Interstate Commerce Commission is not in sympathy with such a program. As long as the commission fails to function in the right direction the only hope of the farmers in the Middle West is for the development of water transportation.

The administration and Congress owe a duty to the laboring men of the country, and that duty is the obligation to assist these laborers in maintaining consistent employment at a wage which will be in conformity to our American standards of living. Such a duty will be ignored if the Government permits consolidations and mergers of railroads, thereby throwing thousands of railroad men out of employment. Failure of the Government to act in such a way as to prevent mergers will be a disgrace upon the principles and ideals of our country.

The Couzens-Knutson resolution should be approved at the present session of Congress, and no time should be lost on the part of the administration in preventing consolidations of railroads when it is conclusively shown that such mergers will be detrimental to labor and business in the communities affected.

HISTORY OF PUBLIC BUILDING LEGISLATION

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to extend my remarks by printing a history of the public-building legislation, written by me, which was published in yesterday's Washington Post.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks by inserting a history of the public-building legislation written by himself and published in yesterday's Washington Post. Is there objection?

Mr. CHINDBLOM. Reserving the right to object—and, of course, I shall not object—I want to say I am very glad the gentleman is giving us the benefit of that history in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. ELLIOTT. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following history of public building legislation, written by me, published in the Washington Post of June 8:

ELLIOTT DESCRIBES BUILDING PROGRAM—UNITED STATES PLANS ARE TRACED FROM 1913 TO ENACTMENT OF CRAMTON BILL—IMMENSE SUMS VOTED

By RICHARD N. ELLIOTT, Representative from Indiana and chairman of the Committee on Public Buildings and Grounds

Inasmuch as our Federal Government has embarked on the most ambitious and comprehensive public building program ever initiated by any nation at any time in the history of the world, and as this program not only provides for the development of our National Capital but for the construction of courthouses, customhouses, immigration stations, marine hospitals, post offices, and other buildings to house the Federal activities in all of the States and Territories as well, it may be of interest to the country to review the history of the various acts of Congress authorizing this great constructive program.

The last omnibus public building bill was approved March 4, 1913. This law authorized the construction of various buildings throughout the country to the amount of about $45,000,000. Before the Treasury Department was able to construct the buildings authorized in that act the World War came on and increased the price of labor and the cost of building material to such an extent that most of the buildings authorized could not be constructed within the limits of cost fixed in this bill. After the United States entered the war all of the work on these buildings was discontinued.

During the Sixty-eighth Congress I was called upon to take charge of the Committee on Public Buildings and Grounds of the House of Representatives in the capacity of acting chairman. I found most of the cities named in the act of March 4, 1913, clamoring for the passage of an act of Congress to increase the limit of cost of their buildings authorized in said act. I also found bills on the calendar of the committee asking for public buildings to be authorized to the amount of $230,000,000. These bills had been introduced by Members of Congress from all the States and Territories.

DEMAND FOR BUILDINGS LARGE

President Calvin Coolidge had also recommended to Congress the passage of a bill authorizing the construction of executive buildings in Washington to the amount of $50,000,000, to be constructed in a 5-year program of $10,000,000 annually. He had also given out the information that he was opposed to the passage of any more of the old-time omnibus public building bills which looked more to the desires of individual places than it did to the needs of the Government service.

There was a very pressing demand for buildings throughout the country, and I knew that it was not possible to secure the passage of a bill to erect the needed buildings in the city of Washington unless it also carried a large amount to take care of the acute situation throughout the country. It appeared necessary for a new method to be devised to handle this perplexing question.

Walter Magee, Member of Congress from the State of New York, was especially interested on account of an aggravating situation in his home city of Syracuse, and while he was not a member of the Committee on Public Buildings and Grounds, we had frequent interviews on the subject of public buildings. One afternoon we had a long talk on the subject, which resulted in the framing of a bill to authorize $50,000,000 for the District of Columbia and $100,000,000 for the States and Territories on a program allowing $10,000,000 each year for the District of Columbia and $15,000,000 for the States and Territories until the program was completed.

It authorized the Secretary of the Treasury to select the places where buildings were to be built; he was also to determine the character of the buildings and fix the amounts necessary to construct them, after which he was to submit his report to the Bureau of the Budget and then it should go to the Committee on Appropriations of the House of Representatives, the same as other Budget expenditures, and when approved by Congress and the President the Secretary of the Treasury could then proceed with the construction of the buildings.

I introduced this bill in the House of Representatives during the early part of December, 1924, and it was referred to the Hon. Andrew W. Mellon, Secretary of the Treasury, for his opinion on the merits of the bill. This bill seemed to meet with his approval, and he informed me that he thought the bill would work but suggested that I permit him to take the matter up with President Coolidge.

MET COOLIDGE POLICY

On the last day of December, 1924, I received a letter from the Secretary of the Treasury suggesting several amendments which he thought would improve it, and he closed the letter with the following significant statement: "I am authorized to state that the inclosed bill is not inconsistent with the financial program of the President." Armed with this letter, I redrafted the bill to meet the suggestions of the Secretary of the Treasury and introduced it in the House of Representatives.

In the meantime the measure had received the hearty approval of the press throughout the country.

When the bill came up in the Committee on Public Buildings and Grounds of the House of Representatives it was met with determined opposition by a strong minority of the committee, but after a hearing covering several days the committee instructed me to report the bill for passage with some amendments, the most important of which was to give the Postmaster General the authority to act jointly with the Secretary of the Treasury in all cases where post offices were involved.

The bill was promptly taken up in the House under a motion to suspend the rules, where it again met with a determined fight, but it received a little more than the two-thirds majority necessary to pass it, and it was passed and sent to the Senate. The bill received no consideration by the Senate at that time and died at the end of the Sixty-eighth Congress.

COOLIDGE SIGNS BILL

I reintroduced the bill in the Sixty-ninth Congress, after amending it some. The principal amendment was to add $15,000,000 to the bill for the purpose of increasing the limit of cost on the buildings authorized by the act of March 4, 1913, which had not been finished. The bill was promptly passed under suspension of rules, by a vote of about three-fourths of the Members of the House. When it went to the Senate I succeeded in getting the late Senator Bert M. Fernald of Maine, who was chairman of the Committee on Public Buildings and Grounds of the United States Senate, interested in the bill, and after a long and laborious fight he succeeded in getting the bill passed by the Senate. The bill was signed by the President on May 25, 1926.

The passage of this bill marked an epoch in the history of the public buildings of the United States, because it was the first time that Congress had adopted a comprehensive plan for the erection of public buildings.

When this public building bill was being considered in the Senate Senator William Cabell Bruce, of Maryland, offered an amendment to the bill, which was adopted, providing that the public buildings in the city of Washington should be constructed south of Pennsylvania Avenue and west of Maryland Avenue projected in a straight line to Twining Lake. The Public Building Commission and the Secretary of the Treasury then determined that these buildings should be constructed within the area bounded by Pennsylvania Avenue and B Street, extending from Fifteenth Street to Sixth Street NW, and reservations A, B, C, and D.

This made it necessary for additional legislation to be passed to take over all of the lands in said area not already owned by the Government. A bill was introduced in the House by me, and in the Senate by Senator REED SMOOT, in the Sixty-ninth Congress to take over said lands at a cost of not to exceed $25,000,000. This bill passed the House and Senate and died in conference.

In the Seventieth Congress I introduced the same bill in the House and Senator SMOOT introduced the same in the Senate. The House bill was passed by the House and Senate and was approved January 13, 1928.

MORE MONEY IS VOTED

In the meantime we had all come to the conclusion that $115,000,000 would not be enough money to take care of the building program in the States and Territories and that we should authorize the expenditure of more than $25,000,000 annually. DANIEL A. REED, Representative from the State of New York, introduced a bill in the Seventieth Congress to amend the public building act of May 25, 1926, to authorize an additional $100,000,000 for public buildings throughout the country and authorized the expenditure of $35,000,000 annually, $10,000,000 of which was to be spent in the District of Columbia and $25,000,000 in the States and Territories. The bill passed the House and Senate and was approved by the President on February 24, 1928.

During all of the years since the organization of the United States Supreme Court following the adoption of the Constitution in 1787 the court has not had a suitable or adequate home. It first met in New York, then in Philadelphia, and was moved to Washington in 1804. For a long time it occupied a small room adjacent to the old Senate Chamber, which is now used by the marshal of the Supreme Court for an office. After the construction of the new Senate wing of the Capitol the court was given the old Senate Chamber, which is fairly adequate for the needs of the court as far as a courtroom is concerned, but the accommodations for the justices, clerks, and other employees are very inadequate.

In the public building act of May 25, 1926, the Secretary of the Treasury was authorized to procure a site for a new Supreme Court Building, which was procured at a cost of about $1,760,000 and is the tract of land bounded by First Street NE., Maryland Avenue, Second Street, and East Capitol.

In the Seventieth Congress I introduced in the House of Representatives a bill to create a commission to be known as the United States Supreme Court Building Commission and authorizing them to procure plans and estimates for the construction of a building for the Supreme Court. This bill was introduced in the Senate by Senator HENRY W. KEYES, of New Hampshire. The House bill was passed by the House and Senate and approved by the President December 21, 1928.

The members on the United States Supreme Court Building Commission at this time are as follows: Charles Evans Hughes, Chief Justice of the United States; Willis Van Devanter, Associate Justice; Senator HENRY W. KEYES, chairman Senate Committee on Public Buildings and Grounds; Senator James a Reed, of Missouri; RICHARD N. ELLIOTT, chairman House Committee on Public Buildings and Grounds; FRITZ G. LANHAM, ranking minority member of the House Committee on Public Buildings and Grounds; and David Lynn, Architect of the Capitol.

The commission procured these plans and estimates and reported the same back to Congress with the recommendation that the building be authorized at a cost not to exceed $9,740,000.

A bill to carry out the recommendation of the commission was introduced by me in the House and by Senator HENRY W. KEYES in the Senate. This bill was passed by the House and Senate and approved by the President on December 20, 1929. It authorized the construction of the new courthouse.

ENLARGES CAPITOL GROUNDS

A bill was introduced in the Seventieth Congress by SIMEON D. FESS, Senator from Ohio, authorizing the appointment of a commission to enlarge the Capitol Grounds. This bill passed both the House and Senate and was approved by the President April 11, 1928.

The commission on enlarging the Capitol Grounds consists of the following members: Charles Curtis, Vice President of the United States; NICHOLAS LONGWORTH, Speaker of the House of Representatives; Senator HENRY W. KEYES, chairman of the Senate Committee on Public Buildings and Grounds; FRITZ G. LANHAM, ranking minority member of the House Committee on Public Buildings and Grounds; RICHARD N. ELLIOTT, chairman of the House Committee on Public Buildings and Grounds; Senator HENRY F. ASHURST, ranking minority member of the Senate Committee on Public Buildings and Grounds; Senator JOSEPH T. ROBINSON, minority leader of the United States Senate; JOHN N. GARNER, minority leader of the House of Representatives; and David Lynn, Architect of the Capitol.

This commission performed its work and submitted a detailed report to Congress with the recommendation for the enlarging of the Capitol Grounds. I introduced a bill in the House to carry out the recommendation of this commission. The same bill was introduced in the Senate by Senator HENRY W. KEYES, chairman of the Senate Committee on Public Buildings and Grounds. The bill passed both Houses and was approved by the President March 4, 1929. It was said to be the last official act of Calvin Coolidge, President of the United States. This bill authorized the appropriation of $4,912,414, or so much as may be necessary, to enable the commission to carry out the provisions of the act.

For many years the House Office Building has been inadequate for the needs of the Members of the House of Representatives. A bill to remedy this defect was introduced in the Seventieth Congress by FREDERICK W. DALLINGER, of Massachusetts. His bill provides for the construction of an annex to the House Office Building at a cost not to exceed $8,400,000. This bill passed the House and Senate and was approved by the President January 10, 1929.

TWO ROOMS FOR MEMBERS

A site has been acquired on the west side of New Jersey Avenue adjacent to the present House Office Building. When this building is

constructed it will enable all of the Members of the House of Representatives to have a 2-room office in which to carry on their work.

For many years there had been under consideration by various Presidents and Congresses the question of authorizing the construction across the Potomac River of a memorial bridge as a memorial to the reunited North and South. This bridge had been under consideration by President Andrew Jackson, who stated that he hoped to see a bridge with arches of enduring granite spanning the broad bosom of the Potomac River as a memorial to a reunited North and South. This matter was referred to by Senator Daniel Webster in his speech at the laying of the corner stone of the new Senate wing of the Capitol on July 4, 1851.

Many different bills had been introduced in Congress, and in the Sixty-eighth Congress one was introduced by FREDERICK H. GILLETT, of Massachusetts, Speaker of the House of Representatives, and by Senator Bert M. Fernald, of Maine, who was then chairman of the Senate Committee on Public Buildings and Grounds. The Senate bill passed and came to the House. I took charge of the bill as acting chairman of the House Committee on Public Buildings and Grounds. It was passed by the House and approved by President Coolidge February 24, 1925. This bill authorized the construction of the Arlington Memorial Bridge at a cost of not to exceed $14,750,000. The bridge is now nearing completion and when done will be a fitting and useful memorial to a reunited Nation, as well as the most commodious and beautiful bridge in the world.

TWO HUNDRED AND THIRTY MILLION DOLLARS IN BILL

Notwithstanding the fact that Congress had already passed large authorization bills for the construction of public buildings it was determined at the beginning of the Seventy-first Congress that these amounts would be inadequate to do the work contemplated, so a bill was introduced by me in the House of Representatives authorizing an additional $115,000,000 for the purchase of land and the construction of buildings within the city of Washington, and $100,000,000 for the construction of buildings in the States and Territories; and authorizing the whole program to be carried out at the rate of $50,000,000 annually, $15,000,000 to be expended in the District of Columbia and $35,000,000 in the States and Territories. The total amount in this bill was $230,000,000.

The bill was promptly passed by the House and sent to the Senate. Senator HENRY W. KEYES introduced the same bill in the Senate, but the House bill was taken up by the Senate and passed. The bill was approved by President Hoover March 31, 1930.

By reason of these various acts of Congress there has been authorized for purchase of lands and building construction the sum of $227,890,000 for the District of Columbia; there has been $363,000,000 authorized for public buildings in the States and Territories; this makes a total of $590,890,000.

This is not a wild orgy of money spending. It will take every dollar of this vast sum to provide the Federal Government with adequate buildings in which to house the Federal activities of our great Nation in the District of Columbia and in the several States and Territories.

While the Secretary of the Treasury and the Postmaster General are given the power to select places where these buildings are to be erected and to recommend to Congress the amounts necessary, every item has to be closely scrutinized by the Bureau of the Budget, the President of the United States, and the appropriations committees of the House and Senate, and passed by the House and Senate before a dollar of this money is available for construction purposes.

The Secretary of the Treasury, working with the Public Buildings Commission, has adopted a comprehensive plan for the construction of the great Government buildings in the National Capital, which will result in efficient homes for Uncle Sam's workers and will make the Capital the most beautiful in the world.

The foregoing is a history of the legislation that passed through the Committee on Public Buildings and Grounds of the House and Senate, was passed by Congress, and has become law.

CRAMTON BILL NOW LAW

Another very important piece of legislation which has passed the Congress is the Cramton bill, which authorizes the construction of a park on both sides of the Potomac River from Mount Vernon to Great Falls. It enables the District of Columbia, working in conjunction with the States of Maryland and Virginia, to preserve for posterity the beautiful scenery along the Potomac River and protect the Capital from undesirable, obnoxious business enterprises that might be built on the banks of this river.

Congress has also passed a bill establishing the Mount Vernon Boulevard leading from the end of the Arlington Memorial Bridge to Mount Vernon at a cost of about $5,000,000. This bill was sponsored by the Committee on Roads of the House and Senate. The Mount Vernon Boulevard will add much to the beauty of the National Capital and its environs.

Congress has already passed legislation to remove and relocate the Botanic Garden; and last but not least the District of Columbia has been authorized to construct a new civic center on the north side of Pennsylvania Avenue between Third and Sixth Street and extending northwardly to Louisiana Avenue and the courthouse. In this location will be placed the activities of the District government.

As a part of the work of the commission for enlarging the Capitol Grounds it has been authorized to extend a new boulevard from the Columbus Monument, in front of the Union Station, extended in a straight line to a point where it will intersect with Pennsylvania Avenue NW. at Second Street. All of the buildings and plots of ground owned by private individuals between this street and the present Capitol Grounds are to be taken over by the Federal Government, the buildings razed and the lands parked.

When the work is all done that is contemplated in these acts the people of the Nation can take pride in the fact that no capital in the world can surpass Washington for beauty or the usefulness of its Government buildings.

DIVISION OF TEXAS

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a short statement made by the president of the Bar Association of Texas and other gentlemen on the subject of the division of Texas.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks by inserting a statement made by the president of the Bar Association of Texas and statements by other gentlemen on the subject of the division of Texas. Is there objection?

Mr. SABATH. Reserving the right to object, Mr. Speaker, this is not a political division, but a territorial division.

Mr. GARNER. Yes; that is all.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, a few weeks ago I called attention of the House to the fact that the State of Texas had it within its power, merely by act of its legislature, to divide the State into not to exceed four additional States, this power being granted by the joint resolution of Congress of March 1, 1845, under which the former Republic of Texas was annexed to the Union as the State of Texas.

It is true that the proposal to divide Texas is by no means of recent origin. In fact, it dates from the earliest days of the Texas revolution, when those heroes of Texas independence were battling for separation from Mexico while they cherished the hope that the rich empire they were seeking to bring under Anglo-Saxon dominion would eventually be incorporated into the Union, not as one star in the American flag but as a galaxy of stars.

As early as 1836, when Texas independence appeared assured, Stephen F. Austin, then secretary of state of the struggling republic, in his instructions to W. H. Wharton, minister plenipotentiary of Texas to the United States, indicated that he foresaw the future development of that great empire of Texas and the necessity which ultimately would arise for division. He instructed Wharton to urge upon the Government of the United States the advantages of Texas annexation. In those instructions he expressly set out that Texas would require that subdivision of the State be optional with the people of Texas. In his letter of instructions to Wharton, dated at Columbia, then the capital of Texas, on November 18, 1836, he said:

> In relation to the future subdivision of Texas into several States, the broad basis of equity upon which it is contemplated to unite this country with the United States, seems to require that all future subdivisions should be left entirely to the option and decision of the people of Texas, when the increase and extension of population should render it necessary for the public convenience or interest. The treaty stipulations agreeably to this principle should only extend to limiting the number or territorial extent of said new States hereafter to be formed, and guaranteeing their admission into the Union on an equal footing with the other States, when petitioned for by the Legislature of Texas in conformity with the Constitution and laws of the United States.

It was never the intention of the Republic of Texas that that area lying between the Red River and the Arkansas, then claimed by the republic, was to be included within this stipulation. Concerning this feature of the proposed treaty, Austin wrote to Wharton the following instructions:

> That no future subdivision of the territory of Texas south of Red River into a plurality of States or Territories shall ever be made except on the petition of the Legislature of Texas founded upon that of the people of the particular section of country which is to be erected into such new State or Territory. The country between the Red and Arkansas Rivers may be excepted from this stipulation, and relinquished to the United States in full, on terms that will be equitable to both parties.

The third provision of the second section of the joint resolution for the annexation of Texas to the United States, approved by President John Tyler, March 1, 1845, was as follows:

> New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may here-

after, by the consent of said State, be formed out of the territory thereof, which shall be entitled to entry under the provisions of the Federal Constitution.

On June 17, 1845, the Congress of the Texas Republic met in special session to consider the annexation resolution which had been submitted through diplomatic channels. The resolution was submitted to the committee on the state of the republic, composed of the following men, whose names will ever live in Texas history: J. W. Henderson, William Menefee, George Sutherland, M. T. Johnson, William T. Scott, and James Armstrong. The committee submitted its report to the house on June 22, 1845, and the following excerpt from that report shows conclusively the interpretation placed by the Texas Congress upon the language of that joint resolution passed by the Congress of the United States:

She (Texas) can, if this incubus of her debt is removed, then submit to such of a division of herself into new States, as may be compatible with her wishes, without the least hindrance, and thus add to her weight in the councils of the Nation.

Now, turn back the leaves of history a few years and ascertain the views of Sam Houston, hero of San Jacinto and later president of the Texas Republic. On February 25, 1844, Anson Jones, then secretary of state for the Texas Republic, forwarded instructions for Isaac Van Zandt, Texas chargé d'affaires at Washington, and J. Pinckney Henderson, special commissioner, to whom was delegated the authority to negotiate a treaty of annexation with the United States Government. These instructions unquestionably were prepared by President Sam Houston and forwarded through the regular channel, the State Department of the Republic. They were to the point and included the following language:

The first is the number of States into which the Territory of Texas shall be subdivided. It is presumable that in the settlements already made there is sufficient population to constitute one State, according to the requirements of the Federal Constitution, and that the remaining territory of the Republic is sufficiently large to constitute three more at a future period. You will therefore provide in the treaty for the ultimate creation of at least four States, and for their admission into the Union, so soon as the population of the respective territories of which they are to be composed shall be sufficient for that purpose, and in the meantime that territorial governments shall be established and maintained as circumstances and the wants of the people residing in those limits, respectively, may render proper and necessary.

These instructions indicate that President Houston not only demanded for Texas the privilege of division whenever the people of Texas believed such division to their interest but also recommended that they should be granted the privilege of organizing territories in the event the population of the respective sections was not sufficient to justify organization of States.

The extension of the privilege of division was one of the major factors precipitating the heated debates which shook the political foundations of the Nation during the two years annexation of Texas was under consideration. Even the New England Members, the great majority of whom opposed annexation, recognized that the vast domain of Texas and great variety and wide diffusion of natural resources ultimately would make division necessary from an economic as well as a political viewpoint. Senator Levi Woodbury, of New Hampshire, in an address on annexation, said:

It gives us enough additional territory for four or five large States immediately contiguous, and some of them, by their location on the ocean, with fine bays and immense rivers, virtually Atlantic States in their habits and intercourse; an increase of near a third of a million in our population; and a near and rich outlet for the overflowings of other States; swelling as they must in the next 50 years to more than most of the kingdoms of Europe in their mighty masses.

Senator Woodbury, however, was not speaking for annexation from purely philanthropic motives. He reflected the present-day ambitions of New England Senators who endeavor through tariff favors to maintain southern subserviency to northeastern industries. Senator Woodbury saw in the rich domain of Texas a wonderful field for New England exploitation, and the events of the past 90 years bear testimony to his rare political acumen.

Henry Clay also foresaw the ultimate division of Texas territory, and in a communication to the Senate on April 17, 1843, dealing with the question of the annexation treaty, stated:

The territory of Texas is susceptible of a division into five States of convenient size and form. Of these, two only would be adapted to those peculiar institutions (slavery) to which I have referred; and the other three, lying west and north of San Antonio, being only adapted to farming and grazing purposes, from the nature of their soil, climate, and productions, would not admit of those institutions. In the end, therefore, there would be two slave and three free States probably added to the Union.

Congress was not inveigled into granting to the people of Texas the privilege of dividing the State at any time they might determine it to their best interests to do so. Not only did the President and Congress of the Texas Republic demand that this right should be granted, but throughout the negotiations for eight years prior to annexation the right of division was emphasized as one of the conditions upon which Texas would accept annexation. President John Tyler, in his message to Congress in December, 1844, set this out clearly in the following language:

It is the will of both the people and the States that Texas shall be annexed to the Union promptly and immediately. It may be hoped that in carrying into execution the public will thus declare all collateral issues may be avoided. Future legislatures can best decide as to the number of States which should be formed out of the territory when the time has arrived for deciding that question.

There can be no controversy over this language. President Tyler sets out clearly that Congress should delegate to the State of Texas the authority to divide whenever the people of that State deemed division necessary or expedient, and this is exactly the interpretation that the Congress of the Texas Republic placed upon the joint resolution of the Congress of the United States.

I have presented these historical facts merely to outline the background of that joint resolution approved March 1, 1845, and to show beyond all possibility of successful contravention that Texas demanded, received, and still retains the privilege of State division whenever, in the opinion of the State legislature, such division would be to the best interests of the Commonwealth.

Many Texans who have given this subject of State division earnest consideration, who are cognizant of the economic as well as the political advantages which would accrue, not only to Texas but to the entire South and West through such action by the Texas Legislature, are urging that the right granted the State by Congress in 1845 be exercised. One of the best articles on this subject that has come to my attention was recently written by Judge W. M. Crook, of Beaumont, and published in the Beaumont Enterprise. Judge Crook is retiring president of the Texas Bar Association and for more than 20 years was chairman of the Texas Board of Commissioners on Uniform Laws and a former member of the General Council of the American Bar Association. Following is the text of his article:

By W. M. Crook

("Once to every man and nation comes a moment to decide." (Lowell).

"And statesmen at the council met who knew the season when to take occasion by the hand and make the bounds of freedom wider yet." (Tennyson.)

"Thais sits beside thee, take the goods the gods provide thee." (Dryden.)

I have been requested to advance in 750 words any reasons why a division of Texas would be advantageous to the citizens of the State. I assume that the average man will agree that the wholesome advantages he gets out of life for himself and secures for his posterity are a proper incentive.

Sentiment is a controlling factor in the decision of the question under consideration. People, for sentimental reasons, have deprived themselves and their families of the necessities of life to evidence, through a suitable monument, their love for a deceased relative. Sentiment is never a safe guide. It is one of the most abused attributes of our mentalities.

ORDINANCE QUOTED

An ordinance of the Republic of Texas, signed by Thomas J. Rusk, President, ratifying the resolution of the Congress of the United States of America, and approved by the President in March, 1845, provided that:

"New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having a sufficient population, may hereafter, by consent of said State, be formed out of the territory thereof, and which shall be entitled to admission under the provisions of the Federal Constitution."

It is due to the authors of the plan to divide Texas to credit to them both foresight and patriotic sentiment. The population of Texas in 1845 was less than that of some of the individual counties in the State at this time. Now that the population of Texas is approximately twice that of the United States at the time when the Federal Constituion was adopted, it is reasonable to suppose that the authors of this division idea would, if here, think that the time had arrived for a division.

The State at the time of its admission into the Union was essentially an agricultural and grazing community. The grazing interests are now

outranked by agriculture, mining, and manufacture. The diversity of interest of the various sections is continually in evidence. Inequalities in governmental benefits and taxation are everywhere admitted.

PANHANDLE "YANKEES"

The pleasantry which credits the people of the Brownsville section as designating those of the Panhandle as "damn Yankees," while the people of El Paso refer to those of east Texas as "effete easterners," is more than a joke and measures the vast difference in material interests between these sections. Wise government, local, State, or national, is a condition precedent to prosperity.

The political authorities, whether called by one title or another, control the destinies of their people, either for weal or woe. Under political favoritism, the comparatively unproductive areas of our extreme north have accumulated a wealth compared to which that of the naturally more favored areas of the country is insignificant. Hundreds of millions of dollars are loaned to the people of this section by financial institutions of the Northeastern States, many practically without natural resources. A group of 12 Northeastern States, representing an area less than the size of Texas, namely, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, and West Virginia, have 24 Representatives in the United States Senate, compared to our 2, and have 154 representatives in the electoral college as compared to our 20.

On division into five States, we would still be at a disadvantage of having only 10 Senators as compared to 24 for less than the same area, and we would have 30 representatives in the electoral college instead of 20 at present. From this it is apparent that this area would hold the balance of power in both the United States Senate and the election of the President. The incalculable advantage of this is immediately apparent.

PRESTIGE FOR TEXAS

What Texas and the South experienced in prestige in the Wilson administration would be an everyday fact in government if we had eight more Senators. The taxing power of the Congress has made and unmade and can still make and unmake entire sections of the United States. The power of the Congress to regulate commerce and to provide for and distribute public institutions and improvements is of tremendous value for particular sections of the country. If it should appear that there was a serious prospect of a division of this State, the largest political fund that was ever raised in the history of the United States would possibly be raised by outside interests to defeat the culmination of such a proposal.

An argument against the division of the State is the expense of providing individual capitols and the overhead of five sets of government machinery. Another is the disposition of the State university and its lands.

NEW STATE CAPITOLS

The first objection will be met largely by the greatly reduced governmental personnel in the legislatures of the new States and in reduced areas affected, with economy in administration due to more compact interests. The cost of administration buildings would not be of major concern. No one can doubt that the city of Houston is ready, able, and willing to build a State capitol as a consideration that it should be made the capital city of a State. The same thing could be said of Amarillo, San Angelo, or Dallas.

As for the university, an educational institution is not part of the machinery of government, and the constitutions of the divided areas could provide for one central university, located at Austin, owned by, and its expenses participated in, by the several States. As far as the technical difficulties concerning the division of the territory are concerned, statesmen could work them out as they have always been able to do.

Texas is, I believe, developing more rapidly than any State in the Union. With its population nearing the 6,000,000 mark, its production of wealth increasing with tremendous strides, the vast domain is to-day fulfilling all the most optimistic prophecies of those heroic friends of liberty to whom we are indebted for Texas independence and final inclusion among the States of the Union. Commenting upon this tremendous growth, which I believe is each year bringing nearer the consummation of the purpose of those who made it possible for Texas to divide upon its own volition, the St. Louis Post-Dispatch recently published the following editorial:

PÆAN TO THE SOUTHWEST

The census points its prophetic finger to the Southwest.

It tells us that Dallas has a population of 260,000; that Houston alone of the larger cities has more than doubled its 1920 figure of 138,000, and is now the first city of Texas; that Amarillo, in the remote reaches of the Panhandle, has leaped from a huddle of shacks to the assertiveness of reinforced concrete and 43,000. Fort Worth, Galveston, and San Antonio, not yet in the returns, will carry on the marching story.

Associated with Texas in that geographical expression, the Southwest, is Oklahoma. Born in 1889 in the thunder of flying heels, its capital, Oklahoma City, which had 91,000 10 years ago, reports 182,000, leaving Tulsa in second place with 140,000 and Ponca City, in many respects the fulfillment of the city planner's dream, a distinguished third.

The history of the Southwest, productively, might be told in three words—cattle, cotton, oil—and the greatest of these is oil. The cowboy on his mustang was succeeded by the planter in his motor car and now the princes of petroleum swing across the spaces in airplanes.

All of these larger cities of the Southwest have their individual characteristics, as Will Irwin has interestingly observed. Dallas, dignified, mature, with the superiority of tradition reveals the conservative eastern mood. Houston is unmistakably southern. San Antonio, dining al fresco under tropical skies, has the Spanish carnival spirit, reminding Irwin of the San Francisco that was. Fort Worth booms along with western swagger, "seasoning its breakfast in oil." El Paso washes its hands in the United States, its feet in Mexico. There is a tint of Indian color in Tulsa, and Oklahoma City, one might say, is a cosmopolitan daughter of the prairies.

Oil has transformed them all. What of that day somewhere on the calendar when the oil is gone? The Southwest is already laying the foundation of its industrial future. The cities are even now engaged "in the battle of the smokestacks." Their manufacturing to-morrow will presently dawn. The cotton mill is inevitable. Texas, of course, leads the world in cotton, with Oklahoma practically a 1,000,000-bale State.

And, after oil, Oklahoma's coal and the lignite of Texas assure endless fuel which the magic of chemistry will transmute into an inexhaustible source of gasoline. The Rio Grande Valley even now is issuing a citrus challenge to Florida and California. Texas strawberries decorate the Christmas markets of the North, and grapefruit orchards flourish where a little while ago were miles of mesquite. Agriculturally, the Southwest has everything. Ships come up to Houston's back yard, which, with Galveston, "sends to sea a greater bulk of freight than even magnificient New York."

Texas, as everyone knows, is literally an empire and as such must dictate in a large way not only our industrial history but also our political destiny. Its area of 235,000 square miles is equal to four New Englands. Its partition into five States was recently, and seriously, advocated by Representative GARNER, Democratic floor leader in the House. Lone Star sentiment will not now harken to such heresy; but the political realities, as presented by GARNER, must ultimately prevail. Divided into five States, each of an area greater than that of 23 States, including New York, each with a population equivalent to that of Maryland or West Virginia, Texas would have 10 Senators instead of two, and the voice of senatorial authority would be spoken in the accents of the Southwest. The necessities of local government plus its proportionate and necessary share in the Federal field forecast the carving of Texas.

PERMISSION TO A COMMITTEE TO SIT DURING THE SESSIONS OF THE HOUSE

Mr. LaGUARDIA. Mr. Speaker, by direction of the Committee on the Judiciary, I ask unanimous consent that the Committee on the Judiciary may sit during the sessions of the House on Wednesday, having a public hearing on the unemployment bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

COAST GUARD PENSIONS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 12099. It is a bill to pension those who have become disabled while in the Coast Guard Service, and their widows and orphans. The bill will entail a charge of about $30,000 a year on the Public Treasury.

Mr. STAFFORD. Mr. Speaker, that bill will be in order to-day. It is on the Consent Calendar. Why should it be considered out of order?

Mr. KNUTSON. Is the gentleman sure it will be reached to-day?

Mr. STAFFORD. I am quite sure it will be reached.

Mr. KNUTSON. Then, upon the gentleman's assurance, I withdraw my request.

TAXATION OF LANDS UNDER RECLAMATION ACT

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill 4318 and consider the same. A similar bill is on the House Calendar.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 4318) to amend the act entitled "An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act," approved April 21, 1928, so as to include ceded lands under Indian irrigation projects.

Mr. CHINDBLOM. Is the House bill on the House Calendar?

The SPEAKER. Yes.

Mr. GARNER. May I inquire if a similar bill has been reported from the Committee on Indian Affairs?

Mr. LEAVITT. It has been reported from the Committee on Reclamation.

Mr. GARNER. Was a unanimous report made at a full meeting of the committee?

Mr. LEAVITT. Yes. The House bill is on the House Calendar. The Senate bill has already passed the Senate.

The SPEAKER. The Chair has examined the two bills and finds that they are similar. While there is an amendment, the Chair regards the change as immaterial. The Clerk will report the bill.

The Clerk read as follows:

S. 4318

A bill to amend the act entitled "An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act," approved April 21, 1928, so as to include ceded lands under Indian irrigation projects

Be it enacted, etc., That the act entitled "An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act," approved April 21, 1928, is amended to read as follows: "That the lands of any homestead entryman under the act of June 17, 1902, known as the reclamation act, or any act amendatory thereof or supplementary thereto, and the lands of any entryman on ceded Indian lands within any Indian irrigation project, may, after satisfactory proof of residence, improvement, and cultivation, and acceptance of such proof by the General Land Office, be taxed by the State or political subdivision thereof in which such lands are located in the same manner and to the same extent as lands of a like character held under private ownership may be taxed.

"SEC. 2. The lands of any desert-land entryman located within an irrigation project constructed under the reclamation act and obtaining a water supply from such project, and for whose land water has been actually available for a period of four years, may likewise be taxed by the State or political subdivision thereof in which such lands are located.

"SEC. 3. All such taxes legally assessed shall be a lien upon the lands and may be enforced upon said lands by the sale thereof in the same manner and under the same proceeding whereby said taxes are enforced against lands held under private ownership; but the title or interest which the State or political subdivision thereof may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to a prior lien reserved to the United States for all due and unpaid installments on the appraised purchase price of such lands and for all the unpaid charges authorized by law whether accrued or otherwise. The holder of such tax deed or tax title resulting from such tax shall be entitled to all the rights and privileges in the land of an assignee of such entryman on ceded Indian lands or of an assignee under the provisions of the act of June 23, 1910, as amended, or of any such entries in a Federal reclamation project constructed under said act of June 17, 1902, as supplemented or amended.

"SEC. 4. If the lands of any such entryman shall at any time revert to the United States for any reason whatever, all such liens or tax titles resulting from assessments levied after the date of this amendatory act upon such lands in favor of the State or political subdivision thereof wherein the lands are located, shall be and shall be held to have been, thereupon extinguished; and the levying of any such assessment by such State or political subdivision shall be deemed to be an agreement on its part, in the event of such reversion, to execute and record a formal release of such lien or tax title."

Mr. LAGUARDIA. Mr. Speaker, does not the gentleman from Montana think we are establishing a very bad precedent to permit local taxation of land the title of which is still in the United States Government? I understand this permits it.

Mr. LEAVITT. This same provision already affects all the Federal reclamation projects which are not on the Indian reservations, through an act of Congress passed a few years ago. This bill only changes that existing law to make it apply on the same conditions to similar lands which happens to be within Indian reservations.

Mr. LAGUARDIA. Suppose the United States Government is compelled to foreclose by reason of the fact that the payments have not been made by the grantees and it should tax the land and subsequently sell it again, would the purchaser be liable for all the back taxes?

Mr. LEAVITT. No. The original law did not protect that condition. But this bill includes a provision to the effect that if the Federal Government has to take back title all charges against the lands in favor of the local government shall be wiped out.

Mr. LAGUARDIA. Then it is the legislative intent that the purchaser of a State or local tax lien buys with notice that if the Federal Government steps in and forecloses he is wiped out entirely? Is that correct?

Mr. LEAVITT. That is correct.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the Senate bill was passed was laid on the table.

The similar House bill was laid on the table.

JOHN ERICSSON

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a few thoughts on John Ericsson.

The SPEAKER. The gentleman from Minnesota [Mr. KNUTSON] asks unanimous consent to extend his remarks by printing an address of his on John Ericsson. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I have pending before the Committee on Public Buildings and Grounds a resolution to name the new memorial bridge to Arlington after that great patriot and human benefactor, John Ericsson, who, next to Lincoln and Grant, did more than any other man to save the Union, and many Americans are exceedingly anxious to have the bridge so named; also to name the boulevard approach to the bridge the Ericsson Boulevard.

Mr. Speaker, I feel that the great services rendered by John Ericsson have not been adequately recognized in the Nation's Capital. True, there is a beautiful statue of that great man in Potomac Park which is a shrine for all patriotic Americans, but it is not in keeping with the outstanding service he rendered our country in those dark days when the integrity of the Republic was threatened.

It was he who devised the *Monitor* which enabled the North to maintain the blockade, and win the war; he also invented the turret for large guns and his invention of the screw propeller drew the farthermost corners of the earth together so that they are but days apart where they had been weeks and months from each other. These, and many more, were his contributions to mankind.

Let us appropriately honor this great man and benefactor by naming the new memorial bridge the John Ericsson Bridge. To do so would be most fitting, for it was he who provided the means for holding North and South together in one grand and glorious country, and as the bridge is a connecting link between North and South, what I propose would be most fitting.

HOMESTEAD ENTRY, SOLDIERS, SAILORS, AND MARINES

Mr. COLTON. Mr. Speaker, I call up a conference report on the 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.

The Clerk read the title of the joint resolution.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Utah asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, as follows: (1) Page 2, line 9, after "war," insert ", military occupation, or military expedition"; (2) page 2, line 15, after "*Provided*," 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*"; and agree to the same.

DON B. COLTON,
ADDISON T. SMITH,
JOHN M. EVANS,
Managers on the part of the House.

GERALD P. NYE,
T. J. WALSH,
JOHN B. KENDRICK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the 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, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amendment No. 1 is inserted for the purpose of extending the privileges of the House joint resolution to all who have participated in any military occupation or military expedition and have been honorably discharged from the Regular Army or Naval Reserve. It is believed that this class of ex-service men should be given the benefits of this legislation.

The amendment No. 2 fixes the period of the war with Spain to conform with that which has been established by the pension laws.

DON B. COLTON,
ADDISON T. SMITH,
JOHN M. EVANS,
Managers on the part of the House.

The conference report was agreed to.

CUSTER NATIONAL FOREST

Mr. COLTON. Mr. Speaker, I call up a conference report on the bill (H. R. 6130) to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes.

The Clerk read the title of the bill.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Utah asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6130) to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, "*Provided, however*, That the Secretary of Agriculture may, in his discretion, list limited tracts when in his opinion such action will be in the public interest and will not be injurious to other settlers or users of the National Forest," and agree to the same.

DON B. COLTON,
ADDISON T. SMITH,
JOHN M. EVANS,
Managers on the part of the House.
GERALD P. NYE,
T. J. WALSH,
JOHN B. KENDRICK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6130) to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amendment is one suggested by the Secretary of Agriculture. Its result will be to leave some slight discretion to the Secretary of Agriculture in listing small tracts of land within the Custer Forest for homestead entry, when it can be done without harm to the users of the forest, and when it seems necessary in connection with existing claims. The amendment was submitted by Senator T. J. WALSH to local people directly affected and who are interested in the enactment of this legislation, and it has their agreement.

DON B. COLTON.
ADDISON T. SMITH.
JOHN M. EVANS.
Managers on the part of the House.

The conference report was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. LAGUARDIA. Mr. Speaker, by unanimous consent, time was allotted to me which I waived by reason of the change in program. I ask unanimous consent that on to-morrow, after the reading of the Journal and the conclusion of matters on the Speaker's table, I be permitted to address the House for 30 minutes.

The SPEAKER. The gentleman from New York [Mr. LAGUARDIA] asks unanimous consent that on to-morrow, after the conclusion of matters on the Speaker's table, he be permitted to address the House for 30 minutes. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, there was 10 minutes also accorded me to-day, which I waived. I ask unanimous consent that I be permitted to address the House to-morrow for 10 minutes following the address of the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER. The gentleman from New York [Mr. FISH] asks unanimous consent that at the conclusion of the address of the gentleman from New York [Mr. LAGUARDIA] he be permitted to address the House for 10 minutes. Is there objection?

Mr. CRAMTON. Reserving the right to object, 30 minutes and 10 minutes are 40 minutes. This can easily run into a half day. There is an appropriation bill to be considered later in the week. To-morrow is set aside for the Consent Calendar. There are two or three hundred bills that have not yet been called. I will not object to the request, but I do not see why I should have all the responsibility.

The SPEAKER. Is there objection?

There was no objection.

Mr. DYER. Will the gentleman from Michigan yield?

Mr. CRAMTON. I yield.

Mr. DYER. I will state that my colleague [Mr. HOPKINS] had a special order for to-day, which was waived because other business was coming on. If the Consent Calendar is to be considered to-morrow, I would not ask permission for my colleague to speak; but, pending that, I would ask unanimous consent that my colleague [Mr. HOPKINS] be permitted to address the House for the time which was allotted him to-day, with the understanding that if the Consent Calendar is being considered I will ask to have the order vacated.

The SPEAKER. The gentleman from Missouri [Mr. DYER] asks unanimous consent that at the conclusion of the address of the gentleman from New York [Mr. FISH] his colleague [Mr. HOPKINS] be permitted to address the House. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, it is my understanding that to-morrow has already been set aside for the Consent Calendar.

The SPEAKER. No; it has not.

Mr. CRAMTON. Then the understanding as to both of these requests is that if the Consent Calendar is on call to-morrow, the orders will go over?

Mr. LAGUARDIA. I have already made my request contingent upon that.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. DYER]?

There was no objection.

VETERANS' RELIEF

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Mississippi [Mr. RANKIN] asks unanimous consent to address the House for five minutes. Is there objection?

Mr. CRAMTON. Reserving the right to object, and I have no idea of objecting to this request, we have had some difficulty about the Consent Calendar, and I shall feel obliged to object to other requests for speeches to-day.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, I have no desire to interfere with any of the bills now on the Consent Calendar. On Friday, when I was attempting to hold up consideration of the Consent Calendar, it was with no view of interfering with the passage of any of those bills.

But, Mr. Speaker, it is being stated in the press daily that those in charge of the administration are preparing to adjourn this Congress sine die within the next 10 days, which would probably mean the death of the veterans' bill.

The membership knows I have been fighting since January for the passage of the veterans' bill, for the relief of uncompensated veterans of the World War. That bill is now before the Finance Committee of the Senate. It passed this House more than six weeks ago by a vote of more than 6 to 1. The Senate committee, I understand, has already adopted the Rankin amendment, for which the boys have been pleading these many

months. It will be brought to the floor of the Senate, I am told, in a few days, and whenever it is it will be passed by an overwhelming majority.

Then it will go to the White House. It is stated freely in the press, and in the administration mouthpiece, the Washington Post, it was editorially predicted this morning that the President would veto it. If he does, of course we are going to try, and I think try successfully, to override the veto. Do not forget that the ex-service men throughout the country know that if you adjourn this Congress and leave that bill on the doorsteps of the President, he can pigeonhole it, veto it in that way, and kill it for all time. Every vote that is cast to adjourn this Congress until that bill is finally disposed of and given a chance, if passed, to go to the White House and back—every vote, I say, to adjourn this Congress until that opportunity is given, will be construed by the ex-service men to be a vote against veterans' relief.

I hold in my hand a letter from one of the men in the National Soldiers' Home in Wisconsin, in which he states:

About a dozen of the 81 signers of petitions sent you February 10 this year are dead.

They are dying at the rate of about 72 a day. They are appealing to Congress to pass this legislation in order that we may do justice to those men who are suffering as a result of their disabilities, many of which were incurred in the World War.

I want to serve notice now that I am going to use every legitimate means in my power to prevent Congress from adjourning until that bill is passed [applause], goes to the White House, and receives the President's signature, or until it comes back and the Senate and the House given an opportunity to vote on the veto if the President should veto it. If you sustain the veto, the responsibility is yours, but I want to say to you now that we are going to fight any adjournment resolution or any attempt to set a date to adjourn this Congress until that bill is passed or defeated in the Senate, and, if passed, given time to go to the White House, receive the consideration of the President and come back here to receive our final vote, if the President should veto it. And any vote to adjourn this Congress or to set a day for final adjournment before this measure is finally disposed in the manner I have just indicated will be a vote against veterans' relief. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to address the House on Wednesday for 30 minutes, after the reading of the Journal and disposition of matters on the Speaker's table.

The SPEAKER. The gentleman from New York asks unanimous consent that on Wednesday, after the reading of the Journal and disposition of matters on the Speaker's table, he may be permitted to address the House for 30 minutes. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, Wednesday is the day set aside for the consideration of bills reported from the Committee on Military Affairs. The gentleman has informed me that he will not be in the city, perhaps, on Thursday, and will not be in readiness to-morrow, so necessarily I feel inclined to have his request granted, but I do not feel this should be taken as an example for the granting of further time on Wednesday. I will not make any objection in this instance.

The SPEAKER. Is there objection?

There was no objection.

ADMISSION TO THE UNITED STATES OF CHINESE WIVES OF CERTAIN AMERICAN CITIZENS

Mr. DYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 2836, to admit to the United States Chinese wives of certain American citizens, a similar bill having been reported by one of the House committees.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table Senate bill 2836 and consider the same, a similar House bill being on the calendar. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That subdivision (c) of section 13 of the immigration act of 1924, approved May 26, 1924, as amended, is amended by striking out "or" before "(3)," and by inserting after "section 3" the following: "or (4) is the Chinese wife of an American citizen who was married prior to the approval of the immigration act of 1924, approved May 26, 1924."

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, what committee reported this bill?

Mr. DYER. The Committee on Immigration reported it unanimously.

Mr. GARNER. Where are the members of the committee? Did the gentleman talk with the gentleman from Texas [Mr. Box]?

Mr. DYER. I will state to the gentleman that I talked with the gentleman from Texas with reference to calling up the bill in this way.

Mr. GARNER. Is it satisfactory to him?

Mr. DYER. It is satisfactory to all the members of the committee.

Mr. GREEN. Mr. Speaker, reserving the right to object, this bill provides for the bringing in of Chinese wives of American citizens, does it not?

Mr. DYER. I will state to the gentleman from Florida that when the immigration act was changed in 1924, and as construed a year later by the Supreme Court, it excluded the Chinese wives of American citizens. At the time there were a number of Chinese wives of American citizens in China and a number were on their way to the United States. Some of them are here now under bond to return, and they have raised families. It would be most unjust to return them to China. This does not involve a great number of wives and it is to protect and keep together families. It only applies to those that were married prior to May 26, 1924.

Mr. GREEN. We have enough extractions, foreigners, and foreign colors in this country. I object.

Mr. JOHNSON of Washington. Will the gentleman withhold his objection?

Mr. GREEN. I will withhold it.

Mr. JOHNSON of Washington. Here is the situation: When the immigration act of 1924 was passed it excluded the nationals of certain countries from coming into the United States because of ineligibility to citizenship. Among those were the wives of American citizens of Chinese extraction. Many of these were on board ships bound for the United States.

Every equity ought to let them come in, and the Labor Department and State Department did let them land under bond. Most of them are still here under bond. They should be admitted regularly. It was one of those things which the committee could not think of at the time. There are some other wives of American citizens married prior to 1924—not so many. This is not the bill the gentleman has in mind, which is still in committee, and which permit American citizens of Chinese ancestry to go to China, get wives, and return with them. I know the gentleman's views quite well, and I am in sympathy with him on the general plan for a homogeneous people in the United States as far as is now possible after the mistakes of 150 and 200 years ago, but a nation of 120,000,000 can easily assimilate these additional wives of certain citizens, who should have their rights. I hope the gentleman will withdraw his objection.

Mr. GREEN. Are they already here?

Mr. DYER. They are here now, many of them, and have children.

Mr. GREEN. If they are already here, I shall not object.

The SPEAKER. Is there objection?

There was no objection.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

Mr. DYER. Mr. Speaker, just a word as to this legislation. This bill, H. R. 12379, similar to a Senate bill that has passed the Senate, and which has been substituted for it, is not entirely satisfactory. It only takes care of the situation in part. I hope at a later date to have my original bill enacted into law, and which provides that these American citizens can bring their Chinese wives to this country at any time, whether already married or are married to them in the future. It seems to me most cruel to an American citizen to have it otherwise. This legislation has been before Congress for several years. It was brought to our attention by the Chinese-American Citizens Alliance, an organization composed of citizens of the United States of the Chinese race. I do not think that the Congress intended to exclude Chinese wives of American citizens when it passed the immigration act of May 26, 1924, but since the Supreme Court has decided that law does exclude them there is nothing to do but to cure the defect by legislation. This is the start.

INTEREST ON TRUST FUNDS OF INDIAN TRIBES

The SPEAKER. The Clerk will call the Consent Calendar, beginning at the star.

The first business on the Consent Calendar was the bill (H. R. 11782) to amend the act approved February 12, 1929, authoriz-

ing the payment of interest on certain funds held in trust by the United States for Indian tribes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Chair's attention is called to the fact there is a Senate bill on the same subject.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 4203) may be considered.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the Senate bill, 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 ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

WILLACY COUNTY TEX.

The next business on the Consent Calendar was the bill (H. R. 11050) to transfer Willacy County in the State of Texas from the Corpus Christi division of the southern district of Texas to the Brownsville division of such district.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Willacy County, in the State of Texas, is hereby detached from the Corpus Christi division of the southern judicial district of the State of Texas, and attached to and made a part of the Brownsville division of the southern judicial district of such State: *Provided*, That no civil or criminal cause commenced prior to the enactment of this act shall be in any way affected by it.

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

A motion to reconsider was laid on the table.

CASA GRANDE RUINS NATIONAL MONUMENT

The next business on the Consent Calendar was the bill (H. R. 11370) to authorize the use of a right of way by the United States Indian Service through the Casa Grande Ruins National Monument in connection with the San Carlos irrigation project.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Chair is informed there is a similar Senate bill.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the Senate bill, S. 4085, may be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That for the purpose of carrying out the San Carlos project the Secretary of the Interior is hereby authorized to use a right of way for an irrigation canal across the northeast quarter northeast quarter section 16, township 5 south, range 8 east, Gila and Salt River meridian, within the Casa Grande Ruins National Monument, Ariz., to the extent of the ground occupied by such canal and not to exceed 50 feet on each side of the marginal limits thereof.

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

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

COLLECTIONS FROM INDIANS IN THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 11429) to regulate collections from Indians in the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LEAVITT. Mr. Speaker, this bill is one that was sent to the Committee on Indian Affairs from the Department of the Interior for introduction. I have had a later communication from the Secretary of the Interior, within the last two or three days, suggesting that the bill should be given further consideration, and I ask unanimous consent that the bill may be returned to the Committee on Indian Affairs.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I doubt whether the Indian Affairs Committee really has jurisdiction over the subject matter. I think the end that is sought to be attained is laudable and necessary, but a casual reading of the bill would indicate that a bill so highly penal in its character should be referred to the Committee on the Judiciary of the House. I make this as a suggestion at this time.

Mr. LEAVITT. Of course, bills of this kind are referred to the Committee on Indian Affairs under the rules.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

COLLECTION OF PENALTIES AND FEES FOR STOCK TRESPASSING ON INDIAN LANDS

The next business on the Consent Calendar was the bill (H. R. 11783) to authorize the collection of penalties and fees for stock trespassing on Indian lands.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person owning or having in his charge or possession any horses, mules, cattle, goats, sheep, or swine, or any such animals, and who permits such stock to range and feed on any restricted individual Indian lands or Indian tribal lands without the consent of the superintendent or other officer in charge thereof or otherwise trespass thereon, shall be liable to a penalty of $1 for each such animal, together with an amount equal to the annual grazing fee therefor in lieu of damages, and the cost of rounding up and caring for the animal and collecting the amount due.

SEC. 2. The superintendent in charge of any Indian or Indian tribe is authorized to seize and hold all stock found on lands under his jurisdiction in violation of the above provision, pending payment of the penalty herein authorized. Stock not claimed by the owner, after proper advertising, shall be disposed of and the funds derived therefrom handled and disposed of under such regulations as the Secretary of the Interior may prescribe: *Provided*, That any funds received from the sale of unclaimed stock in excess of the penalty prescribed shall be held in such manner that any person submitting proof of ownership of any such stock within a period of six months from the date of sale may receive such excess funds derived from the sale of his stock.

SEC. 3. Section 179, title 25, United States Code, 1926, is hereby repealed.

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

A motion to reconsider was laid on the table.

LEGISLATIVE EXPENSES, TERRITORY OF HAWAII

The next business on the Consent Calendar was the bill (H. R. 10657) to amend section 26 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, the Delegate from Hawaii, because of illness, is not able to be present. I have discussed the bill with him and have an amendment to clarify its purpose which is agreeable to him. He has asked me to present it.

With this amendment the bill will mean that we pay the amount stated here for the mileage and per diem for the Hawaiian Legislature, but we will not pay anything for a special session, and the Federal Treasury will not be responsible for any legislative expenses other than the mileage and per diem.

Mr. GREENWOOD. This bill provides that it shall be paid out of the United States Treasury. Ought it not to be paid out of the Hawaiian treasury?

Mr. CRAMTON. No; we already made the payment out of the Federal Treasury. We make similar payments such as this will be for the Legislature of Alaska. It has been customary for us to do these things, but when we make the payment provided for here we will have gone as far as our general custom would seem to warrant.

Mr. GREENWOOD. The amendment changes the lump sum to a per diem salary.

Mr. CRAMTON. No; we do not make any change as to salary for the regular session, but we do provide that the $500 for the special session instead of coming out of the Federal Treasury shall come out of the Territorial treasury.

Mr. GREENWOOD. What is the period of a session of the Legislature of Hawaii?

Mr. CRAMTON. I can not tell the gentleman—I was once there in June and they were still in session.

Mr. LAGUARDIA. The organic act takes care of that.

Mr. GREENWOOD. It seems to me that the salary ought to be a per diem and not a lump sum, and it ought to be paid out of the revenues of the Territorial treasury.

Mr. CRAMTON. My amendment does make the Hawaiian special session paid from the Territorial treasury.

Mr. GREENWOOD. Why do you make a difference between the regular session and the special session?

Mr. CRAMTON. Probably because there is a certain custom with reference to the payment of the regular session for the legislature.

Mr. STAFFORD. Is there any inducement to prolong the session by a per diem being paid out of the National Treasury?

Mr. CRAMTON. In some States it is found that a per diem for members of the legislature has prolonged the session. This bill proposes a lump sum for each session.

Mr. GREENWOOD. What is the per diem?

Mr. CRAMTON. I do not propose any per diem. The only thing proposed is to provide that the Hawaiian special session shall be paid from the Territorial treasury instead of the Federal Treasury.

Mr. LAGUARDIA. Does the gentleman's amendment differ in any way from our treatment of the Alaskan Legislature?

Mr. CRAMTON. I would not want to say exactly, but it is substantially about the same amount.

Mr. LAGUARDIA. The gentleman would not want to make any discrimination between our treatment of the two Territories?

Mr. CRAMTON. It has been several weeks since I checked it up, and I would not want to be too positive, but this payment is warranted by the payment we are making for Alaska.

Mr. LAGUARDIA. How about the amount?

Mr. CRAMTON. The amount will be about $50,000.

Mr. LAGUARDIA. Then this amendment does not make the treatment of Hawaii any different from that of Alaska?

Mr. CRAMTON. The purpose is to make it the same.

Mr. STAFFORD. Why does the gentleman differentiate in the payment of the salaries for a regular session and the salaries for a special session? If they are to be paid for one, why not for both?

Mr. CRAMTON. For the reason that the regular sessions must be held every two years, and it lies somewhat with the members of the legislature whether they have to be called in special session or not. If they know it will be paid from the Federal Treasury, then there is very little inducement to finish up their business; they may desire to be called on to come back to the special session. If it is to be paid out of the Territorial treasury, they must answer to the people at home.

Mr. JENKINS. Is the pay of the members of the legislature determined by the organic act?

Mr. CRAMTON. Yes.

Mr. JENKINS. How many members are there?

Mr. CRAMTON. I would not be sure. The population of Hawaii is five or six times that of Alaska. I am not sure as to the size of the membership.

Mr. BLANTON. Mr. Speaker, is this for the term of the regular session?

Mr. CRAMTON. It would not be material. In any event they are to get the lump sum.

Mr. BLANTON. I understand they are to get a per diem of $15 a day.

Mr. CRAMTON. No. It provides a lump sum for each regular session.

Mr. STAFFORD. The gentleman from Texas is probably confusing this with the law of Alaska.

Mr. BLANTON. Then there is a regular fixed sum, $1,000, for the regular term, and there is only one regular session every two years?

Mr. CRAMTON. Yes.

Mr. BLANTON. And the only precedent for it is the legislation for Alaska?

Mr. CRAMTON. Not only Alaska but each one of the other Territories when we had other Territories.

Mr. BLANTON. When we had other Territories, were the members of the legislature paid out of the Territorial funds?

Mr. CRAMTON. Not at the regular sessions.

Mr. BLANTON. I know; but have there been other Territories when the salaries for the regular sessions were paid out of the Treasury?

Mr. JOHNSON of Washington. If I may be permitted to answer, I remember that several years ago, in the year 1900, I believe, a splendid organic act for Hawaii was passed. Since that act the conduct of affairs in Hawaii under both Democratic and Republican governors has continuously improved. It is not so easy to conduct the affairs of such a far-flung Territory, and not easy to prepare in the Committee on Territories the legislation from time to time needed. I think this is quite a proper bill.

Mr. LAGUARDIA. The taxes which are received from Hawaii are several million dollars more than the administrative expenses of the islands.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 26 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, is amended to read as follows:

"SEC. 26. That the members of the legislature shall receive for their services, in addition to mileage at the rate of 20 cents a mile each way, the sum of $1,000 for each regular session, payable in three equal installments, on and after the first, thirtieth, and fiftieth days of the session, and the sum of $500 for each special session, to be appropriated by Congress from any moneys in the Treasury not otherwise appropriated, based upon regular estimates submitted through the Secretary of the Interior: *Provided,* That said members shall receive no compensation for any extra session held under the provisions of existing law.

With a committee amendment as follows:

Page 2, line 7, after the word "law," insert the words "*Provided further,* That the said sums herein authorized to be appropriated shall include all sums appropriated by the Congress for legislative expenses."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, lines 1 and 2, strike out the words "and the sum of $500 for each special session"; page 2, lines 5 to 10, strike out proviso and insert in lieu thereof the following: "*Provided,* That said members shall receive from the treasury of the Territory $500 as compensation for any extra session held under the provisions of existing law: *Provided further,* That the said sums herein authorized to be appropriated from the Federal Treasury for mileage and per diem of members for regular sessions shall constitute the only sums to be appropriated by the Congress for legislative expenses."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

OPINIONS OF THE COURT OF CUSTOMS AND PATENT APPEALS

The next business on the Consent Calendar was the bill (H. R. 11274) to amend section 305, chapter 8, title 28 of the United States Code, relative to the compilation and printing of the opinions of the Court of Customs and Patent Appeals.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS. Reserving the right to object, Mr. Speaker—and I shall not object—I would like to ask some member of the Committee on the Judiciary whether any similar bill has been referred to that committee?

Mr. LAGUARDIA. I do not think so. This bill provides for the printing of the opinions in separate bound volumes. We combined the Court of Customs and Patent Appeals in the appellate jurisdiction. The decisions appear now separately, one in the customs division and the other in the patent division. Under the present law patent cases are heard by the District Court of Appeals, and the opinions appeared in their combined report. Now it is found necessary to have in bound volumes the tax appeals separate from the customs appeals.

Mr. STAFFORD. The gentleman will realize that no attorneys refer to the Official Gazette for decisions, and it is in consonance with the uniform practice to have decisions, now that the court is vested with this additional jurisdiction, printed in separate volumes.

Mr. LAGUARDIA. And the opinions contained in the Gazette are in pamphlet form, and for permanent use every lawyer and court should have the bound volumes.

I think it is very useful.

Mr. JENKINS. Mr. Speaker, I withdraw the reservation.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second sentence of section 305 (Jud. C., sec. 192) of chapter 8 of title 28 of the United States Code be amended to read as follows:

"The reporter of the Court of Customs and Patent Appeals shall prepare and transmit—

"(1) To the Secretary of the Treasury, once a week, in time for printing in the publication entitled 'Treasury Decisions,' copies of all opinions relating to customs rendered by the court to that date;

"(2) To the Commissioner of Patents, once a week, in time for printing in the publication entitled 'Official Gazette,' copies of all opinions relating to patent and trade-mark appeals rendered to that date by said court.

"The reporter shall cause to be compiled and published, at least once a year, in such manner as the court shall direct, all of the opinions rendered by said court to that date, together with such digests and indexes as the court may deem necessary."

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

A motion to reconsider was laid on the table.

GOVERNMENT ROAD ACROSS FORT SILL (OKLA.) MILITARY RESERVATION

The next business on the Consent Calendar was the bill (H. R. 7272) to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, does this not disturb the entire building program, as to priority? Why is this bill necessary? I believe it is a matter of appropriation.

Mr. STAFFORD. The gentleman will notice this bill was reported quite early in the session, on February 3.

Mr. LAGUARDIA. Yes.

Mr. STAFFORD. It was then represented to the committee that this highway was urgently needed to connect traffic termini on either side of the reservation. The committee has recommended an amendment whereby only one-half the expense shall be borne by the National Government. This road is through a military reservation. Naturally, the Government should bear some portion of the expense, because it is of value not only to the localities but also to the reservation itself. The committee proposed a substitute, as the gentleman will notice, whereby one-half the expense is to be borne locally.

We have attempted in every particular to safeguard the interests of the public and to provide as much needed highway for the convenience of the people of Oklahoma.

Mr. LAGUARDIA. But is there any provision in the committee amendment which would require the State of Oklahoma to make its payment or provision for the payment before the work is started?

Mr. STAFFORD. Yes; the proviso—

That the State of Oklahoma or civil subdivisions thereof or local interests concerned shall contribute an amount sufficient to cover the remainder of the cost of improving said road, and the Secretary of War is hereby authorized to expend such sum as may be so contributed concurrently with the appropriation herein authorized.

Mr. DOWELL. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. DOWELL. Is this entirely within a military reservation?

Mr. STAFFORD. Entirely. I think we have safeguarded the Government interests in every respect. It will not impede public improvements.

Mr. JENKINS. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. JENKINS. Under the present law the United States Government contributes, up to $20,000 per mile, dollar for dollar with the States. If this is purely a Federal proposition, does the gentleman not think it is a departure whenever we offer to match money with the State of Oklahoma?

Mr. STAFFORD. The committee thought there was a peculiar condition arising whereby this road should be opened. The highway is exclusively within the military reservation. It is of value to the communities on either side. We did not want to block it. Neither did we see that the entire burden should be borne by the National Government.

Mr. LAGUARDIA. Would the gentleman object to this amendment?—after the word "concerned," in line 22, page 2, in the proviso, insert these words, "before the construction of said road is commenced," so that it will read:

That the State of Oklahoma or civil subdivisions thereof or local interests concerned, before the construction of said road is commenced, shall contribute.

Mr. STAFFORD. That is carrying out the idea of the committee, and I think there could be no objection to the amendment.

Mr. McCLINTIC of Oklahoma. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. McCLINTIC of Oklahoma. The road-building machinery of each State is generally conducted by a highway department, and before a road contract can be made the money has to be on hand. In this particular case it is a highway that has recently been federalized. The present law is not applicable to the extent that this little section running through Fort Sill can be contracted for unless we have some legislation along this line.

Mr. JENKINS. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. JENKINS. What provision is made for the maintenance of the road?

Mr. McCLINTIC of Oklahoma. When it becomes a federalized road the maintenance will be taken care of by the State and the Federal Governments.

Mr. LAGUARDIA. I think the gentleman is in error on that. This is wholly within a military reservation. I think the maintenance will be up to the Federal Government.

Mr. McCLINTIC of Oklahoma. Well, I do not think so. The road has been federalized, and it is now No. 7. When a road is federalized provisions are made for its entire upkeep.

Mr. McKEOWN. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. McKEOWN. The truth about it is that the whole road should be paid for by the National Government. We do it with any other cases, but the people down there are so anxious to have it that the State is willing to pay a part of it.

Mr. LAGUARDIA. The gentleman does not then have any objection to my amendment?

Mr. McKEOWN. No.

Mr. McCLINTIC of Oklahoma. The only reason that I made the explanation was that I wanted the gentleman to understand that it is not possible to let a contract for the building of any section of a road unless the money is available.

Mr. LAGUARDIA. True, but the Federal Government may build the road.

Mr. McCLINTIC of Oklahoma. No, no.

Mr. LAGUARDIA. This bill provides "that the Secretary of War is authorized to construct a paved road."

Mr. McCLINTIC of Oklahoma. I understand the State of Oklahoma is to pay one-half of it, according to the provisions of the legislation. Therefore I hope the gentlemen will not object.

Mr. LAGUARDIA. Very well, let us make it certain.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $159,817, or so much of said sum as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, in paving the Government road through the Fort Sill (Okla.) Military Reservation, beginning at the site of the fort and running to the reservation limit on the north, in the length of approximately 4½ miles, being a part of one of the public thoroughfares of the State running from Fort Sill to Apache, Okla.: *Provided,* That no part of this appropria-

tion shall be expended until the State of Oklahoma, or the county thereof concerned, obligates itself, or themselves, in writing to the satisfaction of the Secretary of War that it, or they, will accept title to and maintain said road under the provisions of the act approved March 3, 1925 (sec. 418, title 18, U. S. C.), immediately upon the completion of such improvements as may be made under this appropriation.

With the following committee amendment:

Strike out all after the enacting clause, and insert the following:

"That the Secretary of War is authorized to construct a paved road across the Fort Sill (Okla.) Military Reservation, beginning at the site of the fort and running to the reservation limit on the north, over such route as he may determine, for which an appropriation is hereby authorized in such amount as may be required to pay one-half the cost of the improvement of said road, but not in excess of the amount that would be payable as Federal aid for the construction of a primary road of equal length in the vicinity of said reservation under the Federal highway act of November 9, 1921, as amended: *Provided*, That the State of Oklahoma or civil subdivisions thereof or local interests concerned shall contribute an amount sufficient to cover the remainder of the cost of improving said road, and the Secretary of War is hereby authorized to expend such sum as may be so contributed concurrently with the appropriation herein authorized."

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment to the committee amendment.

The SPEAKER. The gentleman from New York [Mr. LAGUARDIA] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. LAGUARDIA: Line 22, after the word "concerned" insert the words "before the construction of said road is commenced."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

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

A motion to reconsider was laid on the table.

MIGRATORY BIRD CONSERVATION ACT

The next business on the Consent Calendar was House Joint Resolution 307, authorizing the appropriation, for the fiscal year ending June 30, 1931, of not to exceed $300,000 of the amount of $600,000 authorized to be appropriated for the fiscal year ending June 30, 1932, by section 12 of the migratory bird conservation act of February 18, 1929.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLANTON. Mr. Speaker, I object.

Mr. HOPE. Will the gentleman reserve his objection?

Mr. BLANTON. I reserve the right to object.

Mr. HOPE. Senate bill 3950 has been favorably reported by the House Committee on Agriculture and is now on the calendar. It seeks to accomplish the same purpose as House Joint Resolution No. 307, except it does it in a different way. It authorizes a direct appropriation for the purpose of establishing a migratory-bird refuge in the Cheyenne bottoms. This is a matter very much in the nature of an emergency, because action has already been taken to drain this area. The drainage district has been organized, bonds have been authorized; and unless some action is taken by Congress at this time, this area, which is one of the great concentration areas in this country for migratory birds, will be lost, or if it is not lost and it is desired to acquire it later, it will cost the Government a great deal more money than it can be purchased for at this time.

Mr. BLANTON. I want to ask the gentleman a question: Does the gentleman know how much we have already spent under this migratory bird act since it was first passed?

Mr. HOPE. The gentleman means the bill which was passed last year?

Mr. BLANTON. I mean since the first Hawes bill was passed several years ago.

Mr. HOPE. Well, I will say to the gentleman that we have spent very, very little in establishing migratory-bird refuges.

Mr. BLANTON. The gentleman knows that if this $300,000 out of the $600,000 authorized for 1932 is allowed to be spent in 1931 they will come right back here again and ask for another $300,000 for 1932. That will be the case, will it not?

Mr. HOPE. What I was proposing to do was to ask that at this time we consider the bill which has already passed the Senate, authorizing a direct appropriation to purchase this tract of land in Kansas.

Mr. BLANTON. Is the gentleman prepared to assure us that there will not be another effort made to come back and ask for another $300,000 to supplement the amount for 1932?

Mr. HOPE. I can assure the gentleman I will not do so and I can not see any reason why anyone else should do it, because under the terms of the migratory bird conservation act, which was passed by the House last year, we will have, beginning with 1933, $1,000,000 a year for the purpose of buying these refuges. The only reason for asking an appropriation outside of the general law is that this is an emergency. This refuge is going to get away from us and it is going to be drained and lost forever unless we can pass a bill at this time which will allow the Government to purchase it.

Mr. BLANTON. Is this refuge generally designated as the millionaire huntsmen's refuge?

Mr. HOPE. No; it is not. It is to be an inviolate sanctuary.

Mr. BLANTON. Is there any hunting permitted there at all?

Mr. HOPE. Absolutely none.

Mr. BLANTON. I will withdraw my objection.

Mr. COCHRAN of Missouri. If the gentleman will permit, I would like to advise the gentleman from Texas that the statistics show that nearly five times as many migratory birds are killed in the State of Texas than in any State in the Union, and this appropriation is to conserve migratory birds; to make better shooting for Texas.

Mr. BLANTON. Texas is five times as large as most of the States. I want to say to the gentleman from Missouri that a poor man in Texas has the same right to kill birds as a millionaire from New York.

Mr. COCHRAN of Missouri. This will help the poor man in Texas. They will breed in the North and then the ducks and geese will go down to Texas to be slaughtered.

Mr. LAGUARDIA. The gentleman from Kansas has made out a pretty good case, showing there may be some need for immediate legislation, but I want to point out to the House that there are several bills on this calendar seeking increased appropriations for the carrying out of the provisions of the migratory bird act. I am going to object to these others because I do not believe they ought to be brought up on the Consent Calendar.

Mr. ANDRESEN. The Committee on Agriculture had this measure under consideration for some time. We are in accord with the gentleman as to the future, but this is an emergency proposition.

The SPEAKER. Is there objection?

Mr. KINCHELOE. Mr. Speaker, reserving the right to object, I want to say to the Members of the House that nobody has been more interested in migratory bird legislation than I have. I happen to be a member of the Committee on Agriculture. We passed a general migratory bird law, as has been stated here. The territory acquired under that act is to be absolutely inviolate, with never a gun fired on it, and the areas are to be sanctuaries in every respect.

At first I objected to the bill of the gentleman from Kansas [Mr. HOPE] because it was not included in the omnibus migratory bird law that we passed, but in view of the fact that the evidence is sufficient, at least in my opinion, that otherwise this land is going to be drained in a little while and they do not seem to have any legal way of preventing it, and the further fact that the Bureau of the Budget has agreed to this amount, not to be taken out of the funds under the omnibus migratory bird law that we passed, I think the bill ought to be passed; and at my suggestion the gentleman from Kansas and I got together and put the inviolate provision of the general migratory bird law into this bill, so that when the bill is passed, with the amendments that the gentleman is going to offer—the gentleman is going to offer those amendments?

Mr. HOPE. Yes.

Mr. KINCHELOE. The provision with respect to the sanctuary being inviolate will be the same as the general omnibus migratory bird law that we passed.

Mr. LAGUARDIA. I do not think there is any question that under the law which we passed, hunting is forbidden in all the sanctuaries; at least, that is my understanding.

Mr. KINCHELOE. There is no question about that, and at my suggestion the gentleman is going to offer an amendment that brings this bill within the pale of the general law.

Mr. HOCH. Will the gentleman yield?

Mr. HOPE. Yes.

Mr. HOCH. I think it is well to put that provision in the bill by way of double precaution.

Mr. KINCHELOE. Yes. I would object to the bill myself if that provision were not put in.

Mr. CLARKE of New York. If the gentleman will permit, I want to say that time is a very important element because incalculable damage will be done if this is not agreed to.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOPE. Mr. Speaker, I ask unanimous consent at this time that the House consider the Senate bill (S. 3950), which

is the bill I have been discussing, instead of the joint resolution (H. J. Res. 307).

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. KINCHELOE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KINCHELOE. Mr. Speaker, my parliamentary inquiry is this: The gentleman from Kansas has some amendments which will be offered to the Senate bill. When is it in order for the gentleman to offer the amendments?

The SPEAKER. As soon as the bill is reported.

The Clerk read the Senate bill (S. 3950), as follows:

Authorizing the establishment of a migratory bird refuge in the Cheyenne bottoms, Barton County, Kans.

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.

With the following committee amendments:

On page 2, line 10, strike out "$300,000" and insert "$250,000."

The committee amendment was agreed to.

Page 2, after line 12, insert a new section, as follows:

"SEC. 4. That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this act, including purchase of options when deemed necessary by the Secretary of Agriculture, and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General. That the acquisition of such areas by the United States shall in no case be defeated because of rights of way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purpose of this act."

The committee amendment was agreed to.

Mr. HOPE. Mr. Speaker, I offer an amendment, which I have sent to the desk.

The SPEAKER. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOPE: Page 3, after line 3, insert a new section, as follows:

"SEC. 5. Sections 7, 8, 9, 10, 13, 14, and 15 of the migratory bird conservation act, approved February 18, 1929, are hereby made applicable for the purposes of this act in the same manner and to the same extent as though they were enacted as a part of this act."

Mr. BLANTON. Mr. Speaker, I reserve a point of order on the amendment. I want to ask the gentleman a question. Has the gentleman's committee that reported this bill approved of this amendment?

Mr. HOPE. The committee has not considered this amendment, but it merely makes the provisions of the general migratory bird law, which the committee did approve last year, a part of this bill. I am sure that no member of the committee has any objection to the amendment.

Mr. BLANTON. Has the Committee on Agriculture approved this amendment?

Mr. HOPE. It has not approved this amendment as such, but it did approve its substance, because it is a part of the migratory bird act which the committee approved and the House passed last year. The sole purpose of the amendment is to make certain that this area will be an inviolate sanctuary for migratory birds.

Mr. BLANTON. Has the gentleman submitted his amendment to the committee?

Mr. KINCHELOE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KINCHELOE. This amendment which the gentleman is now offering was drawn because I objected to the bill and proposed to fight it to a finish because it did not come within the purview of the general migratory bird act. The amendment makes certain sections of the general migratory bird act a part of this bill.

Mr. BLANTON. And the gentleman from Kentucky, as a member of the committee, approves of this amendment?

Mr. KINCHELOE. Yes; because this will make this sanctuary inviolate.

Mr. BLANTON. I withdraw the point of order.

Mr. CLARKE of New York. The suggestion originally came from the gentleman from Texas.

Mr. LAGUARDIA. And it is in line with the expression which the gentleman from Texas made a few moments ago.

Mr. KINCHELOE. The amendment makes this reservation an inviolate sanctuary.

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

PROMOTION OF VOCATIONAL AGRICULTURE

The next business on the Consent Calendar was the bill (S. 2113) to aid in effectuating the purposes of the Federal laws for promotion of vocational agriculture.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. I object.

NATIONAL PARK MENOMINEE INDIAN RESERVATION, WIS.

The next business on the Consent Calendar was the bill (H. R. 11900) to authorize the Secretary of the Interior to investigate and report to Congress on the desirability of the acquisition of a portion of the Menominee Indian Reservation in Wisconsin for the establishment of a national park to be known as Menominee National Park.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, I discussed this with the gentleman from Wisconsin and he is agreeable to certain amendments to make it clear that the investigation is to be conducted by the Indian Service and the National Park Service; and to eliminate section 2 which involves an extensive study that would not necessarily be required. With these amendments I have no objection.

Mr. DYER. Does not the Interior Department have authority to do practically what this legislation provides?

Mr. CRAMTON. The National Park Service clearly has authority, and in the 1931 appropriation bill there is money available for the Park Service to carry on these studies. But in this particular case I do believe that it is desirable to definitely tie together the Indian Service and the Park Service in the study because this Indian reservation is involved.

Mr. REED of New York. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. Evidently there is no quorum present.

Mr. RAMSEYER. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms was directed to notify absentees, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 64]

Abernethy	Dominick	Kiess	Ransley
Aldrich	Doyle	Kunz	Rayburn
Allen	Drewry	Kurtz	Romjue
Andrew	Estep	Lampert	Sabath
Auf der Heide	Esterly	Lankford, Ga.	Sinclair
Bankhead	Evans, Calif.	Lindsay	Snell
Beck	Fort	McCormick, Ill.	Somers, N. Y.
Bloom	Gavagan	McSwain	Steagall
Bohn	Graham	Maas	Stedman
Britten	Granfield	Magrady	Stevenson
Brunner	Griffin	Mead	Stobbs
Buchanan	Hammer	Montague	Strong, Pa.
Carley	Hoffman	Mooney	Sullivan, N. Y.
Carter, Wyo.	Hudson	Moore, Va.	Sullivan, Pa.
Celler	Hull, William E.	Nolan	Taylor, Colo.
Chase	Hull, Tenn.	Norton	Treadway
Christgau	Hull, Wis.	O'Connor, N. Y.	Underhill
Cooke	Igoe	Oliver, N. Y.	Underwood
Cooper, Ohio	James	Owen	Vincent, Mich.
Craddock	Jeffers	Palmisano	Warren
Curry	Johnson, Ill.	Peavey	White
Davenport	Johnston, Mo.	Porter	Williams
Dempsey	Kennedy	Prall	Wingo
Dickinson	Kerr	Pratt, Harcourt J.	Wolfenden
Dickstein	Ketcham	Quayle	Yon

The SPEAKER pro tempore (Mr. LEHLBACH). Three hundred and twenty-eight Members have answered to their names, a quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested.

S. Con. Res. 23. Concurrent resolution requesting the President to issue a proclamation each year designating the first week in April as American conservation week.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 4017) entitled "An act to amend the act of May 29, 1928, pertaining to certain War Department contracts by repealing the expiration date of that act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED, Mr. GREENE, and Mr. SHEPPARD to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 270) entitled "Joint resolution 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."

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On June 6, 1930:

H. R. 970. An act to amend section 6 of the act of May 28, 1896;

H. R. 5662. An act providing for depositing certain moneys into the reclamation fund; and

H. R. 11403. An act to amend an act entitled "An act to create a revenue in the District of Columbia by levying tax upon all dogs therein, to make such dogs personal property, and for other purposes," as amended.

On June 9, 1930:

H. R. 323. An act for the relief of Clara Thurnes;

H. R. 937. An act for the relief of Nellie Hickey;

H. R. 940. An act for the relief of James P. Hamill;

H. R. 1559. An act for the relief of John T. Painter;

H. R. 4849. An act to provide for the purchase of a bronze bust of the late Lieut. James Melville Gilliss, United States Navy, to be presented to the Chilean National Observatory;

H. R. 9123. An act for the relief of Francis Linker;

H. R. 10037. An act to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes," approved May 16, 1928;

H. R. 10117. An act authorizing the payment of grazing fees to E. P. McManigal;

H. R. 10175. An act to amend an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended;

H. R. 11547. An act to provide for the erection of a marker or tablet to the memory of Joseph Hewes, signer of the Declaration of Independence, member of the Continental Congress, and patriot of the Revolution, at Edenton, N. C.;

H. R. 12013. An act to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases;

H. R. 12302. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. J. Res. 243. Joint resolution authorizing an appropriation to defray one-half of the expenses of a joint investigation by the United States and Canada of the probable effects of proposed developments to generate electric power from the movement of the tides in Passamaquoddy and Cobscook Bays.

EXTENSION OF REMARKS

Mr. COCHRAN of Missouri. Mr. Speaker, on Saturday evening Missouri's Democratic candidate for President in 1932, Hon. James A. Reed, former Senator from Missouri, spoke over the radio on national issues. He was speaking at a Democratic meeting, nearly 10,000 citizens of my State being present. Just as he reached the subject of radio and the Radio Trust an S O S call was sent out and he was taken off the air. I know not who sent out the call. The speech was a good one and should be read by all. I ask unanimous consent that I be permitted to place the speech in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. DENISON. Mr. Speaker, reserving the right to object, I was just over in the Senate, and that speech was inserted in the RECORD in that body. There is no necessity of getting it in the RECORD twice.

Mr. COCHRAN of Missouri. Mr. Speaker, I am glad to hear it. I withdraw the request.

NATIONAL PARK MENOMINEE INDIAN RESERVATION, WIS.

The SPEAKER pro tempore. When the point of no quorum was made the bill H. R. 11900 had been called up. Is there objection to the consideration of the bill H. R. 11900?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to investigate and report to Congress as to the desirability of acquiring from the Menominee Tribe of Indians in Wisconsin that portion of the lands comprising the six eastern townships of said reservation located within the counties of Shawano and Oconto, Wis., and such additional adjacent lands outside of the reservation as may be deemed desirable, for the purpose of establishing a national park to be known as Menominee National Park, for the benefit and enjoyment of the people of the United States and to preserve said area in its natural state.

SEC. 2. The Secretary of the Interior shall include in his report an appraisal of the individual interests of members of the tribe as to land improvements and buildings on a reproduction basis, and also their joint interests consisting of the land, timber, water-power potentialities, industrial developments, buildings, etc.: *Provided*, That it be clearly understood that no lands, rights, or properties shall be taken from the Menominee Tribe or individual members thereof for such park purposes without adequate compensation.

Mr. CRAMTON. Mr. Speaker, I offer the following amendments.

The Clerk read as follows:

Page 1, line 4, after the word "investigate," insert the words "through the National Park Service and the Bureau of Indian Affairs."

Page 2, strike out all of section 2.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TERMS OF COURT AT EASTON, PA.

The next business on the Consent Calendar was the bill (H. R. 7926) to provide for terms of the United States District Court for the Eastern District of Pennsylvania to be held at Easton, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. I object.

Mr. COYLE. Will the gentleman withhold his objection?

Mr. CRAMTON. Yes. I will state that there is no particular urgency for establishing a new place to hold a Federal court 60 or 70 miles from Philadelphia except it is for the convenience of the judge who happens to live there. The bill provides that there shall be no expense involved to the Federal Treasury. But some time or other that will be disregarded and we will have to add to a Federal building at Easton one or two hundred thousand dollars for a place in which to hold court to try a few cases. In connection with the public building bills we are finding this experience repeatedly, and the courts are being held in many States at places where it really is not essential and it involves a large amount of money.

Mr. LAGUARDIA. The committee went into this very thoroughly and believe this bill ought to pass.

Mr. CRAMTON. The bill provides that there shall be no expense to the Federal Government, but in a year or two or three or four that will be disregarded and there will be an expense of one or two hundred thousand dollars to put up a Federal building.

Mr. LAGUARDIA. I am sure the gentleman must have some reliance upon the Judiciary Committee.

Mr. CRAMTON. I have been supporting their bills uniformly, even when my friend from New York, who is a member of the committee, did not support the bills.

Mr. LAGUARDIA. Oh, let us not go into that now, but here is a condition which confronts us: Philadelphia has a very busy court.

Mr. CRAMTON. It does not help the court out in Philadelphia to take a judge to Easton to hold court.

Mr. LAGUARDIA. But it helps the litigants at Easton.

Mr. CRAMTON. Oh, that is only 60 or 70 miles away.

Mr. STAFFORD. Is the gentleman from Michigan acquainted with the geography of the district and the surroundings there? Easton is a central point, with Allentown and Bethlehem and other large places in the neighborhood. This makes a central location for the holding of court. I think if the gentleman were acquainted with the geography and population of the district, he would give the bill favorable consideration.

Mr. CRAMTON. The department does not urge the bill.

Mr. STAFFORD. Neither does it oppose it.

Mr. CRAMTON. The Attorney General says:

In consideration of all the above, while not disposed to urge the enactment of the bill, the department would offer no objection to it, provided it shall be amended to include a provision that the holding of court at Easton shall be conditioned on the furnishing of suitable facilities therefor without expense to the United States.

When we are considering these public building bills we find a town where they are putting up a building for a Federal post office, and it develops that the Federal court is held there, perhaps once a year, perhaps for three or four days in a year, and we have to put double the cost on that building in order to accommodate a few days of court and our committee has come to repeated instances where courts are established and do very little business, costing us a whole lot of money. It seems to me the time to remedy the situation is before we authorize the holding of the court.

Mr. STAFFORD. But in all these instances litigants are accommodated, and Easton is an industrial center.

Mr. CRAMTON. I am perfectly willing to withhold the objection and let the matter go over for another week.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

EMPLOYEES OF IMMIGRATION SERVICE IN FOREIGN DUTY

The next business on the Consent Calendar was the bill (H. R. 9803) to amend the fourth proviso to section 24 of the immigration act of 1917, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the fourth proviso to section 24 of the immigration act of 1917, as amended, is hereby amended to read as follows:

"*Provided further*, That when inspectors or other employees of the Immigration Service are ordered to perform duty in a foreign country, or transferred from one station to another, in the United States or in a foreign country, they shall be allowed their traveling expenses in accordance with such regulations as the Secretary of Labor may deem advisable, and they may also be allowed, within the discretion and under written orders of the Secretary of Labor, the expenses incurred for the transfer of their wives and dependent minor children; their household effects and other personal property, not exceeding in all 5,000 pounds, including the expenses for packing, crating, freight, and drayage thereof. The expense of transporting the remains of inspectors or other employees of the Immigration Service, who die while in, or in transit to, a foreign country in the discharge of their official duties, to their former homes in this country for interment, and the ordinary and necessary expenses of such interment, at their posts of duty or at home, are hereby authorized to be paid on the written order of the Secretary of Labor."

Mr. JENKINS. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. JENKINS: Line 13, page 2, after the word "interment," strike out the comma and insert "and the preparation for shipment."

The amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLERKS IN IMMIGRATION SERVICE

The next business on the Consent Calendar was the bill (H. R. 10881) to amend section 24 of the immigration act of 1917 as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I can not find from the report that this bill is recommended by the department, and it does not appear to have been submitted to the Budget. If we are to have a Budget at all that amounts to anything we must insist on their having a chance to go over these bills. If the Committee on Immigration is not interested in the attitude of the Budget, some of the rest of us are. I feel obliged to object to the bill.

Mr. JOHNSON of Washington. Will the gentleman withhold his objection for a moment?

Mr. CRAMTON. Certainly. And what I say applies to the next bill from the committee and I think the numerous other bills from the same committee.

Mr. JOHNSON of Washington. It is true that there are three bills in a row, and the point with at least one of them is this: The Immigration Service in the Department of Labor seems to be always overlooked when the pay adjustments are made. Clerks in the Treasury Department and elsewhere, but not in the Immigration Service, which operates under a lump-sum appropriation, which seems never quite enough to go around. Hence the clerks in that service are out of luck. Besides, more clerks are needed. Any Budget recommendation that has been made for any other department which has the same class of clerks should apply to this service, in my opinion.

Mr. CRAMTON. I should say that the rule to be applied to one department should also apply to another if the conditions are the same. Why was not this bill referred to the Budget?

Mr. JOHNSON of Washington. The bill, I will say to the gentleman, was referred to a subcommittee, which has worked on the problem for years. An appropriations subcommittee asked us to work it out.

Mr. CRAMTON. I am in sympathy with the general purpose of the bill, but I happen to know that the Budget officials are greatly concerned as to the financial policy that shall be pursued for the next year, and so far as I am concerned I am going to object to bills that are going to cost large sums of money. Many bills are brought in here without any report.

Mr. Speaker, I ask unanimous consent that these bills go over for a week, in the hope that the gentlemen interested will give the Budget a chance to report upon them.

There is nothing here even to show that the department favored it later than the year 1923. You ought to get a report a little nearer the present date than 1923.

Mr. JOHNSON of Washington. Let us allow the first bill to go over until further information is procured, and let us consider the second bill on its merits. Our committee has been opposed to this bill for years and years, because our committee does not approve of payments for overtime.

Mr. BLANTON. Mr. Speaker, I call for the regular order.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

OVERTIME FOR EMPLOYEES, IMMIGRATION SERVICE

The next business on the Consent Calendar was the bill (H. R. 3309) to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I would like to have a report from the Budget concerning this bill.

Mr. JOHNSON of Washington. The House Committee on Immigration has hitherto objected to paying for overtime in the inspection service by a charge against shipowners. But for many years in the Customs Service that form of overtime has been paid. When their inspectors have to go out at night and do their work quickly in order to prevent delay in the arrival and departure of a great ship, they are paid overtime, but not directly from the owners of the ships. The owners pay that money over to the Treasury, so that the actual overtime is not paid directly to the inspectors. When the actual inspector gets the overtime money he does not know its source. I understand the same is true with respect to the meat inspectors in the meat-inspection service under the Department of Agriculture.

Now, then, in the case of the immigration inspectors they go out to the ships along and with the customs inspectors, and perform the same overtime. They may not get through until 3 o'clock the next morning; and then the immigration inspector has to go out again in a few hours. He does not get overtime either from the Government or from the owners. Our committee finally came to the conclusion that if it is paid in the

Customs Service it should be applied to this service also. We do not like the system at all. The Government is able to pay its inspectors in all services. But we can not get rid of the privately paid overtime in the great, big Customs Service, so our committee regretfully asks that you let the smaller Immigration Service "hook on" to their system.

Mr. STAFFORD. I understand it would apply to immigration inspectors and it would apply to inspectors on the border.

Mr. JOHNSON of Washington. Yes; under certain conditions. As to overtime——

Mr. STAFFORD. Overtime would be any time after 5 o'clock in the afternoon. That is the time when the extra pay commences.

Mr. JOHNSON of Washington. If there are enough inspectors, there will be no overtime in the case of the boundary inspectors. There can be two shifts at important points of entry. If there is overtime, it will be paid by the railroads if there is a shortage of inspectors.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice until we can get any kind of a report that the Department of Labor may submit.

Mr. JENKINS. The Secretary of Labor has recommended this time and time again. In the Seventieth Congress we passed a bill of which I was the author and which put the immigration on a pay schedule that brought them up to near the Customs Service, which is practically the same kind of work, and President Coolidge signed this bill. He expressed himself as being strongly in favor of the provisions of the bill that provided an automatic plan. That bill did not provide for overtime pay because it was felt that to ask it would endanger the passage of the bill. The customs inspectors were still favored over the immigration inspectors and are yet favored. There is no just reason why an immigration inspector should be required to work five or six hours overtime without compensation than any other employee of the Government. The steamship companies request the services of these inspectors for the benefit of the steamship companies, and why should they not pay for this special service?

Mr. GREENWOOD. I understand the extra pay for inspectors shall be paid by the shipping interests?

Mr. JENKINS. Yes; but not directly to the inspectors.

Mr. CRAMTON. Mr. Speaker, I renew my request that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

BRYCE CANYON NATIONAL PARK, UTAH

The next business on the Consent Calendar was the bill (H. R. 11698) to provide for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the Senate bill, S. 4170, be considered in lieu of the House bill. These bills are identical.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

S. 4170

A bill to provide for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes

Be it enacted, etc., That for the purpose of preserving in their natural state the outstanding scenic features to the south and west of Bryce Canyon National Park, the President of the United States be, and he is hereby, authorized, upon the joint recommendation of the Secretaries of Interior and of Agriculture, to add to the Bryce Canyon National Park, in the State of Utah, by Executive proclamation, any or all of unsurveyed townships 37 and 38 south, range 4 west, Salt Lake meridian, not now included in said park, and all the lands added to said park pursuant hereto shall be, and are hereby, made subject to all laws, rules, and regulations applicable to and in force in the Bryce Canyon National Park.

SEC. 2. That the provisions of the act of June 10, 1920, known as the Federal water power act, shall not apply to lands now included in the Bryce Canyon National Park nor to any lands added to said park under the authority of this act.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The similar House bill was laid on the table.

ZION NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 11699) to add certain lands to the Zion National Park in the State of Utah, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COLTON. Mr. Speaker, I ask unanimous consent to consider the Senate bill (S. 4169) in lieu of the House bill (H. R. 11699).

The SPEAKER pro tempore. Without objection, the Clerk will report the Senate bill (S. 4169) in lieu of the House bill.

There was no objection.

The Clerk read the bill (S. 4169), as follows:

Be it enacted, etc., That sections 7, 17, 18, 19, 20, 29, 30, 31, and 32, township 41 south, range 9 west; unsurveyed sections 5, 6, 7, 8, 17, and 18, township 42 south, range 9 west; unsurveyed sections 5, 6, 7, and 8, township 42 south, range 9½ west; unsurveyed sections 1, 2, and the north half and southeast quarter section 3; northeast quarter section 4, east half section 10, sections 11 and 12, township 42 south, range 10 west; all of section 21, southwest quarter section 22, northwest quarter section 27, southeast quarter unsurveyed section 28; east half unsurveyed section 33, township 41 south, range 10 west; and all of sections 34, 35, and 36, township 41 south, range 11 west, all with reference to the Salt Lake meridian, be, and the same are hereby, added to and made a part of the Zion National Park in the State of Utah, subject to all laws and regulations applicable to and governing said park.

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

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE SIEGE OF YORKTOWN

The next business on the Consent Calendar was the joint resolution (H. J. Res. 289) providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Michigan [Mr. HOOPER] and the other gentlemen if this matter has been submitted to the Bureau of the Budget. This contains a proposed expenditure of $250,000.

Mr. HOOPER. I think the gentleman from Virginia [Mr. BLAND] has information on that subject.

Mr. BLANTON. Unless it has been submitted to the Bureau of the Budget, I feel constrained to object.

Mr. BLAND. I hope the gentleman will not object. This was recommended by a governmental commission, a commission consisting of five Senators and five Members of the House. The matter was fully gone into by the commission, and this resolution is based on the report of the commission. Then it was carefully considered by the Committee on the Library. The gentlemen went down there and went over the ground. It is really an emergency.

Mr. BLANTON. Was it considered at a full meeting of the Committee on the Library?

Mr. HOOPER. It was.

Mr. BLANTON. And the Committee on the Library approved it?

Mr. HOOPER. The Committee on the Library wholly approved it.

Mr. BLANTON. If that is the case, I will not prolong the discussion. I will withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the House joint resolution, as follows:

Resolved, etc., That the commission heretofore created pursuant to H. Con. Res. 43, Seventieth Congress, first session, and known as the United States Yorktown Sesquicentennial Commission be, and the same is hereby, continued by the same name and hereinafter referred to as the commission. Any vacancies arising in the personnel of the said commission shall be filled as follows: Any vacancies occurring among the Senators shall be filled by appointment by the President of the Senate, and any vacancies occurring among the Members of the House of Representatives shall be filled by appointment by the Speaker of the House of Representatives.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not exceeding $200,000 to be expended in the discreation of the commission in carrying out the purposes of this resolution, in doing such work, securing such grounds, providing such buildings and facilities, and meeting such expenses as the commission may deem necessary for the appropriate participation of the United States in the celebration and observance of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Cornwallis on October 19, 1781.

SEC. 3. That the said commission is authorized to formulate and secure the proper execution of appropriate plans for said celebration; to employ or assist in employing all necessary employees and assistants for the proper execution of its duties under this resolution; to cooperate with any and all other organizations, associations, and agencies, Federal, State, or municipal, civic and patriotic, that may be interested in said celebration; to enter into such contracts, perform such work, and do all such other things as may be necessary or proper to carry into full effect the intents and purposes of this resolution.

SEC. 4. That the commission may in its discretion accept for the purposes of said celebration gifts of money or property, leases of land, and loans of property.

SEC. 5. That the said commission be, and the same is hereby, authorized to call upon the War Department, the Navy Department, and the Commission of Fine Arts, in Washington, D. C., for their assistance and advice in connection with the performance of the duties of said United States Yorktown Sesquicentennial Commission, and the said War Department, Navy Department, and Commission of Fine Arts are directed to render such assistance and advice as their other duties may permit and as may be within their power.

SEC. 6. All expenditures of the commission shall be paid by the Treasurer of the United States upon the approval of the chairman and the secretary of the commission.

SEC. 7. That the members of the commission shall receive no compensation for their services, but shall be paid their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their official duties outside of the District of Columbia to be paid out of the moneys authorized in section 2 of this resolution: *Provided, however,* That the expenditures under this section of this resolution shall not exceed in the aggregate the sum of $5,000.

SEC. 8. That the commission hereby created shall expire one year after the expiration of the celebration.

The SPEAKER pro tempore. The Chair is informed that in line 9, on page 2, the word "discretion" is misspelled. Without objection, the spelling will be corrected.

There was no objection.

Mr. CRAMTON. Mr. Speaker, I offer an amendment to include authority to call upon the Interior Department for assistance, as well as the other departments. Will the gentleman from Virginia [Mr. BLAND] agree to that?

Mr. BLAND. I do not object to that.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CRAMTON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 3, line 9, after the words "Navy Department," insert "the Interior Department," and in line 13, after the words "Navy Department," insert "the Interior Department."

The amendments were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SPECIAL REPORTS ON DISEASES OF CATTLE

The next business on the Consent Calendar was the resolution (H. J. Res. 323) to authorize the printing with illustrations and binding in cloth of 125,000 copies of the Special Report on the Diseases of Cattle.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. PATTERSON. Will the gentleman reserve his objection?

Mr. LAGUARDIA. I will withhold it for a moment. I just want to state to the chairman of the Committee on Printing that there are about 50,000 copies of this document in the folding room now.

Mr. PATTERSON. The Members can not get them.

Mr. BEERS. The Department of Agriculture has asked for them.

Mr. LAGUARDIA. For 120,000?

Mr. BEERS. Yes.

Mr. LAGUARDIA. Why do you not ask for 60,000?

Mr. BEERS. Sixty thousand for the cattle?

Mr. LAGUARDIA. Thirty thousand for the cattle and 30,000 for the horses?

Mr. BACON. How much will this cost?

Mr. LAGUARDIA. Sixty thousand dollars.

Mr. BEERS. Oh, no.

Mr. LAGUARDIA. I have the bill in my hand.

Mr. BEERS. It will cost $54,818.

Mr. LAGUARDIA. But the bill provides for $60,000.

Mr. BEERS. That is the extent to which they can go, but the actual cost will be $54,818.

Mr. LAGUARDIA. Will the gentleman accept an amendment reducing it from 60,000 to 30,000?

Mr. BEERS. No; that will not be sufficient.

Mr. LAGUARDIA. But there are a great many in the folding room now.

Mr. BEERS. But they are not available.

Mr. PATTERSON. I will say that there is a very great demand for these books. People are going into the dairy business and want them. Some of the Congressmen do not have any at all and can not get them.

Mr. LAGUARDIA. They are downstairs in the folding room.

Mr. PATTERSON. They will not give them to us. I do not know how many are down there.

Mr. LAGUARDIA. If the city Members do not use their allowance, it is foolish to give them another allowance. I should think if you have 60,000 more there would be sufficient for the Members representing the rural districts.

Mr. BEERS. But we have not got 60,000.

Mr. LEAVITT. Could the gentleman not amend the bill to provide that the distribution will be among those who do not have any allotment now?

Mr. LAGUARDIA. That certainly would be the logical, sensible, and economical thing to do.

Mr. BEERS. But it is impossible to get other Members to agree to anything like that.

Mr. McCLINTIC of Oklahoma. Will the gentleman suggest some method by which the copies now in the folding room can be made available to Members?

Mr. LAGUARDIA. A resolution should be introduced throwing them back into the pot. That is what should be done. It is certainly a waste of money to appropriate for thousands of books for city Members on diseases of cattle.

Mr. McCLINTIC of Oklahoma. I wish the gentleman would suggest some method whereby we can get them.

Mr. BACON. Has the Budget approved this item?

Mr. LAGUARDIA. The Budget does not know anything about it.

Mr. BEERS. The Department of Agriculture recommends it.

Mr. JENKINS. I will say to the gentleman from New York [Mr. LAGUARDIA] that I will be glad to have all of his copies.

The regular order was demanded.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. For the present, Mr. Speaker, I object.

DISEASES OF THE HORSE

The next business on the Consent Calendar was House Joint Resolution 324, to authorize the printing with illustrations and binding in cloth of 62,000 copies of the Special Report on the Diseases of the Horse.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, I object.

COPYRIGHT REGISTRATION OF DESIGNS

The next business on the Consent Calendar was the bill (H. R. 11852) amending the statutes of the United States to provide for copyright registration of designs.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. RAMSPECK. Mr. Speaker, I object.

Mr. McCLINTIC of Oklahoma. Will the gentleman withhold his objection?

Mr. RAMSPECK. Yes; I will withhold it.

Mr. McCLINTIC of Oklahoma. I yield to the gentleman from Texas for the purpose of an explanation.

Mr. LANHAM. Mr. Speaker, it so happens that the chairman of the committee is ill to-day, and in his absence I should like very much to answer any objection which may be urged to this measure. The committee has given it full and serious consideration and wishes to submit some amendments from the committee.

Mr. RAMSPECK. May I ask the gentleman if those amendments are the ones proposed by the retail merchants who objected to this bill?

Mr. LANHAM. One of these amendments is an amendment agreed to between the retail merchants and the manufacturers. The others are purely matters of form.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice, so that the gentleman may have the privilege of inserting the proposed amendments in the RECORD.

Mr. DYER. He can do that now, Mr. Speaker.

Mr. LANHAM. I hope the gentleman will not object. We have had this matter before the committee for some time. This is not the general copyright bill.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

Mr. DYER. I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object.

MILL FOUR DRAINAGE DISTRICT, LINCOLN COUNTY, OREG.

The next business on the Consent Calendar was the bill (S. 3898) granting the consent of Congress to the Mill Four Drainage District, in Lincoln County, Oreg., to construct, maintain, and operate dams and dikes to prevent the flow of waters of Yaquina Bay and River into Nutes Slough, Boones Slough, and sloughs connected therewith.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I think the House is entitled to a little more information than that contained in the report. The report is absolutely void of any complete information regarding the bill.

I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

BRIDGE ACROSS THE MISSOURI RIVER

The next business on the Consent Calendar was the bill (H. R. 11591) to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr.," approved June 4, 1872.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That effective upon the construction and opening for highway use of a bridge across the Missouri River at or near Nebraska City, Nebr., under the provisions of an act approved April 23, 1928, entitled "An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr., or any amendments thereto, section 1 of an act entitled "An act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr.," approved June 4, 1872, be amended to read as follows:

"That it shall be lawful for the Nebraska City Bridge Co., a corporation having authority from the State of Nebraska and from the State of Iowa to build a railroad bridge across the Missouri River opposite to or in the immediate vicinity of Nebraska City, in the county of Otoe, and State of Nebraska, and that, when constructed, all trains of all railroads terminating at the Missouri River at or near the location of said bridge shall be allowed to cross said bridge, for a reasonable compensation, to be paid to the owners thereof; and that said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the district or circuit court of the United States of any State in or opposite to which any portion of said obstruction or bridge may be."

SEC. 2. Upon and after the events stated in section 1 hereof, the present owner of the bridge aforesaid, its successors or assigns, be, and they hereby are, relieved of further obligation to maintain said bridge except for railroad use.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MAHONING RIVER

The next business on the Consent Calendar was the bill (H. R. 11700) to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Cedar Street, Youngstown, Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, reserving the right to object, is this a free bridge?

Mr. COOPER of Ohio. Yes; it is a free bridge.

Mr. COCHRAN of Missouri. This is a bridge to be built by the county commissioners.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Mahoning River, at or near Cedar Street, authorized to be built by the Mahoning County Commissioners, by act of Congress approved February 13, 1929, are hereby extended one and three years, respectively, from date of approval thereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On page 1, line 5, after the word "Street," insert "Youngstown, Ohio"; in line 8, strike out "date of approval thereof" and insert "February 13, 1929."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

MILL FOUR DRAINAGE DISTRICT, LINCOLN COUNTY, OREG.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to return to No. 503 on the calendar, Senate bill 3898.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent to return to Senate 3898, No. 503 on the calendar, and vacate the proceedings taken thereon. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I made the objection to the bill because the report is void of any information. Will the gentleman explain just what the bill covers?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to know what the bill is.

Mr. LAGUARDIA. Exactly.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. HAWLEY. The purpose of the bill is this: There are small streams running into the Yaquina River. At the lower part of them there is a tidal estuary and up above the tidal estuary are banks which are covered with various vegetable growths which for a period of years have been enriching the ground. The proposal is to build a dam, with a flood gate, at the lower end of each stream, which will keep the salt water from overflowing this valuable agricultural land. Then when the tide is out they will let the fresh water run out, and this will redeem a considerable area of agricultural land. It will result in no damage to anyone at all.

Mr. McCLINTIC of Oklahoma. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. McCLINTIC of Oklahoma. Does this bill require an appropriation on the part of the Government?

Mr. HAWLEY. No appropriation. The dams will be constructed and maintained by the drainage district and will be under the supervision of the War Department.

Mr. McCLINTIC of Oklahoma. What is the object of the legislation?

Mr. HAWLEY. To prevent the salt water from overflowing large areas of agricultural land. The dikes will shut off the salt water and prevent the agricultural land from being impregnated with salt.

Mr. McCLINTIC of Oklahoma. Who will pay for the construction of the dikes?

Mr. HAWLEY. The drainage district.

Mr. McCLINTIC of Oklahoma. And it will in no way affect the Treasury?

Mr. HAWLEY. That is correct.

Mr. PATTERSON. Is the gentleman asking to vacate the proceedings and substitute a Senate bill?

Mr. HAWLEY. I am asking unanimous consent to consider the Senate bill, which was passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is granted to Mill Four Drainage District, organized under the laws of the State of Ore-

gon, to construct, maintain, and operate at points suitable to the interests of navigation dams and dikes for preventing the flow of waters of Yaquina Bay and River into Nutes Slough, Boones Slough, and sloughs connected therewith.

Work shall not be commenced on such dams or dikes 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 may 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 dams and dikes hereby authorized is not commenced within one year and completed within three years from the date of approval of this act.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On page 2, in line 2, after the word "therewith," insert "in the State of Oregon."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

PIER AND WHARF AT PORT JEFFERSON HARBOR, N. Y.

The next business on the Consent Calendar was the bill (H. R. 11729) to legalize a pier and wharf at the southerly end of Port Jefferson Harbor, N. Y.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the pier and wharf owned by Edward Post Bayles and his wife, Mary L. Bayles, located on the north side of Surf Avenue, Port Jefferson, Long Island, and at the southerly end of Port Jefferson Harbor, Suffolk County, N. Y., 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 the existing laws of the United States in such cases made and provided had been regularly obtained prior to the erection of said pier and wharf: *Provided*, That any changes in said pier 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 bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE ARKANSAS RIVER AT OZARK, ARK.

The next business on the Consent Calendar was the bill (H. R. 11786) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a toll bridge across the Arkansas River, at a point suitable to the interests of navigation, at or near the town of Ozark, Franklin County, Ark.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, reserving the right to object, and I do not think I shall object, is not this bridge to be built by the State highway commission and as I understand, it is a bridge that is not to be operated for profit?

Mr. PARKS. The gentleman is quite correct.

Mr. PATTERSON. Over the new bridge in Tennessee I notice they charge only 40 cents for an automobile filled with people, and it seems to me that is a reasonable charge.

Mr. PARKS. I think the average price on State-owned toll bridges in my State is 35 cents for a car, and the money that is taken in as tolls is applied to the construction cost of the bridge, and the bridge eventually becomes a free bridge.

Mr. LAGUARDIA. This is an ideal bridge bill, I will say to the gentleman from Alabama.

Mr. SCHAFER of Wisconsin. Reserving the right to object, do these States, in any case, provide free bridges?

Mr. PARKS. Just as soon as the tolls that are collected have paid for the construction of the bridge, they become free bridges. All the money that is collected goes into the payment of the construction of the bridge.

Mr. SCHAFER of Wisconsin. Why should the State exact tolls from the traveling public on a State bridge any more than they should exact tolls from the traveling public on a State public road which connects with the bridge?

Mr. PARKS. The only reason they do it is so that the traveling public may have a bridge on which to cross the river. Without the payment of tolls they can not build these bridges.

Mr. SCHAFER of Wisconsin. The State does not have sufficient funds to erect a free bridge at this particular place?

Mr. PARKS. They have not got the money.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Arkansas State Highway Commission to construct, maintain, and operate a bridge and approaches thereto across the Arkansas River, at a point suitable to the interests of navigation, at or near the town of Ozark, Franklin County, Ark., in accordance with the provisions of an 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. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay 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 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 costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Strike out, beginning in line 3, on page 1, all the remainder of page 1 and lines 1, 2, 3, and 4, on page 2, and insert: "That the bridge now being constructed across the Arkansas River at the town of Ozark, Franklin County, Ark., by the Arkansas Highway Commission, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War, as providing suitable facilities for navigation, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act."

Page 3, line 8, insert a new section, as follows:

"SEC. 3. The act of Congress approved April 7, 1930, entitled 'An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the Arkansas River at or near the city of Ozark, Franklin County, Ark.,' is hereby repealed."

Page 3, line 15, strike out the figure "3" and insert the figure "4."

The amendments were agreed to.

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

A motion to reconsider was laid on the table.

The title was amended.

DEPORTATION FOR VIOLATION OF NARCOTIC LAW

The next business on the Consent Calendar was the bill (H. R. 3394) to amend section 19 of the immigration act of 1917 by providing for the deportation of an alien convicted in violation of the Harrison narcotic law and amendments thereto.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, while I am in sympathy with the purpose of the bill, I do not think it is necessary. Under the act of May 26, 1922, all aliens who violate the narcotic law are deportable. I do not see the necessity of this bill at all.

Mr. FISH. If I may explain the purpose of the bill I think I can show the distinction and the necessity for having the bill passed. I do not blame the gentleman at all for raising the question he has raised, because the bill the gentleman refers to, of May 26, 1922, is known as the narcotic drug import and export act——

Mr. LAGUARDIA. Right.

Mr. FISH. It only has to do with the importation and the exportation of narcotics, and the man who is convicted and deported under that law must know that the particular narcotics have been imported; in other words, the man who is convicted must know that the particular narcotics have been unlawfully imported.

Mr. LAGUARDIA. Just a moment. Let me read from the act of 1922. Section 2, paragraph (c), provides, that if any

person, fraudulently or knowingly, imports or brings any narcotic drug into the United States or any Territory under its control, and so on, shall be guilty of a crime, and then it imposes the punishment. Then paragraph (e) provides that any alien who at any time after his entry is convicted under subdivision (c) shall, upon termination of the imprisonment imposed by the court, upon such conviction and upon warrants issued by the Secretary of Labor, be taken into custody and deported.

Mr. FISH. Yes.

Mr. LAGUARDIA. Is not that sufficiently broad?

Mr. FISH. The gentleman does not understand it at all. You can not be convicted under the narcotic drug import and export act of 1922 unless you know that the particular drug has been imported and the pending bill has to do with violations of the Harrison Narcotic Act of December 17, 1914, as amended, which contains no provision for deportation.

Mr. STAFFORD. Will the gentleman yield?

Mr. FISH. I yield; certainly.

Mr. STAFFORD. Do I understand it is the purpose of the gentleman from New York to deport every narcotic addict or every user of opium in case he happens to be an alien?

Mr. FISH. The gentleman is correct.

Mr. STAFFORD. The language of the bill is broad enough to deport every unfortunate addict of opium in case he is an alien.

Mr. FISH. I am willing to accept any amendment that strikes out the addict, as the bill is aimed primarily to deport the alien peddlers, many of whom are now in our Federal prisons.

Mr. PARKS. The regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is demanded.

Mr. FISH. Mr. Speaker, I ask unanimous consent to be heard out of order for two minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I wish the gentleman who called for the regular order would reconsider. The purpose of the bill is to deport aliens, violators of the Harrison narcotic law and particularly the peddlers of these evil habit-forming drugs. The number of peddlers sent to Federal prisons each year amounts to several thousand. It is an important measure. In fact it is perhaps too important to come up in this way for unanimous-consent consideration. I hope the gentleman will withdraw his demand for the regular order. If this bill passes it will relieve the congestion in our Federal penitentiaries.

Mr. STAFFORD. Reserving the right to object——

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. STAFFORD. I have no objection to the bill going over without prejudice. The gentleman from New York says he sees no objection to amendments. The gentleman can prepare his amendments between now and the next call of the Calendar. As the bill is now it would deport every addict of opium in case he is an alien.

The SPEAKER pro tempore. Objection is heard, and the Clerk will report the next bill on the Calendar.

TO PRINT ANNUALLY AS SEPARATE HOUSE DOCUMENT PROCEEDINGS OF NATIONAL ENCAMPMENTS

The next business on the Consent Calendar was House Joint Resolution 250, to print annually as separate House documents proceedings of the national encampments of the Grand Army of the Republic, United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. DYER. Reserving the right to object, I would like to ask the gentleman from Pennsylvania on what theory is this resolution authorizing the publication of the proceedings of these veteran organizations?

Mr. BEERS. This is a bill introduced by Mr. KIESS, and I have nothing to do except to present an amendment.

Mr. DYER. Mr. Speaker, all of these organizations, every one of them, collect dues from their members. I know that, for I happen to belong to one of the orders, and some years ago I was at the head of one of these veteran organizations. All members belonging to them pay dues. This publication of the proceedings of the annual conventions is of interest only to the members of the organizations. They pay dues and they are entitled to these proceedings as a part of the expense for which they maintain the organization by dues.

I think it is going a long way, uselessly, needlessly, and without any excuse, to spend the Government funds for this purpose. I am opposed to this kind of legislation, which is of no special benefit to the public. These veteran organizations can pay for the printing of their proceedings.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. DYER. Yes.

Mr. COCHRAN of Missouri. They are being published now, you can go to the document room and get them.

Mr. DYER. I see that this is an amendment to an existing resolution.

Mr. COCHRAN of Missouri. The reason for this is that at the annual convention they discuss proposed legislation, and in the report Members of Congress find very valuable information as to the views of the veterans on pending legislation.

Mr. DYER. I know; but if that is true, members of the organization can send copies of the proceedings to Members of Congress. Members of these organizations pay dues for the purpose of paying the expenses of the organization, and while I can not afford to enter an objection to adding one more such an organization, I suppose in time every patriotic and veteran organization in the country will be appealing to Congress for the publication of their proceedings.

Mr. LAGUARDIA. The gentleman wants to watch out for the incorporation of these organizations. The first step is to get Congress to incorporate and then pay for the annual reports. If the gentleman will help us in preventing some of these Federal incorporations we will accomplish the end in sight.

Mr. BACON. Are all of these organizations incorporated under the Federal statutes?

Mr. LAGUARDIA. Most of them are.

Mr. BACON. All these here?

Mr. DYER. No; not all of them, but some of them.

Mr. GREEN. Will the gentleman accept an amendment there adding the United Confederate Veterans? There will be only two more encampments, and I think it is nothing but proper that we should add that organization. If the gentleman will add that, I see no objection to the bill.

Mr. DYER. I hope the gentleman will do that.

Mr. BACON. Mr. Speaker, for the time being I object to the bill.

The SPEAKER. Objection is heard.

PRODUCTION AND DEVELOPMENT OF FOREST PRODUCTS

The next business on the Consent Calendar was the bill (H. R. 6981) to promote the better protection and highest public use of the lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, the development and extension of recreational uses, the preservation of wild life, and other purposes not inconsistent therewith; and to protect more effectively the streams and lakes dedicated to public use under the terms and spirit of clause 2 of the Webster-Ashburton treaty of 1842 between Great Britain and the United States; and looking toward the joint development of indispensable international recreational and economic assets.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PITTENGER. Mr. Speaker, I have no objection to the bill going over without prejudice.

Mr. STAFFORD. I object to the bill going over without prejudice.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PITTENGER. Mr. Speaker, I object.

The SPEAKER pro tempore. It requires three objectors.

Mr. MILLER. Mr. Speaker, I object.

Mr. SCHNEIDER. Mr. Speaker, I object.

CONSTRUCTION OF CERTAIN PUBLIC WORKS AT PHILADELPHIA

The next business on the Consent Calendar was the bill (H. R. 10166) to authorize the Secretary of the Navy to proceed with certain public works at Philadelphia, Pa., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, I object.

Mr. PATTERSON. Mr. Speaker, I object.

APPLYING PENSION LAWS TO COAST GUARD

The next business on the Consent Calendar was the bill (H. R. 12099) to apply the pension laws to the Coast Guard.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, does this bill give the Coast Guard military status?

Mr. KNUTSON. This measure provides that in case of disability they shall be treated exactly like individuals in the Military and Naval Establishments, so far as pensions are concerned.

Mr. LAGUARDIA. The whole trouble with the Coast Guard has been as to whether or not they are a military organization.

Mr. KNUTSON. They are in time of war. In time of war the Coast Guard automatically goes into the Navy.

Mr. LAGUARDIA. Could this bill be construed as giving the Coast Guard a military status in time of peace?

Mr. KNUTSON. No.

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, there is a certain law for the relief of those who are in the civil service and as to those in the military service there is a law for their relief. Those in the Coast Guard who render hazardous and arduous service do not get the benefit of either law. They are one branch of the Government service that does not get relief under either act.

Mr. LAGUARDIA. How do the tables in the report, on pages 2 and 3, compare with the allowances under the Federal employees' compensation act?

Mr. KNUTSON. The gentleman from Ohio [Mr. JENKINS] was the chairman of the subcommittee which considered the bill. The committee has gone into that quite carefully, and the only thing that this bill does is to cover those who received disabilities into the pension laws, and that is all it does.

Mr. LAGUARDIA. What I am trying to ascertain is whether the allowances as contained in the table are comparable with the allowances for like disabilities provided for civil-service employees, or are they taken from the tables of the Navy?

Mr. KNUTSON. They are taken from the tables of the Navy.

Mr. BACON. The duties of the Coast Guard in times of peace are quite as arduous and hazardous as those of the Army and the Navy in time of peace.

Mr. CRAMTON. This came to my attention through a case several years ago of a man in the Coast Guard who died as a result of disability acquired in line of duty. That was when I found that he did not get relief either of the military or the civil service. And it was stated at that time by an officer of the service:

As the cause of Surfman Patterson's severe sickness and confinement in the marine hospital preceding death was attributed to Surfman Patterson's diving for two boys drowned near the station boathouse, I inquired of the members of the station that were present at the time the drowning occurred, as I recall, during the summer season of 1926.

From the information I received from the members of the station crew who were present at the time of the boys' drowning, Surfman Patterson, motorman of the power lifeboat house, was working at the power boat when he heard the splash of the boys falling off the edge of the steamer dock adjoining the boathouse. Surfman Patterson rushed out and dove off the dock a number of times before the bodies were recovered.

I was further advised by the members of the station crew present that Surfman Patterson, after his efforts, vomited considerable of the foul water that is particularly near the shore and docks inside of the Harbor of Refuge Breakwater.

According to the information received from the station surfman referred to and the widow Patterson, Surfman Patterson did not recover from his diving experience to recover the drowned boys. Consequently was sent to the marine hospital, where he was confined until death occurred.

The death of Surfman Patterson was very lamentable, and, outside of his widow and son, particularly sad for myself, as Surfman Patterson was a first-class, efficient surfman, a man of exemplary habits, and faithful to his duties, and never neglected his efficiency in any manner connected with the position he held during his enlistment under my charge from September 5, 1905, to date of retirement, August 1, 1919.

As I recall, Surfman Patterson was from 45 to 50 years of age at death. It seems to me that under the circumstances that I have been advised that there is due the widow Patterson compensation of some kind to assist her widowhood after so many years of faithful service of her husband, whose record as to faithfulness to his duties no person is in a better position to vouch for than myself.

That is only one instance, and it is almost a daily occurrence.

Mr. LAGUARDIA. Does the gentleman believe that providing for disability in this way is better than by including them into the general law, the general Federal employees' compensation act?

Mr. CRAMTON. I stated to the committee that either one would suit me, but I thought they ought to be taken care of.

Mr. LAGUARDIA. I agree with the gentleman, and I would much prefer to see them under the general law.

Mr. KNUTSON. Our committee could not do that. We are a pension committee.

Mr. DYER. The gentleman's committee is for the purpose of considering pension legislation for veterans of wars.

Mr. KNUTSON. Yes.

Mr. DYER. Exclusively.

Mr. KNUTSON. Yes.

Mr. DYER. And these cases do not come within that category.

Mr. KNUTSON. By taking into consideration the fact that the Navy absorbs the Coast Guard in time of war, we could take and did take jurisdiction of this bill.

Mr. LAGUARDIA. Does the gentleman object to this amendment, "That nothing herein shall be construed as giving a military status to the Coast Guard in time of peace"?

Mr. JENKINS. They already have a military status when they enlist. They are to be covered into the Navy at any time.

Mr. KNUTSON. The Coast Guard is a part of the naval service in time of emergency.

Mr. STAFFORD. Not in time of peace.

Mr. KNUTSON. In time of emergency it automatically goes into the Navy.

Mr. CRAMTON. There is nothing in the bill itself that can be conceived of as affecting their status in that respect. If you put in that amendment, it is possible that the amendment itself might change their status. As the gentleman says, they are a reserve for the Navy. I wanted to be sure that the bill would not change their status.

Mr. STAFFORD. It does change their status.

Mr. KNUTSON. The Coast Guard comes under the pension law in case of disability incurred while in the service of the Navy.

Mr. CRAMTON. The bill simply says that the provision of certain sections of the law, commonly known as the general pension law, shall be extended to the officers and enlisted men of the Coast Guard under the same regulations and restrictions as are or may be provided by law with respect to officers and enlisted men of the Army and Navy. That does not change their status, except to give them a pensionable status.

Mr. KNUTSON. That is the same as the Army and Navy.

Mr. CRAMTON. No. The Congress passed a law giving them a pension.

Mr. KNUTSON. In time of war the Coast Guard men go into the Naval Establishment.

Mr. LAGUARDIA. The gentleman from Minnesota has not got the point that some of us are raising.

Mr. KNUTSON. I have got the point. I am afraid you will change their status. The amendment which the gentleman proposes should have more consideration than we are able to give it in the House.

Mr. LAGUARDIA. Then the gentleman should give it consideration.

Mr. COCHRAN of Missouri. Will the gentleman explain why the employees of the Coast Guard are not subject to the United States employees' compensation law?

Mr. KNUTSON. They ought to be brought under it.

Mr. CRAMTON. So far as I am concerned, I do not care whether you take care of them under the pension laws or under the employees' disability law. Let us unite on the way that is offered here.

Mr. SCHAFER of Wisconsin. I am one of those who believe that legislation should be enacted to provide compensation for members of the Coast Guard who suffer from injury or disease in line of duty and for widows and dependents of such members whose death results from injuries or disease.

I do not think that this bill goes far enough. Take the Patterson case, for instance, which was spoken of by the gentleman from Michigan [Mr. CRAMTON]. Under this bill the widow in that case would receive but $12 a month pension with $2 a month for each minor child. I believe the gentleman should prepare an amendment to extend the United States employees' compensation act to the Coast Guard employees in order to give them proper recognition. The United States employees' compensation act is far more liberal than the general pension law.

Mr. CRAMTON. The gentleman might consider this, that in time of peace that might be all right, but if there comes a war emergency and they are in the service as a part of the Navy, that is a different situation.

Mr. LAGUARDIA. My amendment provides that nothing in this bill shall be construed as giving them a military status in time of peace.

Mr. KNUTSON. If the gentleman will assure me that it will not change their status in that case I accept the amendment.

Mr. BLAND. The law of 1915 specially gives them a military status, and makes them a part of the Treasury administration in time of peace.

Mr. LAGUARDIA. Do I understand the gentleman from Virginia to say that the act of 1915 gives the Coast Guard a military status in time of peace?

Mr. BLAND. They are under the Treasury in time of peace, and that is the reason why the compensation law did not cover them in time of war.

Mr. LAGUARDIA. If that is so, then the bill is all right if they have a military status.

Mr. BLAND. I can show you where it is set forth in the hearings.

Mr. JENKINS. A man who joins the Coast Guard has a military status from the day he enlists.

Mr. SCHAFER of Wisconsin. Then if that is correct, you have this sad state of affairs: An arm of the Military and Naval Establishment enforcing the Federal prohibition law; this is a remarkable situation in democracy.

Mr. BLAND. I read from the hearings on the act of 1915. Admiral Billard says:

The Coast Guard shall constitute a part of the military forces of the United States, and shall operate under the Treasury Department in time of peace and operate with the Navy in time of war, as the President shall direct.

That is a part of the organic law creating the Coast Guard.

Mr. GREENWOOD. Then the law placing them in a military status should not be changed.

Mr. LAGUARDIA. Under that, they are in fact a military organization. If that is so, they would not come under the compensation law, and therefore you provide that the general pension laws be extended in order to cover them and their dependents.

Mr. SCHAFER of Wisconsin. There is nothing to prevent this Congress from extending the benefits of the United States employees' compensation act to the members of the Coast Guard. Under this bill you will give them only the benefits as provided in the general pension law, a pension of $30 a month for total disability while at the same time a stenographer or clerk in time of peace in other Government departments would perhaps get two or three times as much as that for an occupational disease incurred in line of duty under the United States employees' compensation act.

Mr. LAGUARDIA. The gentleman is wrong there, because if a man lost both legs he would get $125.

Mr. SCHAFER of Wisconsin. Oh, yes; but the general pension law rates for total disability approximate about $30 per month for most diseases and disabilities.

Mr. KNUTSON. It is $50 a month, is it not?

Mr. SCHAFER of Wisconsin. No; $30 a month.

Mr. LAGUARDIA. No. That is for inability to perform manual labor.

Mr. KNUTSON. Assuming the gentleman is logical in his theory, why not place the Army and Navy under this Federal compensation act?

Mr. SCHAFER of Wisconsin. Because in my opinion the Army and Navy are on an altogether different plane than the Coast Guard.

Mr. KNUTSON. No; they are not, and that is where the gentleman is mistaken.

Mr. DYER. Regular order, Mr. Speaker!

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. If the regular order is demanded, I shall have to object, Mr. Speaker.

FALSE REPORTS CONCERNING NATIONAL BANKS

The next business on the Consent Calendar was the bill (H. R. 10560) to amend section 22 of the Federal reserve act.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Georgia [Mr. BRAND], who has given a great deal of study to this matter, a few questions for information. In New York there is a State law which takes care of just such cases. I note in the report there are several States which have similar laws. Will the gentleman explain the necessity for a Federal law if this is taken care of by State laws?

Mr. BRAND of Georgia. Yes; I will be glad to do so. The other day there was a man in the State of Oregon who made a radio speech against banks. He was speaking of a very important bank in that State, and that speech was heard in different States. The speech was with reference to the United States National Bank, of Portland, Oreg., and the subject was this bill and the Oregon statutes with reference to libel and slander against banks. In this statement the man said, among other things—and he spoke for some time:

We have in the United States lese majesty. These banks need to have the sawdust knocked out of them. They must be shaken by terrier and shaken right, and I am just the terrier to do the shaking. If they are to belong to the chain gang, then they should be wrecked and wrecked instantly. I regret I was compelled to go into this bank clean-up, but I am in it and I am going to see it through. It was not any doings of mine, but I was forced into it by the chain gang and their backers. This is a fight to the finish, and the winner take all. I do not intend to take any quarter or give any. I am just going to bust this bank business, and that is just what I am going to do.

That was radioed over several States.

Mr. LAGUARDIA. The gentleman from Georgia would not contend that such a statement as that is within the purview of his bill?

Mr. BRAND of Georgia. No. I am citing this instance as an illustration how one may utter false and malicious reports of banks with intent to deceive, and spreading same in different States, in which case, though a general withdrawal of deposits of a bank ensues, State laws do not and can not reach him. This long speech was furnished me by the Comptroller of the Currency, to whom some friend of his had sent it. Another copy of it was sent to me by the American Bankers' Association.

Mr. LAGUARDIA. Under the State law of New York, when an individual makes a specific and direct charge against a particular bank, causing a run on that bank, then it is a penal offense; but, surely, to criticize banking conditions generally would not bring a person within a criminal statute.

Mr. BRAND of Georgia. I do not disagree with the gentleman from New York in his opinion under the case he presents; but, more concretely answering the gentleman's question, I do contend, if a man lives in Alabama and utters false and malicious statements with intent to deceive about a bank in New York, which causes a general withdrawal of deposits, thus bringing him under the provisions of this bill, no law of the State of New York or of the State of Alabama could be invoked against him. Therefore it becomes necessary to have a Federal law in order to protect the banks against such false and malicious statements.

When the first bill was considered you know what happened to it. I introduced a new bill the next day, which, of course, was referred to the Committee on Banking and Currency. This bill now has the hearty approval, which the other one did not have, not only of the American Bankers' Association, not only of the Comptroller of the Currency, who has favorably recommended it twice, but also of Secretary Mellon in a letter to Mr. MCFADDEN, chairman of the Committee on Banking and Currency, over his own signature, and the approval of Governor Young, governor of the Federal Reserve Board, in a letter from him to Mr. MCFADDEN, over his own signature. So the present bill is indorsed by the American Bankers' Association, the Governor of the Federal Reserve Board, the Comptroller of the Currency, and the Secretary of the Treasury.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. BRAND of Georgia. I yield.

Mr. COCHRAN of Missouri. Within the month in St. Louis there was a big bank robbery. Burglars secured entrance to the safety deposit vaults. They broke open many safety deposit boxes. All kinds of charges were made. There was a loss of nearly a million dollars, probably more. The chief of police of St. Louis made the statement that it was an inside job. They assailed him for making that statement. There was a run on the bank and over a million dollars was withdrawn. The bank stood the run. Would the chief of police be subject to prosecution under this bill? It was a national bank. It was his opinion. He had made an investigation.

Mr. BRAND of Georgia. If what the gentleman says amounts to a false and malicious statement made with intent to deceive and caused the bank to break, on account of a general withdrawal of deposits, he would come under the provisions of this law. Otherwise it is not a violation of the proposed bill.

Mr. COCHRAN of Missouri. Nobody will ever know whether it was a false and malicious statement unless those responsible confess. I do not think we could hardly say whether it was malicious. We will not know whether it was a false statement until they actually find out who robbed the bank. This is a dangerous bill. It is wide open. We should move with care before passing such legislation.

Mr. BRAND of Georgia. No conviction can be had under this bill unless it is proven that one makes false and malicious reports concerning a bank, with intent to deceive, and that the reports caused a general withdrawal of deposits. These are the material allegations which are necessary to be proven before a conviction may be had.

Mr. DYER. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the bill go over without prejudice. Is there objection?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent that I may have the right to extend my remarks on this legislation and to include printing the bill, which is very short, the report, and the excerpt from the radio speech which I spoke of just now.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. KVALE. Mr. Speaker, reserving the right to object, the gentleman from Georgia, in answer to the gentleman from New York, did not state whether or not he cited this radio address as an instance of one of the punishable offenses under the proposed law?

Mr. BRAND of Georgia. No; I did not. I would have to read the whole of the speech before I would be willing to express an opinion as to his guilt.

Mr. LAGUARDIA. Answering specifically the inquiry made by my colleague, the quotation which the gentleman read from this radio speceh would not be a violation of the gentleman's bill?

Mr. BRAND of Georgia. I have already stated that the excerpt which I quoted does not constitute an offense. I do not express any opinion as to whether construing the whole speech would do so or not.

Mr. KVALE. I have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following:

On the next day after the bill, H. R. 9683, which deals with similar legislation and which by vote of the House was recommitted to the Banking and Currency Committee of the House for further consideration, I introduced the following bill:

A bill to amend section 22 of the Federal reserve act

Be it enacted, etc., That section 22 of the Federal reserve act be amended by adding at the end thereof the following language:

"(g) Whoever maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any national bank, or any State member bank of the Federal reserve system, which causes a general withdrawal of deposits from such bank, shall be deemed guilty of a misdemeanor and shall upon conviction in any court of competent jurisdiction be fined not more than $1,000 or imprisoned for not more than one year, or both."

This bill was considered by the Banking and Currency Committee and favorably reported to the House for approval.

By comparison of the two bills it will appear that all the objections urged to H. R. 9683 are eliminated from the bill H. R. 10560 which is now pending before the House.

While H. R. 9683 was a draft of a bill prepared originally by the American Bankers' Association and approved by the Finance Committee of the Senate and the Banking and Currency Committee of the House when the McFadden bill was up for consideration, it is not clear to my mind that the same was not subject to some of the objections urged against the bill by the gentleman from Iowa, Mr. RAMSEYER, and others who participated in the discussion of the bill.

In addition to this, while the Treasury Department was supposed to be favorable to the passage of the original bill, H. R. 9683, as a matter of fact no written recommendation for its passage was furnished to the committee by the Treasury Department except in the case of Mr. Pole, the Comptroller of the Currency, who in his last two annual reports submitted to Congress has expressly recommended the enactment of this legislation.

The Banking and Currency Committee, after consideration of bill H. R. 10560, reported favorably thereon with the recommendation that the bill do pass.

This proposed legislation has the recommendation of the Comptroller of the Currency, which is as follows:

It is again recommended that a law be enacted making it a criminal offense to maliciously or with intent to deceive, make, publish, or circulate any false report concerning any national bank or any other member of the Federal reserve system which imputes insolvency or unsound financial condition, or which may tend to cause a general withdrawal of deposits from such bank or may otherwise injure the business or good will of such bank.

This legislation is also indorsed by the American Bankers' Association, as shown in a letter reading as follows:

Your bill * * * to punish libel and slander of National and State bank members of the Federal reserve system has the hearty approval of the American Bankers' Association. Instances are most frequent where malicious persons from a variety of motives circulate malicious stories affecting the standing and solvency of particular banks which very often have the effect of causing serious injury and loss. The banks certainly need the protection of a Federal statute of this kind which will act as a deterrent to many malicious individuals who, in the absence of a punitive statute, can freely circulate unfounded and injurious statements without fear of punishment.

This identical bill (H. R. 10560) has the written indorsement of Hon. A. W. Mellon, Secretary of the Treasury, over his own signature, in a letter addressed to Hon. LOUIS T. MCFADDEN, chairman of the Banking and Currency Committee, which is as follows:

TREASURY DEPARTMENT,
Washington, April 4, 1930.

Hon. LOUIS T. MCFADDEN,
Chairman Committee on Banking and Currency,
House of Representatives.

MY DEAR MR. CHAIRMAN: Reference is made to your letter of March 10 requesting an expression of my views with regard to the bill (H. R. 10560) to amend section 22 of the Federal reserve act, so as to make it a crime punishable under Federal law to circulate false reports concerning national banks or State member banks of the Federal reserve system. After consultation with the Federal Reserve Board and the Comptroller of the Currency, it is the view of the Treasury Department that the enactment of this bill would be beneficial to national banks and State member banks as well as to their depositors and stockholders.

The circulation of unfounded statements regarding a banking institution not infrequently causes serious damage to the bank by bringing about a general withdrawal of deposits therefrom, and as a result the stockholders and depositors of the bank may, in case of failure of the bank, suffer financial loss. It is believed that member banks of the Federal reserve system are entitled to have protection under Federal statutes from such statements when maliciously made and with intent to deceive. The proposed law would tend to deter malicious individuals from making or circulating such false statements.

It is understood that a number of States have enacted statutes similar to that proposed in this bill, which apply to banking institutions in those States. It would seem that all national and all State member banks should have the benefit of legislative protection from malicious attacks of this kind, against which there appears to be no other effectual means of protection. The proposed bill would also serve to protect against such misstatements which are made in one State concerning a bank in another State, as State laws are not ordinarily effectual against these.

It seems clear that the proposed legislation would be constitutional in view of the decision of the Supreme Court of the United States in the case of Westfall *v.* United States (274 U. S. 256), in which the court held in substance that it is within the power of Congress to enact any legislation which Congress deems appropriate for the purpose of protecting national banks and State banks which are members of the Federal reserve system.

Similar legislation has been repeatedly recommended by the Comptroller of the Currency in his annual reports to Congress.

For the reasons which have been stated above, the Treasury Department favors the enactment of H. R. 10560.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

The pending bill, H. R. 10560, has also the indorsement of the governor of the Federal Reserve Board over his own signature in a letter addressed to Chairman MCFADDEN, which is as follows:

FEDERAL RESERVE BOARD,
Washington, March 27, 1930.

Hon. LOUIS T. MCFADDEN,
Chairman Banking and Currency Committee,
House of Representatives, Washington, D. C.

SIR: Reference is made to your letter of March 10, in which you request an expression of the views of the Federal Reserve Board with reference to the provisions of the bill (H. R. 10560) to amend section 22 of the Federal reserve act so as to make it a crime punishable under Federal law to circulate false reports concerning national banks or State member banks. After a careful consideration of the provisions of this bill the Federal Reserve Board is of the opinion that its enactment would be beneficial to national banks and State member banks as well as to their depositors and stockholders.

The circulation of unfounded statements regarding a banking institution not infrequently causes serious damage to the bank by bringing about a general withdrawal of deposits therefrom, and as a result the stockholders and depositors of the bank may in case of failure of the bank suffer financial loss. The Federal Reserve Board feels that

member banks of the Federal reserve system are entitled to have protection under Federal statutes from such statements when maliciously made and with intent to deceive. The proposed law would tend to deter malicious individuals from making or circulating such false statements.

The Federal Reserve Board understands that a number of States have enacted statutes similar to that proposed in this bill, which apply to banking institutions in those States. The board feels that all national and all State member banks should have the benefit of legislative protection from malicious attacks of this kind against which there appears to be no other effectual means of protection. The proposed bill would also serve to protect against such misstatements which are made in one State concerning a bank in another State, as State laws are not ordinarily effectual against these.

It seems clear that the proposed legislation would be constitutional in view of the decision of the Supreme Court of the United States in the case of Westfall *v.* United States (274 U. S. 256), in which the court held in substance that it is within the power of Congress to enact any legislation which Congress deems appropriate for the purpose of protecting national banks and State banks which are members of the Federal reserve system.

For the reasons which have been stated above the Federal Reserve Board favors the enactment of H. R. 10560.

Respectfully,

R. A. YOUNG, *Governor.*

The following States have enacted a slander and libel of bank act, which acts are, as a rule, stronger and more drastic than the bill H. R. 10560, which this committee has favorably reported to the House: New York, Connecticut, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Ohio, Michigan, Wisconsin, Indiana, Kentucky, Illinois, Missouri, Arkansas, Louisiana, Alabama, Rhode Island, Florida, Georgia, South Carolina, North Carolina, Texas, Oklahoma, Kansas, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, Iowa (1929), and Nebraska (1930).

The States which have not passed such an act are as follows: Maine, Vermont, New Hampshire, Massachusetts, Virginia, Tennessee, Mississippi, North Dakota, Minnesota, South Dakota, and Montana.

Statutes passed in 37 States and Alaska.

These 37 States and Alaska have such laws, but they do not extend to interstate slanders, and there is some doubt existing in the minds of good lawyers whether such State laws protect national banks. It must be borne in mind that the present bill deals with national banks and other banks which are members of the Federal reserve system.

Although the majority of our States have enacted bank slander laws, any one State law does not reach into another State. Therefore, where false and malicious reports may be circulated from State to State, by wire, telephone, or radio, neither State can reach the offender in the other State. There are a number of such instances reported from time to time, and while bank slander bills have been passed in a majority of the States, as indicated above, a man who may be in California, and maliciously publishes or circulates information derogatory, for instance, to a bank in St. Louis, the State law of Missouri can not reach this man, nor can any law effective in California assume any jurisdiction.

The only recourse will be a Federal law to reach all cases, as it is perfectly apparent that all interests desire and need such a law.

COAST GUARD

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to return to H. R. 12099, a bill to apply the pensions laws to the Coast Guard, being No. 519 on the Consent Calendar.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to return to H. R. 12099. Is there objection?

Mr. SABATH. Mr. Speaker, I object.

INCREASED CHARGE FOR RETURN RECEIPTS FOR DOMESTIC REGISTERED AND INSURED MAIL

The next business on the Consent Calendar was the bill (H. R. 8649) to authorize the Postmaster General to collect an increased charge for return receipts for domestic registered and insured mail when such receipts are requested after the mailing of the articles.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, I reserve the right to object so that the gentleman from Pennsylvania may explain the bill.

Mr. KELLY. Mr. Speaker, I would like a moment to state the purpose of this bill. Legislation is requested by the Post Office Department with the view of somewhat augmenting the postal revenues and at the same time furnishing a valuable service to users of the mail. At the present time one who registers a letter may, upon the payment of 3 cents, receive a return-receipt card containing the signature of the addressee. However, after it has been mailed without such payment it is impossible to get such a receipt card. This measure in part provides that on the payment of 5 cents, after the letter has been registered and mailed, a return receipt may be secured.

Mr. BLANTON. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. BLANTON. If the gentleman now mails a letter to Pennsylvania and he wants to get it back he can write to the postmaster and have it sent back without an extra cent's charge. That being true, why should he not be allowed to do it when it is registered? The registry fee has been paid and if the sender wants to get it back without extra charge why should he not have that right?

Mr. LAGUARDIA. That is not the purpose. The purpose of this bill is to furnish a sort of detective service for 10 cents.

Mr. KELLY. No; that is not the purpose of the bill at all.

Mr. LAGUARDIA. Here is a letter which shows its purpose:

Such a provision would be of very great help in locating debtors who, to escape their debts, go into hiding, taking all possible pains to conceal their present whereabouts.

The regular order was demanded.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. LAGUARDIA, Mr. BOYLAN, and Mr. BLANTON objected.

POSTAGE CHARGE FOR DIRECTORY SERVICE

The next business on the Consent Calendar was the bill (H. R. 11096) to provide a postage charge for directory service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA, Mr. BOYLAN, and Mr. BLANTON objected.

Mr. KELLY. Mr. Speaker, I ask unanimous consent to proceed for two minutes out of order.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes out of order. Is there objection?

Mr. EDWARDS. I object.

Mr. KELLY. Mr. Speaker, for the information of the House, I repeat my request.

Mr. EDWARDS. Reserving the right to object, I will say to the gentleman that he can get an opportunity to extend his remarks in the RECORD and we can read them there. I object.

Mr. KVALE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania may have one minute. Every Member has had letters and telegrams upon this subject.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that the gentleman from Pennsylvania may proceed for one minute. Is there objection?

Mr. EDWARDS. I shall object unless the gentleman can have 5 or 10 minutes.

Mr. KVALE. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. COCHRAN of Missouri. The gentleman could not explain this bill in 20 minutes, but let him have 5 minutes.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that the gentleman from Pennsylvania may proceed for five minutes. Is there objection?

There was no objection.

Mr. KELLY. Mr. Speaker, I appreciate the courtesy of this time given me. I think it is due to the Members of the House to to have the misinterpretation of this bill cleared up. Every Member has received letters from various mail users stating that this is a bill to assess a 5-cent fee upon every letter that has directory service given to it in the Post Office Service. Such was never the intention of the author of the bill, of the Post Office Department, or of the Post Office Committee. The inception of this idea originated in the Post Office Department, which presented a bill providing that where directory service is given a fee of 2 cents would be charged, and it would be levied against the addressee who received the mail. The House Post Office Committee unanimously refused to accept such a provision. The Senate, however, did pass that bill, and it is now on the Speaker's table.

The House committee brought out an entirely different provision, intended to provide that where the mail user desires to have a card returned with the correct address when such directory service is given, he may signify his desire to the postmaster and print it on his envelope, under regulations of the Postmaster General. Then, when the directory service is given, a card shall be sent back giving the correct address, and

on the receipt of that card a 5-cent fee shall be paid by the mailer. It applies to no mail user at all except those that request the service and are desirous of having the corrected addresses. Some of the largest mail users in the country have asked us to give them such a service, and we are endeavoring to do it. This is the only purpose of the bill, and the letters that have come in have been based on a total misapprehension of the purpose of the Post Office Committee. However, we propose to make it absolutely clear by an amendment to the House bill.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. KELLY. Certainly.

Mr. BLANTON. Suppose a farmer requests directory service on his letter. He has not the correct address, and he has not access to a city directory. Does not the gentleman think this is a service the department can well afford to render, especially when on every Saturday Evening Post the Department delivers anywhere in the United States there is a distinct financial loss to the Government? Why should you charge the mail user in the rural district a fee for giving directory service?

Mr. KELLY. The gentleman is mistaken in both of his premises. In the first place, it costs the Post Office Department $6,000,000 a year now for directory service and not a cent is received for it. This new service will not affect the farmer who gets directory service or anybody else, except those who desire to correct mailing lists. Directory service will be given under this bill exactly as it is given at present, but if a mail user with many names on his list desires to correct his addresses and submits a request to the postmaster and prints it on his stationery, he will get the addresses back on special cards and will then pay the 5-cent fee for each card.

Mr. SABATH. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. SABATH. The gentleman stated, in answer to the gentleman from Texas, that he was wrong when he charged that the Government loses money on its delivery of the Saturday Evening Post. I would like to have a little information about that, if the gentleman has any.

Mr. KELLY. I will state to the gentleman——

Mr. SABATH. The gentleman made a direct charge, and the gentleman is denying it.

Mr. KELLY. The Saturday Evening Post, if the gentleman please, and every other publication that weighs 8 ounces or more now going through the mails at regular second-class rates pays the full cost of its carriage. When it weighs over 1 pound it pays a profit to the Post Office Department. The large loss on second-class mail is due to the little papers, some of them 120 to the pound, which require separate handling in the post office and separate delivery. The loss is in that class, and not in those that weigh over 8 ounces.

Mr. COCHRAN of Missouri. Will the gentleman yield for a question with respect to the bill?

Mr. KELLY. Yes.

Mr. COCHRAN of Missouri. The bill, as I understand, states that under such regulations as the Postmaster General may prescribe, a charge of 5 cents in addition to the regular postage shall be made for each piece of insufficiently or improperly addressed mail which is accorded directory service. If I send a letter——

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for one minute more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. If I sent a letter to John Jones, addressed to a certain street, and directory service is used, the man having moved, and the letter is sent to him at another address, according to this bill there is a 5-cent charge. The gentleman can not get away from that, under the wording of the bill.

Mr. KELLY. In answer to that I will say that such a charge was never intended by the House Post Office Committee, which steadfastly refused to approve even a 2-cent fee for all directory service. However, in order that there shall be no doubt about its purpose, when this bill is considered an amendment will be offered to make the bill read as follows:

That under such regulations as the Postmaster General may prescribe, in cases where insufficiently or improperly addressed mail is given directory service in order to effect its delivery, the mailer, at his request, and upon payment of an additional charge of 5 cents, shall be notified of the completed or corrected address: *Provided*, That nothing in this act shall be construed to require or permit the withholding or delay of delivery of mail to the addressee.

Mr. COCHRAN of Missouri. I want to say to the gentleman that the only good part of the bill is the last paragraph regarding the franking privilege.

Mr. KELLY. I feel confident the gentleman, upon reflection, will change his mind about that, but in any case I wanted to let the membership of the House understand what the committee is trying to do through this legislation.

FEDERAL POWER COMMISSION

Mr. PARKER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3619) to reorganize the Federal Power Commission, with a committee substitute and a committee amendment to the substitute.

The SPEAKER. The gentleman from New York moves to suspend the rules and pass the bill S. 3619, as amended. The Clerk will report the bill as amended.

The Clerk read as follows:

That sections 1 and 2 of the Federal water power act are amended to read as follows:

"That a commission is hereby created and established, to be known as the Federal Power Commission (hereinafter referred to as the 'commission') which shall be composed of five commissioners who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman and shall be the principal executive officer of the commission: *Provided*, That after the expiration of the original term of the commissioner so designated as chairman by the President, chairmen shall be elected by the commission itself, each chairman when so elected to act as such until the expiration of his term of office.

"The commissioners first appointed under this section, as amended, shall continue in office for terms of 1, 2, 3, 4, and 5 years, respectively, from the date this section, as amended, takes effect, the term of each to be designated by the President at the time of nomination. Their successors shall be appointed each for a term of five years from the date of the expiration of the term for which his predecessor was appointed, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of such predecessor. Not more than three of the commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any licensee or to any person, firm, association, or corporation engaged in the generation, transmission, distribution, or sale of power, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold the office of commissioner. Said commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. Three members of the commission shall constitute a quorum for the transaction of business, and the commission shall have an official seal of which judicial notice shall be taken. The commission shall annually elect a vice chairman to act in case of the absence or disability of the chairman or in case of a vacancy in the office of chairman.

"Each commissioner shall receive an annual salary of $10,000, together with necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, within the limitations prescribed by law, while away from the seat of government upon official business.

"The principal office of the commission shall be in the District of Columbia, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States.

"SEC. 2. The commission shall have authority to appoint, prescribe the duties, and fix the salaries of, a secretary, a chief engineer, a general counsel, and a chief accountant; and may, subject to the civil service laws, appoint such other officers and employees as are necessary in the execution of its functions and fix their salaries in accordance with the classification act of 1923, as amended. The commission may request the President to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officer or officers, or in any other capacity, in field work outside the seat of government, their duties to be prescribed by the commission; and such detail is hereby authorized. The President may also, at the request of the commission, detail, assign, or transfer to the commission engineers in or under the Departments of the Interior or Agriculture for field work outside the seat of government under the direction of the commission.

"The commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as are necessary to execute its functions. Expenditures by the commission shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the commission or by such other member or officer as may be authorized by the commission for that purpose."

SEC. 2. Subsection (c) of section 4 of the Federal water power act is amended by adding at the end thereof the following new sentence: "Such report shall contain the names and show the compensation of the persons employed by the commission."

SEC. 3. Notwithstanding the provisions of section 1 of this act the Federal Power Commission as constituted upon the date of the approval of this act shall continue to function until the date of the reorganization of the commission pursuant to the provisions of such section. The commission shall be deemed to be reorganized upon such date as three of the commissioners appointed as provided in such section 1 have taken office, and no such commissioner shall be paid salary for any period prior to such date.

SEC. 4. This act shall be held to reorganize and continue the Federal Power Commission created by the Federal water power act, and not to create a new commission, and no investigation or other proceeding under the Federal water power act pending at the time of the approval of this act shall abate or be otherwise affected by reason of the provisions of this act.

The SPEAKER. Is a second demanded?

Mr. O'CONNOR of Louisiana. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. O'CONNOR of Louisiana. I am.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York is recognized for 20 minutes and the gentleman from Louisiana [Mr. O'CONNOR] is recognized for 20 minutes.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that section 2 of the bill be read again.

The SPEAKER. Without objection, the Clerk will report section 2.

The Clerk read as follows:

SEC. 2. The commission shall have authority to appoint, prescribe the duties, and fix the salaries of a secretary, a chief engineer, a chief counsel, a solicitor, and a chief accountant; and may, subject to the civil service laws, appoint such other officers and employees as are necessary in the execution of its functions and fix their salaries in accordance with the classification act of 1923, as amended. The commission may request the President to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officer or officers, or in any other capacity, in field work outside the seat of government, their duties to be prescribed by the commission; and such detail is hereby authorized. The President may also, at the request of the commission, detail, assign, or transfer to the commission engineers in or under the Departments of the Interior or Agriculture for field work outside the seat of government under the direction of the commission.

Mr. HUDDLESTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUDDLESTON. Section 2 as read the second time is different from the motion first made.

The SPEAKER. The gentleman from New York moved to suspend the rules and pass the bill as amended.

Mr. HUDDLESTON. Yes; but there was a change made the second time it was read. There was an interpolation of an officer not mentioned in the first reading in the motion made. I insist on the motion as made and not as read the second time.

Mr. PARKER. Will the gentleman allow me to make an explanation?

Mr. HUDDLESTON. I will reserve the point of order.

Mr. PARKER. I wish to state to the gentleman that there was a change of two words. One was taking out "general" and putting in "chief," and that cut down the salary of that official $1,000. The second one was the word "solicitor" was put in by the committee this morning. That was for the reason that there has been a great deal of controversy in the Water Power Commission, and we did not believe that we should take any part in that controversy. That was the reason it was put back. It was an inadvertence.

Mr. HUDDLESTON. Mr. Speaker, my point of order is that I insist on the motion as originally made as read by the Clerk, which does not include the word "solicitor" as now read in line 14 of the amendment, and the word "general" instead of "chief." I might suggest that if it is necessary to make the amendment it can be made in the Senate.

Mr. HOCH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HOCH. I understood the gentleman from New York moved to suspend the rules and pass the bill with an amendment; and this is a part of the amendment that was suggested.

The SPEAKER. But the point is made that this amendment was not read by the Clerk at this time.

Mr. HOCH. It was the Clerk's mistake.

The SPEAKER. The Chair is informed by the Clerk that he read what was sent to the desk.

Mr. PARKER. The Clerk did.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the proceedings be vacated.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the gentleman from New York may be permitted to withdraw his original motion. Is there objection?

Mr. HUDDLESTON. I object.

Mr. STAFFORD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. If at the expiration of the time for the consideration of this bill the House refuses to suspend the rules by a two-third vote, would it be in order for the Chair to recognize the gentleman from New York to move to suspend the rules and pass the bill in the proposed amended form?

The SPEAKER. That could not be done to-day.

Mr. PARKER. Mr. Speaker, this bill is in exact accordance with the recommendation contained in the President's message. The Water Power Commission is composed of three Secretaries—the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of War. These gentlemen are very busy with their own particular Departments. The testimony before our committee was that they had given but very little time to this great important question, for the reason that they had not the time to devote to it. The activities of the commission have been absolutely performed by the various subordinates, employees of the commission. We propose to set up a commission of five commissioners, full-time men, who have no interest whatever in any power scheme at all, who will give their entire time to this proposition; and let me assure you, gentlemen, that this is one of the most important questions before the American people to-day. Within a very short time the transmission of electricity will be one of the greatest questions before the American people. Why have we not put in more regulatory legislation? At the present time of all the electricity generated in this country only 5 per cent goes over State lines that is not regulated by the State.

The courts decided that a State could regulate the electric power going over a State line if the Federal Government failed to do it. Only 5 per cent of a hundred per cent is not regulated, and this bill preserves to the commission all of the regulations that the present commission has. But that is not the main point that we wish to accomplish. The main point that we wish to accomplish is the matter of valuation. Let me tell you the number of plants that have been licensed and that have not been valued. They have not been valued because there was no commission to give it adequate attention, and you know that subordinates in any department are not going out and undertaking such a tremendous proposition as the valuation of hydroelectric plants.

Mr. BRIGGS. Mr. Speaker, will the gentleman yield?

Mr. PARKER. In a moment. There are many of these plants that have been licensed on which the valuation has never been set at all. There are very complicated legal questions involved, and the matter will have to be decided by the courts. Upon that valuation will depend your rates. Another reason why we did not go into the question more adequately of fixing rates is this: I have already told you that 95 per cent of the electric current now used is regulated by the States themselves. Five per cent is unregulated.

Mr. HARE. Mr. Speaker, will the gentleman yield?

Mr. PARKER. Certainly.

Mr. HARE. Does the gentleman's bill purport to give the Water Power Commission the right to regulate the additional 95 per cent?

Mr. PARKER. Oh, no; absolutely not. They will have no more power to regulate it than now.

Mr. HARE. I understood the gentleman to say that the individual States had the right to regulate 95 per cent of the power.

Mr. PARKER. They have.

Mr. HARE. And the Power Commission has the right to regulate 5 per cent.

Mr. PARKER. Yes.

Mr. HARE. The information I want is whether or not the Water Power Commission will have the right to interfere with an attempt to regulate the 95 per cent?

Mr. PARKER. Absolutely not. I believe that every State should regulate its own public utilities.

Mr. LaGUARDIA. Within its own borders.

Mr. PARKER. Yes.

Mr. HARE. If the power commission has only 5 per cent to regulate, does the gentleman think that we need a commission of five additional men to regulate that amount of power?

Mr. PARKER. Yes; and I will explain why in a moment. There are overlapping valuations. Take the State of Texas, for example. You have one system of valuation in Texas, and you may have another in the next State, and another in the next State. Upon those valuations will be fixed your rates. There must be an agreement made, and it can only be made by compliance to a conference with the Federal Government to bring about a uniform system of valuation.

Mr. HARE. I can understand why that can be true, but I can not understand why the present Water Power Commission would not have the right and the power and the ability to do that without the creation of additional commissioners.

Mr. PARKER. They have not the time. The testimony before our committee was that they had met but ten times in a year and a half. The work has been absolutely all left to their subordinates.

Mr. BRIGGS. This bill provides not only for five full-time commissioners, but provides for their confirmation by the Senate?

Mr. PARKER. Yes.

Mr. COCHRAN of Missouri. Will the gentleman explain to the House why the Interstate Commerce Committee struck out the following language of the Senate bill?—

> Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office, but for no other cause.

Mr. PARKER. Because he already has that power and it has been so decided by the Supreme Court. He can remove any public official at any time for malfeasance in office.

Mr. COCHRAN of Missouri. How about inefficiency and neglect of duty?

Mr. PARKER. He has that power.

Mr. COCHRAN of Missouri. I am pleased to have that information. I want teeth in this bill. My only objection is that the legislation, I am afraid, comes too late. The big and valuable power sites in the country are gone. They are gone in my State. We need men in charge of the Water Power Commission who will give their full time to this most important question. Now, we have three members of the President's Cabinet in charge, men whose time is so occupied that they just can not attend meetings, but in the past have left everything to the executive secretaries. The secretary has run the commission, as the investigation in the Senate disclosed. I want the President to have power to remove any commissioner or employee who is inefficient, neglects his duty, or does not perform properly. I think the President should get a new secretary now. There has been friction between the present secretary and the accountants, and as a result the business of the commission has not functioned properly. Serious charges have been made by both sides, but other than appearing in print nothing has been done. This is much-needed legislation. It will be beneficial legislation over existing conditions, to say the least.

Mr. SUMMERS of Washington. With reference to the question of the gentleman from North Carolina [Mr. HARE], this commission would have many other functions to perform than regulating the power.

Mr. PARKER. Yes.

Mr. SUMMERS of Washington. The question was asked as though that would comprise the duties of the commissioners.

Mr. PARKER. Oh, no.

Mr. BOYLAN. Do the provisions of this bill encroach upon the rights of the States?

Mr. PARKER. No. The rights of the States are particularly preserved in this bill.

Mr. BOYLAN. And their rates are not dictated to them by this commission?

Mr. PARKER. Not in any way.

Mr. McDUFFIE. Under section 4 of the present water power act there is this proviso:

> That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or structure affecting navigation have been approved by the Chief of Engineers and the Secretary of War.

Does the gentleman think that this bill will not in anywise interfere with that safeguard as to the navigable capacity of our streams?

Mr. PARKER. I will answer the gentleman by saying they do not think it will interfere in any way. There is a great question, some time to be settled by the courts, as to where the navigability of a stream begins—whether it is confined to the actual navigation or goes clear to the source of the stream. There is no intention to take away from the War Department and from the Army engineers the power to decide whether a dam will be detrimental to navigation or not.

Mr. McDUFFIE. Mr. Speaker, will the gentleman yield?

Mr. PARKER. Yes.

Mr. McDUFFIE. You have two sections labeled "No. 2" in this bill—a misprint, probably.

Mr. DENISON. We are amending section 2 of the original act, but there is another section 2 in this act.

Mr. McDUFFIE. Then I was under a wrong impression. Under the proposed amendment, section 2, you clothe this commission of five members with unlimited authority to designate an unlimited number of engineers and an unlimited number of employees and provide authorizations of money to be appropriated under this act for additional offices here in Washington and anywhere else. Under this language, just as it was in a similar bill brought in by the gentleman's committee at the instance of the late Senator Burton a few years ago, you can build up here an organization and another bureau as big as the Interstate Commerce Commission, and such an organization is not necessary.

Mr. PARKER. I honestly believe that this organization will eventually be almost as large and important as the Interstate Commerce Commission.

Mr. McDUFFIE. Why should it be so large an organization? You must consider the Interstate Commerce Commission is a rate-making body.

Mr. PARKER. I believe that my statement is true; with the development of hydroelectric energy the increasing use of electricity will increase rapidly when there is sale for it; there will be a great increase in the business of the commission, especially in the West and in the gentleman's own country, where the power can be developed just as soon as there is a market for it due to increased population.

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield?

Mr. PARKER. Yes.

Mr. OLIVER of Alabama. Following up the question asked by the gentleman from Alabama [Mr. McDUFFIE], in which he called attention to a somewhat similar bill heretofore reported, which the House did not approve, it seems to me this bill carries the same provision then disapproved. In other words, you clothe the commission with authority to appoint such number of helpers as may be required, and you clothe them with the power to fix their pay, and require that payment shall be made on the commission's certificates. In other words, future Congresses may have no authority over those expenditures in appropriation bills. Here you authorize the commission to incur obligations on the part of the Government—placing no definite limitations on the amount—and Congress is expected to appropriate therefor.

Mr. PARKER. I will say to the gentleman that they can not spend any more money than the Committee on Appropriations decides to recommend.

Mr. OLIVER of Alabama. Let me read this paragraph of the bill:

> The commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as are necessary to execute its functions. Expenditures by the commission shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the commission or by such other member or officer as may be authorized by the commission for that purpose.

Mr. PARKER. If you will read the bill carefully, you will find that five officers may be appointed by the commission.

Mr. OLIVER of Alabama. The expenditures are authorized, and suit may be brought to recover if Congress refuses to make the appropriations to cover the obligations incurred by the commission.

Mr. PARKER. They could go to the Court of Claims as a recourse if Congress allowed them to go.

Mr. CLARK of Maryland. Mr. Speaker, will the gentleman yield there?

Mr. PARKER. Yes.

Mr. CLARK of Maryland. Your amendment provides for five commissioners, and the Senate bill provides for three. I believe three commissioners complies with the recommendation of the President.

Mr. PARKER. That is true.

Mr. CLARK of Maryland. The President says, "I recommend that authority be given to appoint full time commissioners to replace them," that is, three Cabinet officers. This bill does not increase the duties of the commission at all.

Mr. PARKER. I wish to say to the gentleman that the hydroelectric power in the United States is rapidly being developed. There are sections where the power is developed to a greater extent than in other sections. One is in the Northeast, one is in the Northwest, and another is in the Southwest, where the greatest activity prevails at the present time, and still another is in the Southeast. That is four. Then you have another enormous development of power in the center of the country. I do not believe in regional appointments at all, but I think when the President appoints these men you will find he will consider these sections.

Mr. LaGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. PARKER. Yes.

Mr. LaGUARDIA. Is it not true that the projects contemplated now and those expected in the near future are of great magnitude, and the commissioners will have enough to keep them busy?

Mr. PARKER. Yes.

Mr. CLARK of Maryland. The gentleman gave as his chief reason for the increase in the number of commissioners the deficiency in the accounting work. The commissioners do not do the accounting work. That is done by auditors.

Mr. PARKER. But there are investigations and many other things which have to be intelligently taken care of. I believe this commission will in a few years, perhaps not in five years, but eventually, be practically as important as the Interstate Commerce Commission. I firmly believe that, because I think other activities will probably be given to this commission.

Mr. CLARK of Maryland. Will the gentleman yield?

Mr. PARKER. I yield.

Mr. CLARK of Maryland. When does the gentleman think Congress should exercise its power over interstate power rates? The gentleman says there are now only 5 per cent not regulated. Where would the gentleman place the point where Congress should intervene?

Mr. PARKER. We should intervene now. Congress has the power now to make rates just and reasonable.

Mr. LaGUARDIA. And the commission is away behind in their work?

Mr. PARKER. They are away behind in all of their work for the reason that a big proposition of this kind can not be looked after by subordinates. When that is done, who is responsible? The Secretaries themselves are responsible, and they do not want to assume responsibility for things about which they know nothing. Therefore, the commission has not worked. That was testified to, with all humility, by the Secretaries who appeared before our committee.

Mr. McDUFFIE. Will the gentleman yield?

Mr. PARKER. I yield.

Mr. McDUFFIE. May I call the gentleman's attention to this language:

> The commission may request the detail of an officer or officers from the Corps of Engineers or other branches of the Army to serve the commission as engineer officers or in any other capacity in fieldwork outside the seat of Government, their duties to be prescribed by the commission.

Now, the thought which occurs to me——

Mr. PARKER. Will the gentleman from Louisiana yield me five additional minutes?

Mr. O'CONNOR of Louisiana. No; I can not. I have promised all the time.

Mr. McDUFFIE. I am afraid the language which I have just read will permit duplication in the survey work now being done by the Army engineers.

Mr. PARKER. No; it will not. The first preliminary survey is made by the Geodetic Survey. They map the entire country and determine where power sites are located. Then if it happens to be in a public forest, the Forestry Department will make the survey as to what effect the dam will have upon the backing up of water to the detriment of the forest. If it is on a navigable stream, the Army will make the survey to determine the effect of the dam on navigation. The only question which the Power Commission is interested in is the building of the dam itself, subject to the views of the other departments.

Mr. McDUFFIE. That is the law as it exists to-day, but I am afraid this language may change it, if the commission sees fit.

Mr. PARKER. No; it does not.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, if this bill were taken up under the general rules of the House and properly debated, it would not pass. The gentleman from New York says that the three Secretaries or members of the Cabinet, are seeking to evade responsibility.

Mr. PARKER. Will the gentleman yield?

Mr. BLANTON. No; I have not time.

Mr. PARKER. I did not make that statement.

Mr. BLANTON. Excuse me, I so understood the gentleman.

Mr. PARKER. Do not put words in my mouth which I did not say.

Mr. BLANTON. Well, I want the three Secretaries to continue to be responsible to the people. They are now responsible to the President of the United States, and he is responsible to the people. If they do anything improper, the President has the right to remove them, but when these five commissioners are appointed they are in office for so many years, and they become independent and arrogant, and they do fix the salaries of at least four officers.

Mr. PARKER. Five.

Mr. BLANTON. Well, four under the bill. The gentleman will remember the scandals which followed the authority which was given the Shipping Board and the Emergency Fleet Corporation. These commissioners could fix the salary of this secretary and of the general counsel and of the chief engineer at $100,000, and you could not stop them after you once gave them the authority.

I have voted for the last measure of this kind, taking the authority and prerogative of Members of Congress away from them and giving them to some bureau. After these four high-salaried officials are appointed, then these commissioners can appoint, without number, just as many other employees under the civil service rules as they desire, without any restriction by Congress.

Just before Congress forced the Shipping Board and the Emergency Fleet Corporation to move into the new Navy Building, where there was plenty of vacant space, they were paying at one time $556,000 annually in rent alone on rented buildings. That is what you may expect from this new bureau which you are seeking to create by this act, under suspension, with only 20 minutes' debate.

I want to call attention to what has happened in my State through the special power commission there. Through the influence which was exerted over that power commission by the Samuel J. Insull monopoly, of Chicago, they sought to give that monopoly all of the watershed of the great Colorado River. For over 100 miles a farmer or ranchman, on his own property, within the confines of his own fences, could not build a little dam to furnish water to his cattle and horses, because, forsooth, Insull, of Chicago, said he owned the entire watershed of the Colorado River.

As long as the power is in the hands of the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of War the people of the United States are safe, as they are responsible to the President, but whenever the power is taken out of their hands and put in the hands of this special commission, my colleagues, you are giving up power that you should keep in your own hands. It is power which you should control and which you should not give up by this bill.

Mr. McKEOWN. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. McKEOWN. I am in sympathy with much which the gentleman has said, but does the gentleman not know we will have better service and will more carefully preserve the rights to the people if we have this commission which can give time to it, instead of a department of Cabinet officers who will have to leave it to subordinates?

Mr. BLANTON. No; because the President of the United States is directly responsible to the people and the three Secretaries are responsible to the President. If they overstep their power against the interests of the people, the President has the right to stop them.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. CLARK].

Mr. CLARK of Maryland. Mr. Speaker and Members of the House, the real purpose of taking the floor at this time is to draw your attention to a recent decision of the Supreme Court, to which I shall refer presently, making immediate congressional action on interstate power rate regulation necessary.

I regret that this bill has come before this body for passage under a suspension of the rules, instead of under a committee rule permitting general debate and amendments, as in the case of other important bills. The chairman says that this bill proposes only to reorganize the Federal Water Power Commission by replacing the three Cabinet officers now constituting the

commission with five full-time commissioners at a salary of $10,000 each, and to authorize them to change and increase the personnel of the commission. This is an important matter, in view of regulatory legislation that must soon follow, if we are to meet our responsibility to the people in power rate regulation.

I think three commissioners, as proposed in the Senate bill, are ample to direct the work of this commission until its jurisdiction is extended or its powers enlarged.

Mr. MAPES. Will the gentleman yield?

Mr. CLARK of Maryland. I yield.

Mr. MAPES. Of course the gentleman understands the reason why the present commissioners do not put in full time is because of multiplicity of other duties, and not because of the lack of work for the commission to do. The gentleman understands that situation, I suppose?

Mr. CLARK of Maryland. I understand that situation, and I know that three full-time commissioners can do the work that this commission is authorized to do under existing law. This bill does not enlarge that authority or extend the jurisdiction of the commission.

My chief objection, however, to this bill is aimed at what it fails to do rather than what it does. The American public is anxiously expecting Congress to exercise its power over interstate power rates. We are told by the chairman of the committee that only about 5 per cent of the power consumed in this country is interstate and unregulated. His estimate is entirely too low. Moreover, he is speaking of that power which, under recent decisions, as I shall later show, the States are not permitted to regulate, and therefore goes absolutely unregulated by any agency. He does not tell you of the large percentage of power which moves interstate, and which the States may and do attempt to regulate in the absence of congressional action, but which would necessarily be included in congressional legislation on the subject.

The States have always been permitted by the courts to legislate upon or regulate rates, charges, or services essentially local in character, although indirectly affecting or involving interstate commerce, unless or until Congress has actually legislated on the subject.

The Pennsylvania Gas Co. case in 1919 (reported in 252 U. S. 83) tried to divest the State of this permissive control over rates for gas that it was shipping into New York and selling to consumers there; but the Supreme Court sustained the Public Service Commission of New York in its right of rate control in the absence of congressional action. Such regulation is very inadequate. However, it is better than none.

But now comes an important and far-reaching development in the law. In 1924 the Kansas Gas Co. case (reported in 265 U. S. 298) came before the Supreme Court, which held that while a State can control the gas rates of a company to its consumers, which gas it imports from another State, where it produces or purchases it, no State has any right at all even in the absence of congressional legislation on the subject, to any control over charges for gas made by a corporation or agency in one State to another corporation or agency in another State.

The rapidly forming superpower interests did not overlook the bearing this ruling might have upon their superpower plan to get away from State commission interference. So in 1927 what is known as the Attleboro Electric case (reported in 273 U. S. 83) came to the Supreme Court. A Rhode Island company delivered to a Massachusetts company current at the State line under contract. This became unprofitable and the Rhode Island company sought to increase the rate by commission order. The question was directly raised as to whether the Rhode Island commission had jurisdiction at all. The company claimed that Congress alone had jurisdiction under the commerce clause of the Constitution and that this jurisdiction was exclusive, and the Supreme Court so held, following its ruling in the Kansas Gas Co. case. This was in 1927.

Now, Mr. Speaker, ladies and gentlemen of the House, as a result of this decision I maintain the door has been thrown wide open for the superpower interests of the country to conform their corporate set-up to these recent rulings, now the settled law, and completely defeat and defy all governmental control until Congress acts on the subject of interstate power regulations. This is a responsibility which Congress should meet at once and not wait until these superpower interests become so entrenched under charters and unrestricted franchises that it will be impossible for congressional action to reach them effectively. Without any public control over their franchises, their capital issues, or their accounting methods and charges, these power companies occupy a field and enjoy an exemption not known anywhere else among the utilities of this country.

Now, just a word as to the growth of investments in privately owned electric plants and equipment and in the increase in power production.

Since 1902 the cost value of plants and equipment has increased from about one-half billion to over $10,000,000,000. And in output the growth has been from 2,311,147,000 kilowatt-hours in 1902 to 38,921,000,000 in 1919 and 87,849,579,000 for the year ending January 1, 1929.

Along with the tremendous increase in power production there is a corresponding increase in interstate power shipments, emphasizing the need of immediate congressional action for the protection of the public against unfair charges. Up until about 1910 power was used almost exclusively at or close to the place of generation. About that time began the widespread distribution of power through the development of long-distance transportation of current, and since then there has been constructed nearly 125,000 miles of high-voltage electric power lines, making power available, so it is said, at almost any point on the map. Nearly half this mileage has been built in the past seven years.

Mr. Speaker, it is difficult to review these figures of increased output and long-distance transmission without feeling that Congress should act at once for the protection of the public against unfair and extortionate interstate power charges in the future. If the present unregulated power situation continues, which it is bound to do, and rapidly at that, superpower will reach a point of development and keep their cost accounts so constructed and overloaded, as many of the companies persist in doing, that the whole purpose of congressional action, when it does come, will be defeated.

I try to be fair. I admire big business. I have the highest respect for the man who does big things, but the rule in business to-day is to seek the highest advantage, and we all know that our big power corporations are no exception to this rule.

It is the responsibility of Congress to now put into action the necessary machinery to meet this indispensable need. It has to be done and now is the time to do it. Before taking up the question of how or through what agency Congress should exercise such regulation, I want to give the House a concrete illustration of the need of congressional action in this matter, including my district.

Years before the Federal water power act of 1930, the Holtwood Dam on the Susquehanna River in Pennsylvania was constructed. It is owned by the Pennsylvania Water & Power Co. The great bulk of its output goes to Baltimore, Md., where another company purchases it and distributes it. These two companies have interlocking directorates. The Maryland Public Service Commission has no jurisdiction over the charges made by the Pennsylvania company to the Maryland company under the Attleboro case ruling, although such charges enter into the cost calculation of the Baltimore distributing company to its consumers.

Now, take another case. Since the Federal water power act, another dam has been constructed on the Susquehanna River, known as the Conowingo Dam. This dam is in Maryland and owned by the Susquehanna Power Co., and it sells practically its entire output in Pennsylvania to the Philadelphia Electric Co., which distributes it. Now, if this had happened before 1920, the date of the Federal water power act, there would be no public control of the cost to the Philadelphia Co., as in the Holtwood case. The Federal water power act, however, provides that where there is no State regulation of charges for current sold by the licensee producing company, the Federal Power Commission may proceed, upon application of any citizen, to regulate said charges. The commission construed this rate authority to apply to all licensee projects, whether the current generated moves intrastate or interstate. The Federal Water Power Commission therefore effected a rate regulatory agreement between the Maryland and Pennsylvania companies with the cooperation of the Maryland and Pennsylvania utility commissions.

Now, gentlemen, there are different views as to the agency which Congress should use or create upon which to place the responsibility of administering such regulatory powers. The Conowingo matter has shown us the most practicable way yet developed. It is true that at present the Federal Power Commission's authority is limited to current generated at dams on navigable streams, as defined by law and interpreted by the courts, but this authority could be extended to include all current moving in interstate commerce.

There have been at least two bills filed in the Senate at this session in which it is proposed to extend the jurisdiction of the Federal Water Power Commission.

This bill we are now asked to support under a suspension of the rules, which merely creates more jobs with increased compensation, is a poor substitute for what we need, Mr. Speaker, and does not meet the responsibility resting upon us in this matter. The recent Attleboro case, to which I have referred, makes our duty clear and inescapable.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Speaker and gentlemen of the House, I yield to no one greater sympathy for what appears to be the purpose embodied in this legislation, because I feel that with the growth of the use of electric power throughout our country there is a growing demand for increased regulation. But I am not convinced by the arguments submitted in behalf of this bill that we should go so far as to take the power out of the hands of the three executive officers who are responsible, as has already been said, to the President of the United States, who, in turn, is responsible to the people of the country, and placing it in the hands of men who will not be responsible to anyone, but who may be responsive to the wishes and demands of the great power interests of the country, a thing we have all heard so much about in the last few days.

The point I am anxious to emphasize is that these five men are absolutely unnecessary, because heretofore the work has been performed by three, and there is no evidence before us to show that there is any increase in the work in any way, shape, or form. As a matter of fact, it is said by the chairman of the committee that only 5 per cent of the electric power of this country is being regulated by the Power Commission to-day, 95 per cent being regulated by the States. Another objection to the bill and the danger I see is that with this commission increased and with its power increased to fix the rate for interstate electric power it will, in effect, determine the rate that will be required of the individual States to fix in their individual capacity. In other words, we will have, in effect, five men fixing the rate of electric power for the 48 States, because when the commission estimates the value of a power plant and determines the rate it may charge for interstate power, that will furnish a basis for the intrastate rate. It will be a case of the tail wagging the dog instead of the dog wagging the tail. That is, I apprehend that if this bill passes and the newly created commission assumes to fix rates on electric power conveyed from one State to another the basis for the interstate rate will become the basis for the intrastate rate, which, in effect, will be giving the commission the right to fix the rates for the use of electric power within the various States, to which I am unalterably opposed. [Applause.]

As I have already stated, I do not want to be placed in the position of opposing what appears to be the purpose of the bill; but I am sincere in saying that there is no necessity or justification for the creation of this commission of five men and the army of employees that will follow. If the existing commission can not efficiently perform the work required, I think the suggestion of the representative of the War Department, General Deakyne, may be considered. He appeared before the committee, according to the hearings, and when asked how the present difficulties could be remedied, said:

> It might be remedied by having Assistant Secretaries in the departments handle the work of the Power Commission, who would still represent the departments and be under the control of the Secretaries—the Cabinet officers.

Immediately following this statement, he said further:

> I do not think it would take the entire time of three Assistant Secretaries.

In other words, I gather from his statement that all the work could be performed by three Assistant Secretaries and then it may not take all their time. Yet this bill would say it will take five men with a salary of $10,000 each per annum, not including the salaries to be paid additional engineers, counsels, accountants, clerks, and so forth. I am going to venture the statement that this commission will, in less than five years, be costing the Government not less than $500,000 annually, and the evidence is that the work can be performed with existing governmental agencies with an additional expenditure of probably less than $10,000 a year. [Applause.]

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Speaker, the House is not unfriendly to the appointment of a commission for handling this important work, but I think the gentleman from Maryland voiced the real objection that many of us feel to this legislation, and that is the method adopted for its consideration. Legislation of this importance, and vesting, as this bill does, very broad authority in the commission, should not be considered under suspension of the rules, thus precluding amendments being offered. The committee reporting this bill is an able one, and I respectfully submit that they should not call up a bill in this way and insist on its being passed under suspension of the rules. It is unfair to the House. A rule could easily be obtained, and should be, for the consideration of a bill of this importance, since in the short time allotted for discussion under a suspension of the rules no constructive suggestions can be considered and no amendments proposed.

I call attention of the Members of the House to the fact that this bill vests the commission with very broad authority as to the incurring of money obligations against the Government, and you should not vest any commission with authority and discretion so broad as herein proposed; if so, you may later repent when called on to provide appropriations to meet the expenditures which you vest the commission with power to incur. You do not clothe the President with any authority so great. You always place a limitation on any power authorizing the President to create a Federal obligation, yet you give this commission plenary authority and empower the commission to determine what its expenses shall be, what the pay of certain officials shall be. I respectfully suggest it is a dangerous way to legislate, and past experiences suggest the wisdom of going slow in clothing any commission with a power so great. [Applause.]

Mr. PARKER. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. PARKER. Of course, this is not the last Congress that is going to meet. This bill can be amended at any time.

Mr. OLIVER of Alabama. And this is not the last day that this Congress will meet. The Rules Committee still holds its sessions, and the gentleman could easily have gone before the Rules Committee with a matter of this importance and the committee would have granted, no doubt, a rule under which you could have disposed of this bill in one afternoon and have given to the Members of the House an opportunity to offer constructive suggestions. [Applause.]

Mr. O'CONNOR of Louisiana. Mr. Speaker, I yield to myself the balance of the time.

Mr. Speaker and gentlemen of the House, when this bill was under consideration in the Senate, Senator RANSDELL was not able, as a result of circumstances, to be present and express his views in regard to that bill. A few days ago before its consideration he had requested Gen. Lytle Brown, Chief of Engineers, for a memorandum as to the general's views in regard to the enactment of this bill. The general complied with the Senator's request, but, as I said before, the Senator was unable to use the letter from General Brown and the accompanying memorandum which, in my judgment, absolutely obliterates every reason that might have been urged for the enactment of this bill at this time.

I believe it was Emerson who said that all progress, legislatively and otherwise, is exchanging one nuisance for another. In a large measure I think the opponents of this measure have demonstrated the accuracy of that facetious statement made by the great philosopher. This is not the time to consider this bill, nor is the suspension of the rules the proper manner in which to approach the subject. [Applause.]

Why, gentlemen of the House, to tell us that the three Secretaries occupying positions in the Cabinet of the President are unable to give the subject matter of the legislation confided to their care the proper thought and consideration, but that another board will be able to perfect the job is about as serious an indictment of the President's Cabinet as could be made upon the floor of this House at this time.

In effect, it means that the Secretary of War and the Secretary of Agriculture have not the capacity, ability, learning, or experience to administer the law as it now stands. In fact the proponents of the bill, and the bill itself, endeavor to demonstrate that three members of the commission are so incompetent, inefficient, ineffective, and useless that a new commission made up of new men, without information or experience, can take hold and function with larger and better results than the three gentlemen that were made members of his Cabinet by the President of the United States.

Mr. LEA. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. Why did not your committee have this bill properly considered by a rule so that the Members of the House could have the opportunity to freely discuss it, instead of under a suspension where the proponents and opponents have but 40 minutes, or 20 minutes for and 20 minutes against?

Mr. LEA. We did have it properly considered; and the President and the people who compose the Water Power Commission favor this part of the legislation.

Mr. O'CONNOR of Louisiana. Of course everyone is aware of the acute and sympathetic interest the administration has for relieving unemployment, and I have no doubt that the supplications and importunities of some patriotic and poor but proud G. O. P. field marshals have had some stimulating effect upon the administration. Let me read the concluding part of

this memorandum from General Brown to Senator RANSDELL, for its illuminative and informative value; for while the letters and memo from the general are in connection with the original Senate bill, they have their value in the way of the information they convey upon the subject matter of the bill now under consideration, for fundamentally it is not apparent, except for the worse, from the original Senate bill:

S. 3619 repeals section 2 of the Federal water power act and thereby scraps or throws into the discard a highly efficient coordinated governmental machinery for dealing with water-power problems in their proper relation to navigation and flood control.

It takes from the Secretary of War and the Chief of Engineers all authority and responsibility in connection with the investigation of water-power developments in navigable waters or on tributaries thereto, and confines their functions to the veto power contained in section 4 (d) of the act.

"That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of War."

Listen to this concluding paragraph, which, in my judgment, ought to defeat this bill overwhelmingly:

S. 3619 gives the commission broad authority to build up as large an engineering organization as Congress can be induced to appropriate for. Such an organization will duplicate and parallel the work of the engineering organizations of the Departments of War, Agriculture, and Interior. It will be in conflict with those organizations since it will be devoted primarily to power development. It will increase the Government's expenditures and will decrease efficiency.

This fulmination, this engineering broadside, is from one of the most prominent men in the service of the United States, one who by his learning and research is in a position to testify as an expert, and he, in my judgment, absolutely annihilates all reason for the consideration of the bill at this time, with the expedition and in the almost vicious and unwarranted manner of suspension of the rules, when the whole House is crying for time, which shows a desire to properly consider it, under a rule which would enable the proponents and opponents the widest latitude under the rules of the House to consider this important bill.

Mr. BOYLAN and Mr. KVALE rose.

Mr. O'CONNOR of Louisiana. I yield to the gentleman from New York.

Mr. BOYLAN. Will the gentleman kindly tell us how many bureaus and commissions are now functioning?

Mr. O'CONNOR of Louisiana. My good friend does me too much honor. I appreciate the compliment he inferentially pays me, but the proverbial Philadelphia lawyer could not answer that. I do not think the President of the United States, with the army of expert statisticians, and so forth, that he has at his command could answer it at this time. We all deprecate the creation of new bureaus and duplicitously and hypocritically turn around and create more. Every man stands up here and says, "Far be it from me to suggest the creation of a new bureau; I detest bureaucratic power; I do not like the tyranny and oppressiveness of their work." Yet we go on and create this bureau, when, as I said before, we have a commission composed of three members of the President's Cabinet, who are great enough to fill the positions.

I deny that they are inefficient, I deny that they are incompetent. On the contrary, I hold that each one of the three Cabinet members is easily the peer from the standpoint of learning, sagacity, information, and ability of any one who will be selected to fill his place. But of course under the guise of relieving them of a work which they have not the time or inclination to perform and at the same time relieve the President's Cabinet from a direct responsibility in connection with the power privileges involved in the administration of this highly important branch of the Government's activities and obligations and at the same time make way for Republicans now crying aloud in the wilderness for the manna that has been withheld so long, this bill is pushed through with that celerity of movement which always to the initiated indicates an administration requirement.

Mr. Speaker and Members of the House, read the following letter and memo which in my judgment carry a vast amount of information and sagelike wisdom submitted in the inoffensive manner characteristic of a gentleman who holds us in esteem, for General Brown is what friends claim him and to which there are no foes as he has none, and that is that he is a great official and great engineer. I repeat what is made abundantly clear by the letter and memo that they were submitted by him to Senator RANSDELL when the Senate bill was originally before the Senate and before it was amended in that body and in the House Committee on Interstate and Foreign Commerce. But inasmuch as I do not think that the amendments alter or affect the fundamental vices of the original bill as it was from the start tainted with the smell of the political pie counter, though its author knew it not, and suggestive of another Herculean attempt to relieve unemployment though the Wagner bills are still held in the offing by lifting into high places several deserving or undeserving Republicans who may have been in the cold for lo these many years. I am going to make that letter and that memo a part of these remarks.

But before closing, and, seriously, What is the value of our civil service to make for the success of that learning necessary for the proper discharge of governmental function? Of what value is that experience acquired by years of study and application if they and all they implicate can be junked in the twinkling of an eye when party expediency needs and political requirement that they be junked? Sit at the feet of an engineer Gamaliel for a moment, and secure that wisdom which will make you regret it if you vote for this pending bill.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 22, 1930.

Hon. JOSEPH E. RANSDELL,
United States Senate, Washington, D. C.

MY DEAR SENATOR RANSDELL: In reference to my conversation with you on Saturday on the subject of S. 3619, Calendar No. 378, Seventy-first Congress, second session, I send you the following memorandum in accord with your request. It expresses only my individual personal view, since so far as I know the matter has not been brought to the attention of the War Department during the hearings before the committee.

I have nothing to say as regards section 1 or 3. Section 2 affects the personnel under my control as well as the work.

The existing law has given very satisfactory results in providing in section 2, "* * * and the commission may request the President of the United States to detail an officer from the United States Engineer Corps to serve the commission as engineer officer, his duties to be prescribed by the commission." And further, and quite important—"The work of the commission shall be performed by and through the Departments of War, Interior, and Agriculture, and their engineering, technical, clerical, and other personnel except as may be otherwise provided by law."

I believe that the new section 2 will, in effect, repeal the old section 2, but, if so, does it without specific mention of the intention of so doing. This section gives the new commission authority, by consent of the President, to detail any number of officers of the Corps of Engineers to exclusive duty with the commission. It contemplates the creation of a field force of engineers to perform under the control of the commission such duties as the commission sees fit to give to it outside the seat of government.

I fear that two separate field forces, both engaged on the same work or on work that is so intimately connected as to be in effect the same work, will tend to cross purposes, unalterable differences of opinion, friction, duplication of effort and possible delay. Since, according to the old law, a permit can not be given for power on a navigable stream without the approval of the Secretary of War and the Chief of Engineers, every precaution should be taken to prevent the arousing of any differences of opinion between these two officials and the new commission. The creation of two engineer field forces reporting to separate heads is not calculated to result in coincident opinion, such as is the present plan of one field force.

I am of the opinion that a field force not solely or vitally interested in power for itself alone is more likely to guard the public interest in general than is one whose sole interest will be in power.

It is my belief that it would be well for those who spent so much effort in the framing of the water power act to look closely at S. 3916 before it becomes law.

Sincerely yours,
LYTLE BROWN,
Major General, Chief of Engineers.

1. The Federal water power act was approved June 10, 1920. It is one of the outstanding legislative accomplishments and is probably the most important of the measures ever adopted for the conservation of our national resources.

2. The purposes of the act are:

To conserve fuel by utilizing water power.

To encourage the development of federally controlled water-power sites in a manner best adapted to a comprehensive use of the water resources of the United States and its Territories for the purpose of navigation, water-power development, and other beneficial public uses.

To preserve the ownership of federally controlled sites in the Government by setting up standard conditions under which such sites may be licensed to private interests for not exceeding 50 years.

3. It would be difficult to cite any enactment of the Congress which, in a period of 10 years, has produced such outstanding results in the interests of the public with such a nominal cost to the taxpayers.

Under this law there has been installed 2,496,000 horsepower of hydroelectric equipment, or about 6.3 per cent of the total installed capacity in public-utility service.

4. The Federal Government's jurisdiction over a portion of the water-power sites in the United States and its Territories is derived from two sources:

(a) Through the interstate commerce clause of the Constitution the Congress has the paramount authority to maintain navigable waters in a free and unobstructed condition. It can, therefore, prevent the construction of any power plant in a navigable water or can permit such construction under such terms as it may fix. Through decisions of the Supreme Court the Government has the further right to prevent the impounding of water on nonnavigable tributaries of navigable waters in any manner which will be obstructive of the navigable capacity of such navigable waters.

(b) Through its outright ownership of public lands and national forests the Congress may specify the terms on which water-power sites on such lands may be leased or licensed to private parties.

5. Under existing law navigable waters of the United States are improved, maintained, and operated by the Secretary of War and Chief of Engineers, United States Army, in accordance with special enactments of the Congress.

The national forests are administered by the Agricultural Department through the United States Forest Service.

The Interior Department has charge of public lands and Indian reservations, which it administers through the General Land Office, the United States Geological Survey, and the Office of Indian Affairs.

6. The Congress, in its efforts to adopt a national policy for the development of federally controlled water-power sites in the public interest, gave most careful consideration for several years to the question of setting up a sound, efficient, and economical governmental machinery for carrying such policy into effect. The result of this study was the Federal water power act, and in enacting the law the Congress had certain definite fundamental principles in mind.

First. It recognized that the development of water power by private interests on property controlled by the Government must be kept subordinate in principle to the major purpose of that property. For example, a proposed water-power development in a navigable waterway must not impair the usefulness of the waterway for navigation, but must be satisfactorily accommodated to the interests of navigation, or rejected.

Second. It realized that the War Department was responsible for navigation improvements and that no other agency could so well determine the possibilities for and limitations of power development in connection with navigation projects. It realized that the Interior Department was best able to determine the possibilities for and limitations of power developments on Indian reservations and public lands and that the Agricultural Department was best able to perform a like service with respect to proposed power developments in the national forests. It realized that all three departments had excellent engineering organizations fully competent to do all the work incident to leasing or licensing water-power sites on the properties in their charge.

Third. Congress was fully aware that if it set up an independent agency to lease or license federally controlled water-power sites it would be almost impossible to stop its growth and, further, that it would be in constant conflict with the three executive departments.

Fourth. Congress knew, since it already had in operation all the necessary field organizations, that by setting up a commission made up of representatives of the three interested departments and a small coordinating staff it would get the work done at a minimum of cost to the taxpayers, and that there would be no incentive to build up an organization in duplication of those already in existence.

7. In accordance with these principles Congress wrote into the law section 2, one of the most fundamentally important provisions of the act, specifying how the work should be done.

SEC. 2. That the commission shall appoint an executive secretary, who shall receive a salary of $5,000 a year, and prescribe his duties, and the commission may request the President of the United States to detail an officer from the United States Engineer Corps to serve the commission as engineer officer, his duties to be prescribed by the commission.

The work of the commission shall be performed by and through the Departments of War, Interior, and Agriculture, and their engineering, technical, clerical, and other personnel except as may be otherwise provided by law.

8. Since its organization the procedure of the commission, in compliance with this provision of law, has been as follows:

An application for a preliminary permit or license for a water-power site on a navigable stream or a tributary thereto is referred to the Chief of Engineers. He refers the application to the district engineer who has the particular stream in his charge. The district engineer makes a thorough engineering and economic investigation of the proposed development. This investigation covers the relation of the power development to the navigation project and to flood control, its safety, economic value, market for power, and the financial resources of the applicant.

In the light of the facts disclosed by this investigation, together with his knowledge of local conditions, the district engineer submits his report to the Chief of Engineers and recommends approval or rejection of the application. If he recommends approval, he sets forth in detail the provisions which should be required for the protection or betterment of navigation. The Chief of Engineers reviews the report of the district engineer and forwards it to the commission with such further provisions as in his judgment are required in the interest of navigation.

By this procedure the interests of navigation are always protected, the stream is considered as a whole, and the best combined results for navigation, water power, and flood control are secured. From the beginning this work has been handled efficiently, expeditiously, and at a minimum of cost to the Government.

Applications for sites on public lands or on Indian reservations are in like manner referred to the Interior Department, and applications for sites in the national forests are referred to the United States Forest Service and are reported upon by the Forest Service engineers, who are thoroughly familiar with all the local conditions.

9. S. 3619 repeals section 2 of the Federal water power act and thereby scraps or throws into the discard a highly efficient coordinated governmental machinery for dealing with water-power problems in their proper relation to navigation and flood control.

It takes from the Secretary of War and the Chief of Engineers all authority and responsibility in connection with the investigation of water-power developments in navigable waters or on tributaries thereto and confines their functions to the veto power contained in section 4 (d) of the act.

"That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of War."

S. 3619 gives the commission broad authority to build up as large an engineering organization as Congress can be induced to appropriate for. Such an organization will duplicate and parallel the work of the engineering organizations of the Departments of War, Agriculture, and Interior. It will be in conflict with those organizations since it will be devoted primarily to power development. It will increase the Government's expenditures and will decrease efficiency.

The SPEAKER. The time of the gentleman from Louisiana has expired; all time has expired.

Mr. PARKER. Mr. Speaker, I submit a unanimous-consent request, which I send to the desk.

The Clerk read as follows:

Mr. PARKER asks unanimous consent to amend the bill as follows: On page 7, in line 14, after the word "counsel," insert "a solicitor."

Mr. BLANTON. Mr. Speaker, I make a point of order against the request. It is not in order.

The SPEAKER. It is a question of unanimous consent.

Mr. BLANTON. I object to the unanimous-consent request.

Mr. MAPES. Will the gentleman withhold his objection a moment?

Mr. BLANTON. It has been passed upon once.

The SPEAKER. The question is on the motion of the gentleman from New York to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 201, noes 17.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SISSETON AND WAHPETON BANDS OF SIOUX INDIANS

Mr. JOHNSON of South Dakota. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1372) authorizing an appropriation for payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians, as amended.

The SPEAKER. It is not necessary for the gentleman to make that motion. As the Chair understands the parliamentary situation, the gentleman moved last Monday to suspend the rules and pass the bill, S. 1372, and debate thereon had been exhausted.

Mr. JOHNSON of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of South Dakota. Under the parliamentary situation no time can be granted for further debate on this measure, the debate having occurred a week ago to-day?

The SPEAKER. Yes. The question is on the motion of the gentleman from South Dakota to suspend the rules and pass the bill.

Mr. HUDDLESTON. Mr. Speaker, is it not in order to read the title of the bill?

The SPEAKER. Certainly. The Clerk will report the bill.

The Clerk read the title of the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

COTTONSEED OIL TRUST CHARGES SUSTAINED BY SUPREME COURT OF ALABAMA

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Cottonseed Oil Trust and to incorporate a recent opinion of the Supreme Court of the State of Alabama.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I have repeatedly made the statement on the floor of the House that representatives of cottonseed-oil mills met at Memphis, Tenn., July 24, 1928, under the supervision and direction of the Federal Trade Commission, and were organized for the purpose of violating the antitrust laws of the United States and the respective States. This statement is borne out by a recent unanimous opinion of the Supreme Court of the State of Alabama in the case of Dothan Oil Mill Co. et al. *v.* Espy et al. (127 Southern Reporter 179). In that case Mr. Espy and others obtained an injunction against the Dothan Oil Mill Co. and other oil mills from Alabama from putting into effect the agreements entered into at Memphis, Tenn., which had for their purpose the setting of prices of cottonseed and destroying competition in the purchase and sale of cottonseed. The oil mills answered:

The respondents also interposed a plea alleging that the resolutions made Exhibit A to the bill were adopted at a trade conference under the guidance, advice, and cooperation of the Federal Trade Commission, presided over by a member of the Trade Commission, and were therefore reported to the said Federal Trade Commission for its approval, and on the 8th of October, 1928, the Federal Trade Commission en banc passed and approved the said resolutions and promulgated the same, and by so doing said resolutions were made the act, declaration, and decree of the Federal Trade Commission, to be and remain in full force and effect, under which respondents were authorized to do business; and therefore the circuit court was without jurisdiction to enjoin said resolutions of said Trade Commission.

The court held, among other things:

Taking as true the averments of the bill, as must be done on demurrer, and interpreting the alleged resolutions made Exhibit A to the bill in the light of the facts averred, however inoffensive they may appear on their face, we have no difficulty in reaching the conclusion that the defendants have entered into a combine, pool, trust, or confederation, to regulate or fix the price of cottonseed in this State, and are attempting to destroy competition in the sale thereof in violation of the State antitrust laws.

The injunction was affirmed.

Many of the cottonseed-oil mills that were responsible for the trade-practice conferences at Memphis had already become outlaws in certain States. One of the largest mills in the South, whose representatives were very active in the Memphis conference, had its authority to do business in the State of Texas canceled 20 years ago for setting the price of cottonseed and doing many of the very things that the Federal Trade Commission was persuaded to approve. This same concern was fined in Mississippi only a few years ago for violating the antitrust laws. Dozens and dozens of cases are recorded in the law books where these concerns represented at the Memphis conferences have been found guilty of violating the antitrust laws of the many States.

At the Memphis conference the chairman of the Federal Trade Commission, who presided, was informed that the object of the meeting was to end discrimination in prices of cottonseed. The discussions at that meeting clearly disclose that the resolutions enacted there were in violation of the laws of the States and Nation.

Now the Federal Trade Commission is investigating the Cottonseed Oil Trust, the very trust that it is guilty of organizing. The public is not represented in the investigation. I do not say that facts will not be fully disclosed, but I can truthfully say that, in order for an impartial investigation to be made, it will necessarily condemn the Federal Trade Commission, the investigator.

I regret very much that the leaders in the House do not feel warranted in permitting an investigation of the Cottonseed Oil Trust by people who are in a position to bring out the facts. This trust cost the cotton farmers $75,000,000 last fall. The farmers lost $75,000,000 worth of purchasing power. This injured other people and legitimate business as well as the farmers. The loss will probably be more this coming fall.

The following contains the full opinion of the Supreme Court of the State of Alabama:

DOTHAN OIL MILL CO. ET AL. *v.* ESPY ET AL., FOURTH DIVISION 458—SUPREME COURT OF ALABAMA, JANUARY 23, 1930—REHEARING DENIED MARCH 20, 1930

1. Courts key 489 (1)—Case made by bill of dealers in cottonseed to restrain consumers from combining to fix price held not within exclusive Federal jurisdiction.

Bill by dealers in cottonseed to restrain consumers from combining to fix price of cottonseed and compensation to be allowed individuals engaged in business of purchasing and selling cottonseed held not within exclusive jurisdiction of Federal Trade Commission and United States circuit court of appeals.

2. Commerce key 16—Business of buying cottonseed wholly within State to be crushed and manufactured into oil and other products in State held not to constitute "interstate commerce." (15 U. S. C. A., sec. 45; Sherman and Clayton Acts (15 U. S. C. A., secs. 1–7, 15 and secs. 12–27, 44).)

Business of buying cottonseed, confined wholly to State, to be crushed and manufactured into oil and other products, in State, held not to constitute "interstate commerce," within meaning of 15 U. S. C. A., section 45, or within sense of Sherman and Clayton Acts (15 U. S. C. A., secs. 1–7, 15, and secs. 12–27, 44), although some of manufactured products might eventually become commodities of interstate commerce.

(Ed. note: For other definitions, see Words and phrases, first, second, and third series, Interstate Commerce.)

3. Monopolies key 24 (1)—For private individuals to maintain suit to enjoin acts interfering with interstate commerce, acts complained of must be directly and immediately against commerce. (15 U. S. C. A., sec. 26.)

Though, under provisions of 15 U. S. C. A., section 26, private individual may maintain suit to enjoin acts interfering with interstate commerce, in proper case, acts complained of must be immediately and directly against such commerce.

4. Equity key 239—Averments of bill for injunction must be taken as true on demurrer.

Averments of bill for injunction to restrain consumers of cottonseed from combining to fix price of cottonseed, and profits which could be made by dealers therein must be taken as true on demurrer.

5. Appeal and error key 863.—Only matters of substance would be considered by Supreme Court in considering sufficiency of bill as against general demurrer in absence of specific grounds of demurrer (Code 1923, sec. 6553).

In considering sufficiency of bill for injunction as against general demurrer for want of equity in absence of pertinent, specific grounds of demurrer, Supreme Court would consider apparent amendable defects as amended, and only matters of substance would be considered under Code 1923, section 6553.

6. Monopolies key 24 (1)—One injured in business by combine controlling prices is entitled to injunction, if legal remedy is inadequate.

One injured in his business or property by combine to which he is not party, formed for purpose of fixing or controlling price of commodities in which he deals, is entitled to injunction, if damages he would otherwise suffer are unascertainable or injury that would result is irreparable, or controversy would occasion multiplicity of suits.

7. Monopolies key 24 (2)—Bill of cottonseed dealers for injunction against consumers combining to fix prices of cottonseed and profits allowed dealers held not demurrable.

Averments, of cotton dealer's bill for injunction, that consumers of cottonseed in State had entered to combine to fix prices of cottonseed and to fix profits of dealers therein, and that, if combine was carried into effect, dealers would be unable to pay producers as large price as otherwise to irreparable damage of dealers, held not demurrable.

8. Evidence key 20 (1)—That business of ginning cotton is business affected with public interest is matter of judicial knowledge.

It is matter of judicial knowledge that business of ginning cotton is business affected with public interest and is an essential element of great cotton industry in State.

9. Monopolies key 24 (2)—Cottonseed dealers not parties to combine by consumers to fix profits of dealers and cottonseed price could maintain suit to restrain consumers from carrying out agreement.

Cottonseed dealers, not being parties to agreement between cottonseed consumers to fix price and profit allowed dealers, could maintain suit on ground that agreement was unfair competition.

10. Equity key 65 (1)—One in pari delicto can not invoke equity to relieve himself from situation into which he brought himself.

One in pari delicto can not invoke aid of equity to relieve himself from situation into which he has brought himself.

11. Monopolies key 17 (1)—Seller has same right to competition among buyers as buyer has to competition among sellers.

One who deals in any commodity and sells in market has same right to competition among buyers as buyer has to competition among sellers.

12. Monopolies key 17 (1)—It is unlawful for buyers to combine to stifle competition and fix prices to hurt others (Code, 1923, secs. 5212–5214).

While buyers in competition with each other have right to fix prices, it is unlawful, under Code, 1923, sections 5212–5214, for all buyers to combine for purpose of stifling competition and fixing price of commodity to hurt others.

On rehearing

13. Appeal and error key 863—Sufficiency of injunction bond held not presented on appeal from decree overruling demurrers to bill.

On appeal from decree overruling demurrers to bill to restrain consumers from combining to fix price of cottonseed, question of sufficiency of injunction bond held not presented.

Appeal from circuit court, Houston County; H. A. Pearce, judge.

Bill for injunction by Leo Espy and others against the Dothan Oil Mill Co. and others. From a decree overruling a demurrer to the bill respondents appeal.

Affirmed.

The complainants (appellees here), three in number, are, as the bill avers, engaged separately in the business of ginning cotton for the producers in the locality of their respective places of business, "and accept or take cottonseed from cotton so ginned at a reasonable and fair value in payment of the ginning charges," paying the producer the difference, and also engaged in the business of buying and selling cottonseed.

The respondents (appellants), 30 or more in number, in different localities in this State, respectively and separately are engaged in the business of buying and crushing cottonseed, manufacturing therefrom cottonseed oil, and other by-products of cottonseed, and selling the same to the public or such as use and handle such products.

The bill further alleges that in the month of July, 1928, the respondents, with others, entered into a conspiracy and an unlawful combine in the restraint of trade, in respect to the business of buying and selling cottonseed and to control the price thereof, so that they could thereby purchase cottonseed at the price fixed by them. And in furtherance of said conspiracy and said combine, "entered into what they term a 'trade-practice agreement,'" a copy of which is attached to and made a part of the bill.

That the "respondents in furtherance of said conspiracy and in the execution thereof agreed among themselves the price to be paid for cottonseed throughout the State of Alabama, in that the said respondents agree to pay a specific price for cottonseed at all points in Alabama, the buyer paying the freight on said seed to its (their) respective mills where the same is shipped, and as a part of said unfair practice and in furtherance of said monopoly, refused to buy cottonseed except on weights and quality at mill destination, regardless of the true weights and quality of cottonseed so shipped from the point bought, and have entered into a specific agreement as to the amount of brokerage the seller should pay for the sale of such cottonseed, specifically limiting the amount to be paid on all cottonseed from wagons and from gins to the amount of $3 per ton, the same to include storage, handling, loading, loss in weight, and all other charges of every kind, and have limited the payment of commission to 50 cents per ton of seed in carload lots, notwithstanding the said respondents pay no part of said commission and the seller in order to dispose of his seed must comply with the provisions enumerated in said Exhibit A, for complainants aver that said respondents are the only buyers in Alabama of any appreciable amount of cottonseed offered for sale in the State, and in pursuance of the provisions of Exhibit A * * * the respondents have agreed among themselves, or among themselves and other buyers of cottonseed, not to buy cottonseed in carload lots in the State of Alabama unless the seller will sell his seed and accept weights and qualities thereof as fixed by the buyer at his or its mill, and thereby created, operated, aided, or abetted a trust combine or monopoly in the purchase of cottonseed in the State of Alabama."

That said "good practice," as set forth in said exhibit, is for the benefit of the respondents and enables them to control the price and buy seed at the price fixed by them, and forces the producer and others who deal in this product to sell at such price, regardless of its fair value.

That because of said conspiracy complainants are unable to sell their cottonseed to respondents or in the open market at any other price than that fixed "by said unlawful conspiracy or combine in restraint of trade, regardless of the true and fair value of said seed"; that said unlawful conspiracy and combine by respondents creates and maintains a fictitious price for cottonseed, in that none of the respondents will offer or pay more than the price fixed by them, and, in furtherance of said combine, the respondents, when said price is fixed, inform all sellers of cottonseed what will be paid, and, by reason of said combine and agreement in restraint of competition, complainants are unable to sell and dispose of their cottonseed at any other price.

That respondents, in furtherance of said monopolistic combine, have refused to accept for storage cottonseed on call for account of others or to buy cottonseed for future shipment beyond 15 days from the date of purchase, the purpose of such agreement being to prevent complainants and the producers of cottonseed from storing, or defendants from receiving, for prospective purchaser, and to limit the right to buy cottonseed for future delivery, where such shipment can not be made within 15 days from such purchase, thereby reducing and stifling competition in the price to be paid, and because the respondents constitute practically all the buyers of cottonseed for oil mills in the State, said agreement prevents the complainants and others from so selling, thereby aiding in creating a trust combine or monopoly in the purchase of cottonseed, "to the great injury and damage of complainants and other buyers and sellers of cottonseed and the producers thereof" and in restraint of the right to contract.

That the term "unit" as used in paragraph 2 of Exhibit A, which provides that "the price paid for cottonseed or charged for the products thereof is a matter of individual judgment, to be determined by each unit concerned. No unit is or should be under obligation to change or maintain its prices to meet the wishes or views of any other unit or group of units," and "alludes to and governs the said respondents and other oil mills in Alabama as a unit."

That respondents "in furtherance of said unlawful combine in restraint of trade, have agreed as set forth in section 12 of said Exhibit A, and in the execution of said provision have agreed upon and adopted a uniform sales contract form for all purchases of cottonseed, which the seller of cottonseed must conform to in order to sell * * * to any member of said unlawful combine thereby created, operated, aided, or abetted a trust combine or monopoly in the purchase of cottonseed in the State of Alabama, to the great injury and damage of complainants and other producers or dealers in cottonseed."

That "there are thousands of producers of cottonseed in the State of Alabama, and in and about the vicinity and place of business of complainants * * * who sell their cottonseed to complainants and others engaged in a similar business in the State of Alabama, and if the respondents are permitted to continue to carry out the unlawful conspiracy and combine * * * and force complainants to sell their seed to them under the rules and provisions contained in said Exhibit A, these complainants will be unable to pay the producers of cottonseed in the State of Alabama, as large a price as they would and could pay the producers of such cottonseed but for the alleged conspiracy and methods of doing business by respondents, *to the irreparable damage of complainants and said producers.*" (Italics supplied.)

On information and belief the bill charges "that the respondents and their co-conspirators in furtherance of said combine and restraint of trade, have set up what is termed an 'Interpretation Committee,' the functions and duty of which is to try and determine all grievances against any member of said conspiracy for the violation of any of said provisions contained in Exhibit A to the bill, * * * and the purpose thereof is to restrain any member of said conspiracy from in anywise breaching said provisions in order that said conspiracy may be fully consummated, and respondents enabled to purchase cottonseed at a price fixed by them."

The paper attached as Exhibit A to the bill appears on its face to be a set of resolutions at a trade-practice conference of "the Cotton Oil Mill Division of the Interstate Cottonseed Crushers' Association, held at Memphis, Tenn., on July 24, 1928," the preamble thereof asserting that the oil mills are "an agency which buys the cottonseed and manufactures it into products of great value to mankind, fill a necessary and proper function in relation to a basic agricultural product, and are entitled to a fair return for such services. They owe a duty alike to the farmer who produces the seed and to the consuming public which buys the products thereof. That duty includes the obligation to pay a fair price for the raw material, to deal fairly with labor, to manufacture efficiently, to eliminate waste, to sell the products at a fair price, to develop new uses, to approve and encourage sound and fair trade practices, and to condemn and prevent bad and unfair practices. In order to perform that duty it is advisable to encourage proper and ethical principles in the industry, to the end that competition may be open and constructive, and not secret and destructive. With these purposes in mind, the mills therefore declare that it is good practice in the operation of crushing cottonseed to abide by the following principles:

"1. Whereas there has been discrimination in the prices paid for cottonseed and in the prices charged for the products thereof; and

"Whereas the Congress of the United States in passing the Clayton Act and many States by enacting statutes have condemned price discrimination; and

"Whereas in order that the market value of cottonseed and its products may be known at all times by all who are interested to the end that discrimination in prices may be prevented," etc.

Following this preamble, certain acts, among others, are declared to be unfair competition:

"7. It is unfair competition to store or receive cottonseed on call for the account of others, or to contract for or buy cottonseed for future shipment where such shipment is beyond 15 days from date of purchase.

"8. It is unfair competition to buy cottonseed in carload quantities except on weights and quality at mill destination.

"9. Brokerage, if any, should be paid by the seller."

"*Resolved*, That where the practice of buying seed through commission agents is in existence, the payment of any amount in excess of $3 per ton on wagon seed and gin seed, such payment to include storage, handling, loading, loss in weight, and all other charges of every kind, and the payment of any commission in excess of 50 cents per

ton for buying carload seed is against public policy and hereby declared to be an unfair method of competition.

"*Resolved further*, That the payment of such commission to other than bona fide seed buyers who render a service, and/or in such manner that any part of it goes to the seller directly or indirectly through the medium of partners, influential friends, kinspeople, or under any other guise whatsoever, is hereby declared to be against public policy and an unfair method of competition.

"*Resolved further*, That the names of such 50-cent buyers be made available to the public.

"12. *Resolved*, That in order to conform to the principles of these rules a uniform purchase contract and account sales form should be used in all transactions."

The bill is filed by the complainants in behalf of themselves and all others so circumstanced, who may desire to join them, and prays that the defendants be enjoined and restrained from enforcing or conforming to the several resolutions above enumerated, in so far as they relate or apply to transactions in this State; from submitting complaints to the alleged "interpretation committee" as to the violation of said agreement existing between them relating to their acts in this State, and upon final hearing that the injunction be made perpetual.

The respondents demurred to the bill on numerous and sundry grounds, among others, which present the questions argued on this appeal—that there is no equity in the bill; that the case made by the bill is not within the jurisdiction of the State court, sitting as a court of equity; that it affirmatively appears from the averments of the bill that the Federal Trade Commission alone has jurisdiction over the subject matter of the bill; that it affirmatively appears that the District Court of the United States, for the Southern and Middle Districts of Alabama, alone has jurisdiction over the subject matter of the bill; that it affirmatively appears that the Circuit Court of Appeals for the Fifth Circuit of the United States alone has jurisdiction of the subject matter and cause of action therein alleged; that it affirmatively appears that the acts complained of relate to interstate commerce presenting a controversy not within the jurisdiction of the State court; that it affirmatively appears from the averments of the bill that the matters and things therein complained of are authorized by and do not contravene the laws of Alabama, and it distinctly appears from the terms and contents of said trade practice agreement, attached as Exhibit A to the bill, that they do not tend to create a conspiracy or an unlawful combine in the restraint of trade in buying and selling cottonseed, nor to control and fix the price thereof.

The respondents also interposed a plea alleging that the resolutions made Exhibit A to the bill were adopted at a trade conference under the guidance, advice, and cooperation of the Federal Trade Commission, presided over by a member of the Trade Commission, and were therefore reported to the said Federal Trade Commission for its approval, and on the 8th of October, 1928, the Federal Trade Commission en banc passed and approved the said resolutions and promulgated the same, and by so doing said resolutions were made the act, declaration, and decree of the Federal Trade Commission, to be and remain in full force and effect, under which respondents were authorized to do business; and therefore the Circuit Court was without jurisdiction to enjoin said resolutions of said Trade Commission.

The cause was set down for hearing on the demurrers to the bill, and on the sufficiency of the plea, and on consideration thereof the demurrers were overruled, and the plea held insufficient. From that decree this appeal is prosecuted.

Steiner, Crum & Weil, of Montgomery; Pettus & Fuller, of Selma; and Farmer, Merrill & Farmer, of Dothan, for appellants.

T. M. Espy and O. S. Lewis, both of Dothan, and W. O. Mulkey, of Geneva, for appellees.

Brown, J. (after stating the facts as above):

"(1) If we assume that the purchase of cottonseed by the respondents from the producers and others, to be crushed at their respective mills in this State and manufactured into cottonseed oil and other by-products, involves acts of interstate commerce, the contention of appellants that the case made by the bill is one within the exclusive jurisdiction of the Federal Trade Commission and the United States Circuit Court of Appeals is fully answered by the ruling of the United States Supreme Court in Federal Trade Commission *v.* Klesner (280 U. S. 19; 50 S. Ct. 1, 3; 74 L. Ed. —).

"In the cited case the Federal Trade Commission, by order entered, directed Klesner, an interior decorator doing business under the name of Hooper & Klesner, to 'cease and desist from using the words "Shade Shop" standing alone or in conjunction with other words as an identification of the business conducted by him, in any manner of advertisement, signs, stationery, telephone, or business directories, trade lists, or otherwise,' on the ground that the use of said words was unfair practice in that it infringed the trade rights of one Sammons, who had for many years done business under the name of 'The Shade Shop' and applied for the enforcement of this order by the Circuit Court of Appeals of the District of Columbia, wherein its application was dismissed. The Supreme Court reviewed that order on certiorari and observed: 'We need not decide whether the court of appeals was justified on all of its assumptions of fact or in its conclusions on matters of law, for we are of opinion that the decree should be affirmed on a preliminary ground which made it unnecessary for that court to inquire into the merits. Section 5 of the Federal Trade Commission act (15 U. S. C. A., sec. 45) does not provide private persons with an administrative remedy for private wrongs. The formal complaint is brought in the commission's name; the prosecution is wholly that of the Government, and it bears the entire expense of the prosecution. A person who deems himself aggrieved by the use of an unfair method of competition is not given the right to institute before the commission a complaint against the alleged wrongdoer. Nor may the commission authorize him to do so.'

Nor is there anything in the Federal Trade Commission act that authorizes it to approve and promulgate resolutions, rules, and regulations adopted by an aggregation of individuals or corporations in the prosecution of private business. It is "empowered and directed to prevent persons, partnerships, or corporations, except banks, and common carriers subject to the acts to regulate commerce, from using unfair methods of competition in commerce" (15 U. S. C. A. sec. 45); and the act provides: "Nor shall anything contained in said subdivision be construed to alter, modify, or repeal the said antitrust acts or the acts to regulate commerce or any part or parts thereof" (15 U. S. C. A. sec. 51).

(2) We are not of opinion, however, that the business of buying cottonseed, confined wholly to the State, to be crushed and manufactured into oil and other products, in such State, constitutes interstate commerce, within the scope and purpose of said act or within the sense of the Sherman and Clayton Acts (15 U. S. C. A. secs. 1–7, 15, and secs. 12–27, 44) which confer on the Federal courts exclusive jurisdiction to enforce said acts, though some of the manufactured products may eventually find their way into and become commodities of interstate commerce. "The fact, of itself, that an article when in the process of manufacture is intended for export to another State does not render it an article of interstate commerce." (Crescent Cotton Oil Co. *v.* State of Mississippi (257 U. S. 129, 42 S. Ct. 42, 44, 66 L. Ed. 166); Coe *v.* Errol (116 U. S. 517, 6 S. Ct. 475, 29 L. Ed. 715); New York Central R. R. Co. *v.* Mohney (252 U. S. 152, 40 S. Ct. 287, 64 L. Ed. 502, 9 A. L. R. 496).)

(3) Though, under the provisions of section 26, title 15, of the United States Code, Annotated, a private individual may maintain a suit to enjoin acts interfering with interstate commerce, in a proper case, the acts complained of must be immediately and directly against such commerce. (Gable *v.* Vonnegut Mach. Co. et al. (C. C. A.) 274 F. 66); Anderson *v.* Shipowners' Association of Pacific Coast (272 U. S. 359, 47 S. Ct. 125, 71 L. Ed. 298).)

These observations are sufficient to justify a denial of appellant's contention that, on the case made by the bill, the Federal district court only has jurisdiction to grant the relief prayed. (Home Telephone Co. *v.* Michigan R. R. Commission (174 Mich. 219, 140 N. W. 496).)

(4) Taking as true the averments of the bill, as must be done on demurrer, and interpreting the alleged resolutions made Exhibit A to the bill in the light of the facts averred, however inoffensive they may appear on their face, we have no difficulty in reaching the conclusion that the defendants have entered into a combine, pool, trust, or confederation, to regulate or fix the price of cottonseed in this State, and are attempting to destroy competition in the sale thereof in violation of the State antitrust laws. Code 1923, sections 5212–5214; Southern Cotton Oil Co. *v.* Knox et al., 202 Ala. 694, 81 So. 656; Arnold *v.* Jones Cotton Co., 152 Ala., 501, 44 So. 662, 12 L. R. A. (N. S.) 150; Georgia Fruit Exchange *v.* Turnipseed, 9 Ala. App. 123, 62 So. 542.

(5) This brings us to consider the sufficiency of the bill, as against the general demurrer for want of equity. The rule applicable here, in the absence of pertinent, specific grounds of demurrer, is that apparent amendable defects will be treated as amended, and only matters of substance will be considered. Code 1923, § 6553; McDuffie et al. *v.* Lynchburg Shoe Co. et al., 178 Ala. 268, 59 So. 567; House and Lot *v.* State ex rel. Patterson, 204 Ala. 108, 85 So. 382, 10 A. L. R. 1589; Seeberg *v.* Norville, 204 Ala. 20, 85 So. 505; Kelly *v.* Carmichael, 217 Ala. 534, 117 So. 67. In this connection it may be stated that there is no specific ground of demurrer going to the sufficiency of the averments that complainants will suffer irreparable injury.

(6) The weight of modern authority sustains the right of one injured in his business or property by a combine, to which he is not a party, formed for the purpose of creating a monopoly, fixing or controlling the prices of commodities in which he deals, in such sort as to stifle competition, contrary to law, to equitable relief by injunction, if the damages he would otherwise suffer are unascertainable, or the injury that would result is irreparable, or the controversy would occasion a multiplicity of suits. Tallassee Oil & Fertilizer Co. et al. *v.* H. S. & J. L. Holloway, 200 Ala. 492, 76 So. 434, L. R. A. 1918A, 280; Reeves *v.* Decorah Farmers' Cooperative Society, 160 Iowa, 194, 140 N. W. 844, 14 L. R. A. (N. S.) 1104; 19 R. C. L. 205, § 161, and authorities cited under note 16.

(7) The averments of the bill in respect to the result of the alleged combine between the defendants, briefly stated, are that defendants constitute all, or practically all, of the consumers of cottonseed in this

State; that they have entered into a combine to fix the price of this commodity in order that they may purchase at the price so fixed; that a part of the scheme agreed upon is to give publicity to the price they will offer, so that the producers may be advised, and in connection therewith that, as to purchases made by the parties in the combine, they will pay the freight to mill destination, where the quantity and quality are to be ascertained and determined, the seller agreeing to abide by such determination. That the parties to the combine have not only agreed among themselves to determine the price and give full publicity thereto, but they have agreed to fix the allowances, compensation, or profits to be allowed to persons who are engaged in the business of purchasing and selling for profit—that is, they agree to allow to the middleman 50 cents per ton for seed purchased and shipped in carload lots, and $3 per ton for all seed purchased from wagons and gins, this allowance to cover storage, handling, loading, loss in weight, "and all other charges of every kind, such charges and commissions to be paid by the seller." And a part of the alleged unlawful combine is "that the names of such 50-cent buyers be made available to the public." And the seller, in order to dispose of his seed, must comply with these rules or provisions, and thereby "respondents create and maintain a fictitious price for cottonseed" to the great injury and damage of complainants and other producers or dealers in cottonseed. "That if the respondents are permitted to continue to carry out the unlawful conspiracy and combine in this bill set forth and force complainants to sell their seed to them under the rules and provisions contained in said Exhibit A, these complainants will be unable to pay to the producers of cottonseed in the State of Alabama as large a price as they would or could pay the producers of such cottonseed but for the alleged conspiracy and methods of doing business by respondents, to the irreparable damage of complainants and said producers." That respondents have set up and maintain an "interpretation" or grievous "committee" to prevent a violation of the alleged combine or agreement.

Appellants insist the allegation that the alleged unlawful combine will occasion "irreparable injury" to complainants is a mere conclusion of the pleader, citing, in support thereof, Gulf Compress Co. *v.* Harris, Cortner & Co., 158 Ala. 343, 48 So. 477, 24 L. R. A. (N. S.) 399, and National Fireproofing Co. *v.* Mason Builders' Association et al. (C. C. A.) 169 F. 259, 20 L. R. A. (N. S.) 148.

In the case first above cited the complainants sought to restrain the defendants as warehousemen from exacting what they alleged to be excessive charges for storing and warehousing cotton for shipment, and rested the equity of the bill on the theory that the alleged wrongful conduct of the defendants would occasion a multiplicity of suits, and would be "practically ruinous to complainants." In considering the "motion to dismiss for want of equity," the court observed that:

"It is true it is alleged in the bill that if complainants submit to and pay the increased charges under the new schedule of rates it will be practically ruinous to complainants. This, however, in the light of the facts contained in the bill, can but be regarded as a conclusion of the pleader, and not as the statement of a fact. The difference in amount produced by the alleged overcharges as shown by the bill is too inconsiderable to warrant the conclusion that ruinous results would follow to a business of the kind and character as that engaged in by the complainants, when it is to be remembered that the overcharges so paid are not a permanent loss, and may be immediately recovered back in an action at law. We are unable to see how or in what way the complainants would suffer irreparable injury and damage from the alleged course of conduct of the respondent.

"It is urged that the complainants would be put to numerous suits at law, and hence the bill has equity upon the doctrine of the prevention of a multiplicity of suits. It can not be denied but that the complainants might in one action at law sue to recover all of the overcharges paid for the entire cotton season. One suit or a multiplicity of suits therefore would be a matter of complainants' own election." Gulf Compress Co. *v.* Harris, Cortner & Co., 158 Ala. 352, 353; 48 So. 477, 480; 24 L. R. A. (N. S.) 399.

The other case (National Fireproofing Co. *v.* Mason Builders' Association et al. (C. C. A.,) 169 F. 259; 26 L. R. A. (N. S.) 148) involved injuries alleged to have resulted from the violation of the Federal antitrust act, and it was there ruled that the remedy by injunction could not be invoked by an individual, as the act conferred this right on the Government only.

The Federal case is without application here, and unless it can be said, in the light of the facts averred in the bill, that the averments that complainants will suffer irreparable injury are a mere conclusion unsupported by the other averments of the bill, the holding in Gulf Compress Co. *v.* Harris, Cortner & Co., supra, is not controlling.

We are of opinion that it is reasonably clear from the facts averred that the dominant purpose of the alleged combine is to stifle competition to such extent that ginners and dealers in complainants' class will be forced out of the field of competition, leaving the field clear to a favored class, who purchase for defendants in carload lots and who can continue in business on the 50 cents per ton commissions.

In the face of the facts averred, and admitted to be true by the demurrer, it can not be assumed that the producers will sell to the ginner or small dealer at a price which will allow such dealer to make a commission of $3 per ton, when they can sell direct to the buyers for the mills on a basis of 50 cents commission, and have the freight paid by the mills to their destinations, where the weight and quality are to be determined.

On the other hand, it requires no argument to show that the ginner and small dealer can not pay the price fixed by the mills and sell at the same price and continue to do business; nor can such small dealer and ginner in the face of such competition continue in business by paying the price fixed by the mills, and sell to the favored class of commission buyers and pay the commission of 50 cents per ton.

We are, therefore, not of opinion that the averment of the bill that the alleged damages "are irreparable" is wholly unsupported by the other averments of the bill and is a mere conclusion of the pleader.

[8] It is a matter of judicial knowledge that the business of ginning cotton is a business affected with a public interest, and is an essential element of the great cotton industry in this State. Tallassee Oil & Fertilizer Co. et al. *v.* Holloway, supra. And we feel safe in holding that any unlawful combine that tends to hamper and destroy the business of the ginner justifies the interference of a court of equity, at the insistence of the party injured, if, under the rules of evidence applicable to an action for damages, he would not be able to prove his damages.

If the complainants were forced to resort to an action for damages, they would be compelled to rely on showing the loss of prospective profits arising, not from mere personal effort, but from the employment of both capital and labor in the conduct of their business, and the weight of authority is against the recovery of such damages. Beck *v.* West & Co., 87 Ala. 213, 6 So. 70; Central of Ga. Ry. Co. *v.* Weaver, 194 Ala. 46, 69 So. 521; Perfection Mattress & Spring Co. *v.* Dupree, 216 Ala. 303, 113 So. 74; Millican *v.* Haynes, 212 Ala. 539, 103 So. 564; Extensive notes 9 A. L. R. 510, 27 A. L. R. 430.

This view would render the damages "unascertainable," bringing the case within the rule sustaining the right of the injured party to equitable relief.

[9, 10] The insistence of appellants that the complainants, not being parties to the alleged unlawful agreement, are without right to complain, citing Lovejoy *v.* Bessemer Waterworks (146 Ala. 374, 41 So. 76, 6 L. R. A. (N. S.) 429, 9 Ann. Cas. 1068, and 9 Cyc. 380), is without merit and is not sustained by these authorities. The rule to the contrary is that one in pari delicto can not invoke the aid of equity to relieve himself from a situation into which he has brought himself. Employing Printers' Club et al. *v.* Doctor Blosser Co. (122 Ga. 509, 50 S. E. 353, 69 L. R. A. 90, 106 Am. St. Rep. 137, 2 Ann. Cas. 694).

We are in agreement with the principles announced in Doremus *v.* Hennessy (176 Ill. 608, 52 N. E. 924, 926, 54 N. E. 524, 43 L. R. A. 797, 802, 68 Am. St. Rep. 203, 207) that "lawful competition that may injure the business of another, even though successfully directed to driving that other out of business, is not actionable"; this is the general rule. (9 R. C. L. 146, sec. 111.)

[11, 12] On the other hand, the authorities are generally agreed that one who deals in any commodity and sells in the market has the same right to competition among buyers as the purchaser has to competition among sellers. While purchasers in competition with each other have the right to fix the price they will pay, yet it is unlawful for all of the buyers to combine for the purpose of stifling competition and fix the price of a commodity to the hurt of others. This is not lawful competition. (Code 1923, secs. 5212–5214; Arnold & Co. *v.* Jones's Cotton Co., 152 Ala. 501, 44 So. 662, 12 L. R. A. (N. S.) 150; 19 R. C. L. 137, sec. 103.)

We are of opinion that the decree overruling the demurrers is free from error, and is due to be affirmed.

Affirmed.

Anderson, C. J., and Sayre and Thomas, JJ., concur.

On rehearing

Brown, J. The appellants have renewed their contention, on rehearing, that inasmuch as the injunction bond is signed only by the appellees—there being no sureties thereon—the injunction is void.

(13) This appeal, as stated in the original opinion, is from a decree overruling the defendants' demurrers to the bill, and the question of the sufficiency of the injunction bond is in no way presented. This is a sufficient answer to the contention; but to show that it is without merit, if the question was presented, we quote from the opinion of this court in Jones *v.* Ewing et al. (56 Ala. 360), speaking through Brickell, circuit judge: "The irregularity for which the chancellor dissolved the injunction was the failure of the judge ordering the issue of the writ to require the complainant to execute a bond, with surety, for the payment of damages if the injunction was dissolved. (R. C., sec. 3480.) If it is conceded the order was for this reason irregular, it is voidable only, not void. The circuit judge had full authority to grant it, and the order was binding and conclusive until on a proper application it was vacated (People *v.* Sturtevant, 9 N. Y. 266, 59 Am. Dec. 536)." (To the same effect, 32 C. J. 401, sec. 678.)

True, the Mississippi cases—Morris *v.* Trussell (144 Miss. 343, 109 So. 854) and Castleman et al. *v.* State (94 Miss. 609, 47 So. 647), construing and applying the statutes of that State—are to the contrary, but they are in conflict with Jones *v.* Ewing et al., supra, construing our statute more than a half century ago, and the statute has been repeatedly readopted without change. Barnewell *v.* Murrell (108 Ala. 366, 18 So. 831).

We have stated the averments of the bill and their legal effect, giving emphasis to the statement in the resolutions, "to the end that discrimination in prices may be prevented." From this it is clear that some such thoughts as fixing prices were in mind, and, when the resolutions are taken in the light of the affirmative and positive averment that such agreement or combination was entered into, as we have held, they are sufficient as against the demurrers to give the bill equity.

The assertion of appellants in their brief on application for rehearing that there is an absence of averment in the bill that the appellants are operating under the alleged combine or trust agreement is fully answered by the statement of the case preceding the original opinion.

Moreover, this assertion is inconsistent with the further assertion that appellants have been "ruined" by the issuance of the injunction.

If, in fact, appellants are not operating their respective businesses in pursuance of the alleged combine or trust, or if in fact there is no such trust or combine, then the injunction in no way affects them in the conduct of their businesses. There is nothing in the injunction to restrain the defendants, each acting upon its own judgment without unlawful combine or agreement, from pursuing its own course in respect to its own particular business, and when it does no one can complain.

We are of opinion that the application should be overruled, and it is so ordered.

Anderson, C. J., and Sayre and Thomas, JJ., concur.

Cottonseed-oil mills are under the control and domination of Procter & Gamble, Swift & Co., Armour & Co., and two or three other large concerns that want to make their profits on the finished articles—made from cottonseed oil—and not from the crude product. They want the price of cottonseed oil to be cheap so they can keep the price of coconut, palm-kernel, and other imported oil down to a low level. The railroads, doubtless at the request of these concerns, are granting special freight rates on oils that are imported and used in competition with cottonseed oil. In a number of cases the rate on cottonseed oil is 50 per cent to 100 per cent higher than on imported oils.

From New Orleans to Kansas City, a distance of 878 miles, the freight charges on a car of coconut oil are $90; on cottonseed oil, for the same service, the charges are $136.50, a discrimination in favor of the imported oil of $46.50 on each carload. The low rate for coconut oil was put into effect February 15, 1927. The proposed rate was filed and notice was given 30 days prior thereto, as required by law, and no protest was entered. Why? The same people who are interested in cheap coconut oil are interested in cheap cottonseed oil.

From Houston, Tex., to Cincinnati, Ohio, it is 1,107 miles. The freight charges on a car of palm-kernel oil, if imported, from Houston to Cincinnati, are $81. The freight charges on a car of cottonseed oil are $184.50. Procter & Gamble, large soap and oleomargarine manufacturers at Cincinnati, own the Buckeye Cottonseed Oil Co. The Buckeye owns and controls a number of cottonseed-oil mills in the South.

COLONIAL NATIONAL MONUMENT IN VIRGINIA

Mr. COLTON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12235) to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes, as amended.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon proclamation of the President, as herein provided, sufficient of the areas hereinafter specified for the purposes of this act shall be established and set apart as the Colonial National Monument for the preservation of the historical structures and remains thereon and for the benefit and enjoyment of the people.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to make an examination of Jamestown Island, parts of the city of Williamsburg, and the Yorktown battle field, all in the State of Virginia and suitable areas to connect said island, city, and battle field with a view to determining the area or areas thereof desirable for inclusion in the said Colonial National Monument, and upon completion thereof he shall make appropriate recommendations to the President, who shall establish the boundaries of said national monument by proclamation: *Provided,* That the boundaries so established may be enlarged or diminished by subsequent proclamation or proclamations of the President upon the recommendations of the Secretary of the Interior, any such enlargement only to include lands donated to the United States or purchased by the United States without resort to condemnation.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to accept donations of land, interest in land, buildings, structures, and other property within the boundaries of said monument as determined and fixed hereunder and donations of funds for the purchase and/or maintenance thereof, the evidence of title to such lands to be satisfactory to the Secretary of the Interior: *Provided,* That he may acquire on behalf of the United States by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of the act of August 1, 1888 (U. S. C., title 40, secs. 257, 258; 25 Stat. 357), such tracts of land within the said monument as may be necessary for the completion thereof: *Provided further,* That condemnation proceedings herein provided for shall not be had, exercised, or resorted to as to lands belonging to the Association for the Preservation of Virginia Antiquities, a corporation chartered under the laws of Virginia, or to the city of Williamsburg, Va., or to any other lands in said city except such lands as may be required for a right of way not exceeding 200 feet in width through the city of Williamsburg to connect with highways or parkways leading from Williamsburg to Jamestown and to Yorktown.

SEC. 4. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act, to be available for all expenses incident to the examination and establishment of the said Colonial National Monument and the protection and maintenance of lands and of buildings as acquired and/or constructed, as well as for the acquisition of lands needed for the completion of the monument, including the securing of options and other incidental expenses.

SEC. 5. That the administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service (U. S. C., title 16, secs. 1–4; 39 Stat. 535), and for other purposes," as amended.

SEC. 6. That nothing in this act shall be held to deprive the State of Virginia, or any political subdivision thereof, of its civil and criminal jurisdiction in and over the areas included in said national monument, nor shall this act in any way impair or affect the rights of citizenship of any resident therein; and save and except as the consent of the State of Virginia may be hereafter given, the legislative authority of said State in and over all areas included within said national monument shall not be diminished or affected by the creation of said national monument, nor by the terms and provisions of this act: *Provided,* That any rules and regulations authorized in section 5, and in the act therein referred to, shall not apply to any property of a public nature in the city of Williamsburg, other than property of the United States.

SEC. 7. In the event that lands and/or buildings, structures, and so forth, within the city of Williamsburg are donated to the United States and are thereafter revenue producing, the United States shall pay in the treasury of the city of Williamsburg 25 per cent of any rentals included in said revenues, and 25 per cent of the net proceeds of any commercial enterprise there conducted by the United States, such payment into the treasury of the city of Williamsburg not to exceed $20,000 in any year.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

The gentleman from Utah is recognized for 20 minutes, and the gentleman from Wisconsin for 20 minutes.

Mr. COLTON. Mr. Speaker, it is a striking coincidence that the definite beginning and close of the Colonial period in the United States should have occurred within an area having a radius of about 20 miles. It began at Jamestown in 1607 with the first permanent English settlement and closed with the surrender of Cornwallis at Yorktown.

This bill provides for the creation of a national monument out of that area where these great events occurred. The place of the founding of Jamestown in 1607 and the place where the city or town of Williamsburg was built, wherein so many historical events occurred, and the scene of the final surrender of Cornwallis at Yorktown are within 20 miles of each other.

At Jamestown Island, the Virginia Society for the Preservation of Antiquities and the Federal Government have made a very desirable beginning, but the bulk of the island is in private ownership. The erosion of the island by the waters of the James River has been protected against by concrete construction as to a small portion of the island, but below this concrete work the wearing away of the island continues and foundations of buildings erected over 300 years ago are being washed away.

Williamsburg, the early colonial capital, retains much to remind the visitor of its great colonial importance. Here was established in 1693 the College of William and Mary, the second oldest college in America; here in 1705 was constructed the first

legislative building, where Patrick Henry made some of his most noted speeches, where in 1776 the convention of Virginia passed resolutions calling on Congress to declare the Colonies free and independent States, where Mason's declaration of rights was adopted, and where was framed the first constitution of a free and independent State. Here George Washington received his commission as a surveyor and George Wythe, the first professor of law in America, instructed Thomas Jefferson, John Marshall, James Monroe, and many other of the giants of those days. Here is being carried on through the generosity of John D. Rockefeller, jr., the largest program of colonial restoration that will ever be possible in America. This colonial exhibition, of the greatest interest to Americans when completed, will be dedicated to America. Plans for the future maintenance of this restoration are not developed, but however maintained the restoration will be of outstanding importance as an exhibit pertaining to the colonial period.

At Yorktown the battle field, still retaining some of the early fortifications and numerous marks of that siege, is practically all in private ownership. If not brought into public ownership in the near future, the general development of this region following the construction of roads and bridges will remove all remaining traces of the historic events which took place here.

No one who has visited this wonderfully interesting area can help being impressed with the necessity of preserving for future generations these wonderful shrines of American liberty. I feel sure as the years go by they will become real shrines. Another place has been called the cradle of American liberty. It had its real beginning in the enchanted peninsula of Virginia.

We have created parks in various parts of the United States out of areas that nature has made particularly distinctive—great scenes of inspiration, scenes that the American people ought to visit, but we should not forget the great part that has been played by the patriots of the early period of the United States in making this Nation and making it possible for us to have parks, shrines, and monuments to visit. The places they made memorable should not be forgotten.

Among all of the places dear to the hearts of the people, none excel, from a standpoint of interest and importance, that area which will be incorporated in the Colonial National Monument, if this bill becomes a law.

America had its birthplace here; America finally won its independence here. As I stated before, it is the place of definite beginning and definite ending of the great colonial period.

This bill has been carefully prepared, it has been carefully considered by the Public Lands Committee. It has been framed expressly so as not to deprive the State of Virginia, or any political subdivision thereof, of any of its necessary jurisdiction. It has been approved by the General Assembly, or Legislature, of the State of Virginia, and so far as I know all of the officials of that great State are in favor of the passage of this bill.

Mr. STAFFORD. Will the gentleman yield?

Mr. COLTON. I yield.

Mr. STAFFORD. The report of the gentleman as filed in connection with the bill is illuminating, and yet it does not, as far as I can discover, give any description as to the amount of territory that will be comprised within the purview of the proposed monument.

Mr. COLTON. It has been almost impossible to determine by metes and bounds the area of this monument, but in the very nature of things the boundaries will not be extensive. It is intended to acquire that part of Jamestown Island, which was used for the founding of the permanent settlement. It may embrace that part of colonial Williamsburg that has particular historical significance, and that part of the battle field of Yorktown that is known to have been occupied during the battle and the Moore house and scenes incident to the surrender.

Mr. STAFFORD. Then as I understand the gentleman's statement, it is not intended to have the monument in one compact territory?

Mr. COLTON. That is true; it is not so intended. I think it is contemplated connecting the three places with a highway. It is contemplated that this highway will connect the three distinctive places at least.

Mr. STAFFORD. And the territory would be under the civil jurisdiction of the State of Virginia?

Mr. COLTON. That is true.

Mr. STAFFORD. And not have it supervised by the police of the National Government?

Mr. COLTON. No; unless in a very limited way. The bill expressly reserves to the State of Virginia the right to exercise its police power.

Mr. BOYLAN. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. BOYLAN. The bill states that the United States shall pay into the treasury of the city of Williamsburg 25 per cent of any rentals included in said revenues, and also 25 per cent of the net proceeds of any commercial enterprise conducted there. What is the reason for that?

Mr. COLTON. The taking of a part of the city of Williamsburg will necessarily deprive the city of a large amount of its revenue. In fact, it may some time take a good deal right out of the very heart of the city, and in return for the taxes that they will lose on this property which may be taken this provision has been made to partly reimburse the city for the loss.

Mr. BOYLAN. I should think it would be sufficient honor to the city to have this made a national monument.

Mr. COLTON. It is an honor, and they appreciate it, but nevertheless there is a material side, and they may be deprived of a substantial revenue.

Mr. STAFFORD. Following the criticism of the gentleman from New York [Mr. BOYLAN], I believe the gentleman will agree that there is no other instance in legislative history where we have made a similar provision.

Mr. CRAMTON. The Forest Service is very similar.

Mr. COLTON. There are similar instances.

Mr. CRAMTON. The income in our national forests, or a substantial part of it, goes to the counties.

Mr. STAFFORD. I recognize that condition, because it is regarded as part of the public domain, but there is no similar provision which has been heretofore provided in matters of a national monument, and I think it is open to severe criticism on that account.

Mr. COLTON. In this particular instance we may take a large part of this city off the tax rolls, and it is only just to reimburse them, at least partially.

Mr. STAFFORD. But the incidental advantages, as pointed out by the gentleman from New York [Mr. BOYLAN], will far more than compensate for the little taken away for taxation purposes.

Mr. COLTON. Well, that is problematical. A good deal may be taken away.

Mr. STAFFORD. Mr. Speaker, I do not desire to use any of my time.

Mr. COLTON. I congratulate the author of this bill and all who have been instrumental in starting this movement for a great Colonial national monument. Truly it will be a shrine for American patriots.

The SPEAKER. The question is on the motion of the gentleman from Utah to suspend the rules and pass the bill.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Amend the title so as to read: "A bill to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes."

ANNEX TO LIBRARY OF CONGRESS

Mr. LUCE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8372) to provide for the construction and equipment of an annex to the Library of Congress, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the commission created by the act entitled "An act to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes," approved May 21, 1928, is authorized and directed to provide for the construction and equipment of a fireproof annex to the Library of Congress (including approaches, connections with the Capitol power plant, and architectural landscape treatment of the grounds). Such building shall be constructed on the site acquired under the provisions of such act of May 21, 1928. It shall contain suitable space for book, newspaper, and file stacks; for storage, reference, and other rooms; offices for the Copyright Office, card service, and the branch printing office and bindery. It shall be connected by a suitable tunnel with the Library of Congress, for which purpose the necessary structural changes in the Library of Congress building and additions to the said building are authorized. Such annex shall be equipped with such furnishings and mechanical and other equipment and apparatus as may be necessary, including equipment and apparatus required for transportation and communication between the Library of Congress and the annex.

SEC. 2. All plans for the construction or alteration of buildings under authority of this act shall be approved by the commission. The Architect of the Capitol, under the direction of the commission, is authorized, in carrying out the provisions of this act, to enter into contracts to purchase materials, supplies, equipment, and accessories in the open market, to employ necessary personnel, including architectural, engineering, and other professional services, without reference to section

35 of the act approved June 25, 1910 (U. S. C., title 40, sec. 265), section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), or the classification act of 1923, as amended (U. S. C., title 5, ch. 13; U. S. C., Supp. III, ch. 13), and to make such expenditures as may be necessary, including expenditures for advertising and travel and for the purchase of technical and reference books.

SEC. 3. The commission created under the act of May 21, 1928, shall continue in existence until six months after the completion of the building.

SEC. 4. There is authorized to be appropriated the sum of $6,500,000, or so much thereof as may be necessary, to enable the commission to carry out the provisions of this act. Appropriations made under authority of this act shall be disbursed by the disbursing officer of the Department of the Interior.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Massachusetts is entitled to 20 minutes and the gentleman from Wisconsin to 20 minutes.

Mr. LUCE. Mr. Speaker, when this matter had been placed on the Consent Calendar it was suggested that a proposal to spend $6,500,000 was important enough to deserve more discussion than was likely if it were taken up by consent, and, furthermore, that it might be well to say some things about the work of the Library. At this late hour in the afternoon, when it is hoped that another matter from the Committee on the Library may be taken up, I shall not consume the full 20 minutes, but simply upon this proposal take time enough to say that the growth of the Library compels action looking toward an extension. The Seventieth Congress provided for the taking of land east of the present structure, a square and a half, lying between the plot where the Folger Shakespeare Library is under construction, and Pennsylvania Avenue. The work of condemnation will begin just as soon as the bill recently passed by the House, relating to the technical phases of condemnation, shall have become a law. Expedition is necessary if we are to hope to get this building completed before the present structure becomes overcrowded.

There are in the present Library, or were at the end of 1929, almost 4,000,000 books, which, together with maps, views, music, prints, and pieces, made a total of 6,665,019 articles. Accessions in the year amounted to 267,068. That rate is sure to continue and will overtax the present building in three or four years.

The need for a new building is largely due to the bound volumes of newspapers, of which the Library is now receiving 892, of which there are retained for binding 342. The volumes are very bulky and require not only more room but better facilities for handling. Last year these bound volumes served more than 20,000 persons, including university students from Oxford, in England, to California, on the western shore. There are already more than 70,000 bound volumes of newspapers in the Library. It is planned to house these in the center of the new structure. Around the sides of the structure will be put the copyright office, the printing office, the bindery, the handling of the cards with which the Library of Congress supplies libraries throughout the country—in short, the mechanical work and the storage facilities that will relieve the present structure and will enable it to be wholly utilized for the purposes to which it is best adapted.

While I have this opportunity I want to say, for the benefit of all the Members, not particularly the new Members of the House, that I fear the opportunity for help furnished by the Library is not fully understood. I imagine that even the older Members are not aware of the fact that there are employed in the legislative reference service 26 persons who are at our command at any moment to secure information and aid us in the study of the problems before us.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. STAFFORD. If there are that number at our command, why is it so difficult for us to get efficient service in the Library?

Mr. LUCE. Such has not been my experience.

Mr. STAFFORD. I have had difficulty in getting authoritative information on matters that I am interested in.

Mr. LUCE. It may be that there are not enough employed in that service. If the gentleman will go over the summary of the work those people have done in the last few months and study the records of the work they are doing, I am sure he will agree that they are fully employed. If an insufficient number are at work, I would gladly join the gentleman in recommending that more be employed. Any Member can by telephone call up the reference service and get such aid as may be needed.

Mr. LAGUARDIA. If the gentleman does not know exactly what he wants, he can not expect the legislative service to help him.

Mr. STAFFORD. I knew what I wanted, but there was some unfortunate person waiting on me who did not comprehend what I wanted.

Mr. LUCE. If the gentleman will furnish me further information for inquiry, I think I can satisfy him.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. COOPER of Wisconsin. Will the gentleman tell us what rank in the matter of size, and so forth, our Library holds in comparison with the other great libraries in the world?

Mr. LUCE. It is not less than third, and possibly second, if my memory is correct. Different methods are followed by different libraries in enumerating maps, manuscripts, prints, and such things. Measured simply by total pieces, I gave you between 6,000,000 and 7,000,000. I have an impression that we stand first, but I could not state positively. Anyhow, nobody is ahead of us unless it be the British Museum and the Bibliothèque Nationale of Paris.

Mr. COOPER of Wisconsin. I have read in the newspapers that in the number of volumes and documents the Library of Congress was not lower than No. 2, and very probably No. 1.

Mr. LUCE. That is my understanding of the case.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. CHINDBLOM. In view of the colloquy between the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Massachusetts with reference to the service of the legislative bureau in the Library, it is, of course, to be regretted that any Member on any occasion has not received the attention that was expected. I want to say for myself and have it in the RECORD that when I sought assistance there I have always gotten prompt and very efficient attention.

Mr. NELSON of Wisconsin. And I want to state emphatically that the service rendered has been very helpful to me, indeed.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. STAFFORD. I wish to direct attention to a matter that is apart from this legislative service bureau. When I read this bill a few months ago I concluded that section 2 carried authority in its phraseology sufficient to allow the Architect of the Capitol to not only employ architects to prepare the plan for the annex but also to undertake the construction of the building under his immediate authority.

I know it is not the intention of the gentleman to confer such authority to construct the building, to undertake the work direct. I will read the language which I think justifies my construction:

The Architect of the Capitol, under the direction of the commission, is authorized, in carrying out the provisions of this act, to enter into contracts to purchase materials, supplies, equipment, and accessories in the open market, to employ necessary personnel, including architectural, engineering, and other professional services.

That language is sufficiently comprehensive to enable the Architect of the Capitol to undertake the construction of this building directly, to enter into contracts for construction and materials. I know it is not the intention that this building shall be erected by the architect in purchasing the materials and hiring labor direct. I understand that applies only to the preparation of the plans. Yet the wording of the bill is wide enough to permit the architect to build the building himself.

Mr. LUCE. This bill was drawn several months ago, and my recollection may have been dimmed somewhat; but I recall that the act under which the present structure was erected was copied, and that the draftsmanship was done with the help of the legislative drafting service.

Mr. STAFFORD. I thought that that referred only so far as the plans for construction were concerned. But the language I call attention to is broad enough to allow the architect himself to construct the building and purchase the materials.

Mr. LUCE. How would the gentleman propose to do it?

Mr. STAFFORD. This restriction is only so far as the preparation of the plans is concerned. It apparently is the purpose to allow the commission to enter into contracts and not leave it to the Architect of the Capitol to purchase material and undertake the construction direct.

Mr. LUCE. It is designed that in point of procedure this building shall be erected just as the present building was.

Mr. STAFFORD. It is not the intention of this act that the architect should himself purchase the necessary building materials, and hire the necessary labor. That is not the intention of this act, and yet the language in the act is susceptible of that interpretation.

Mr. LUCE. I doubt if the use of the same language used in previous construction would be subject to any such interpretation.

Mr. STAFFORD. If the gentleman would substitute for the word "act" in line 18, page 2, the word "section" it would carry out the intent of the committee and remove the ambiguity and the direct authority that this bill now vests in the Architect of the Capitol to built it on an individual material and employment basis.

Mr. LUCE. If there is such danger as the gentleman suggests, I thank him for bringing it to our attention. Of course, under the circumstances it would have to be attended to in another branch. An amendment would not be possible here under the rule about suspensions.

Mr. STAFFORD. The gentleman could ask unanimous consent to have that considered.

Mr. LUCE. I should not be willing to ask unanimous consent until I had given more reflection to the technical side of it than I can give on the spur of the moment.

Mr. STAFFORD. I realize the ultraconservatism of my friend from the ultraconservative Commonwealth of Massachusetts.

Mr. BRIGGS. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. BRIGGS. Is it the intention in the building that is going to be constructed as an annex to the Library to preserve the symmetry and beauty of the Library as far as it can be done?

Mr. LUCE. Absolutely.

Mr. BRIGGS. It is not intended to put up some sort of monstrosity that is not going to fit in at all with the architectural character of the Library, to simply provide space without conforming to the symmetry and beauty of the building now there?

Mr. LUCE. As far as I can give my pledge, I will give it to that effect. The Senate and House chairmen and ranking minority members of the Committee on the Library are members of the commission, and, through all my experience, they have worked in complete harmony with the Fine Arts Commission. That commission has already been consulted in the matter of preliminary drawings, and, of course, will be consulted until the work reaches its conclusion.

Mr. BRIGGS. This work gives consideration not only to the immediate needs but, in substantial degree, to the prospective needs of the Library? Is that true?

Mr. LUCE. That is in the minds of all of us all the time.

Mr. BRIGGS. This contemplates having certain underground passages, which can be utilized for the storage of books, I understand. They will not be frequently used, but they want to retain them as a part of the Library's equipment?

Mr. LUCE. There will be an underground passage from the main building to the annex.

Mr. SABATH. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. SABATH. Do I understand the bill gives full power to the architect, and that the commission will have no jurisdiction to approve or disapprove of the contracts which the architect may himself enter into?

Mr. LUCE. Oh, no.

Mr. SABATH. From what the gentleman from Wisconsin states, that would be my understanding. It is my understanding that this bill takes away from the commission all power and vests that power in the architect, and that the commission in the future would not have any right to pass upon any of the contracts which the architect may enter into?

Mr. LUCE. I can not imagine that such could be the interpretation of the bill. This commission will have full control of the erecting of this building. That is what the commission was created for.

Mr. SABATH. And that is the intent of the bill?

Mr. LUCE. That is the intent of the bill, and in my judgment it is the meaning of the language. If it could be found that it is not the meaning of the language, of course it would be altered in another body.

Mr. BLANTON. Will the gentleman yield?

Mr. LUCE. I yield, certainly.

Mr. BLANTON. I would like to state that during my 12 years' use of the Library I have found all of the employees, from Mr. Putnam down, most obliging, painstaking, and efficient. They have worked for me on holidays, on Sundays, and until late at night many times when I have asked them to help me. I have found them the most efficient and underpaid employees of the entire United States Government. Their salaries should be raised at least 50 per cent from Librarian Putnam on down.

Mr. LUCE. I should also like to say that I have in my office several letters from Members of the House of precisely the same purport as the statement of the gentleman from Texas, the gentleman from Wisconsin [Mr. NELSON], and others who have testified.

Mr. SLOAN. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. SLOAN. I have read somewhat on the matter of the standing of the Library, and as I understand its rank is based on quality rather than quantity and on the fact that it is the growing great Library of the world.

Mr. LUCE. Undoubtedly.

Mr. SLOAN. And that it has the least obsolescent material in books, science, maps, and everything of that character, and it is more nearly up to date in all products of the world's brains than any other library in the world. So that in the point of quality and up-to-dateness our Library is entitled to be, like every other American institution, at the head.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. Mr. Speaker, I yield two minutes of my time to the gentleman from Massachusetts.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. MORTON D. HULL. Who are the parties to the contract to erect the building, as provided in this bill?

Mr. LUCE. The commission which was created by the last Congress on the one hand and the contractors on the other hand.

Mr. MORTON D. HULL. Is that the purpose of the bill?

Mr. LUCE. I say "the commission," but the language may be "the United States." I am not familiar enough with the phraseology of these contracts to know.

Mr. MORTON D. HULL. The bill says the architect is authorized to enter into a contract.

Mr. LUCE. But the architect can only take such action under the direction and with the approval of the commission.

Mr. MORTON D. HULL. Ordinarily, an architect's position is that of a third party and he acts as judge between the principal and the contractor as to the equities in the whole building construction.

Mr. LUCE. The Architect of the Capitol is our instrument for carrying out what we direct him to do. He is our instrument and under our control at all times.

Mr. MORTON D. HULL. But, apparently, he is made the principal in the contract under this bill.

Mr. LUCE. It certainly was not the intention to give him independent authority.

Mr. STAFFORD. That phraseology supports the contention I called to the attention of the gentleman from Massachusetts.

Mr. LUCE. If the gentleman is right, it shall be corrected elsewhere; but I still think the gentleman is not correct.

Mr. STAFFORD. The gentleman has more confidence in his ability to have things corrected elsewhere than I have.

Mr. LUCE. Under authority to extend my remarks, I would add that examination of the bill passed last December for the new Supreme Court Building shows that the same power was there given to the Architect of the Capitol. It should be borne in mind that his title may mislead. He is really our agent in the matter of carrying on all construction work connected with the public buildings on Capitol Hill, and as such will make contracts under the supervision of the commission. The architect of this new building for the Library will be secured from outside.

Mr. LUCE. The statute creating the Fine Arts Commission simply calls for its judgment on the location and artistic quality of works of art in the District, and specifically excludes the Capitol and the Library. It also is to advise the President and committees of Congress. Until the law enacted within a few days it had no authority to pass on buildings or matters architectural, nor could Congress require of it to exercise judgment on these things, except as committees might request.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT—REVISION AND CODIFICATION OF THE LAWS OF THE CANAL ZONE (H. DOC. NO. 460)

The SPEAKER laid before the House the following message from the President, which was read, and, with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered printed:

To the Congress of the United States:

In conformity with the provisions of the act of May 17, 1928 (45 Stat. 596), entitled "An act to revise and codify the laws of the Canal Zone," I transmit herewith a report submitted to me by the Secretary of War on progress made in the revision and codification of the laws now in force in the Canal Zone.

The changes in existing law recommended by the Secretary have my approval, and I recommend that they be given the approval of the Congress.

HERBERT HOOVER.

THE WHITE HOUSE, *June 9, 1930.*

MESSAGE FROM THE PRESIDENT—DRAFTS OF THE AMERICAN EMBASSY IN PETROGRAD (S. DOC. NO. 163)

The SPEAKER laid before the House a further message from the President, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State, to the end that legislation may be enacted to authorize an appropriation of not exceeding $44,446.05 for the payment of interest on funds represented by drafts drawn on the Secretary of State by the American Embassy in Petrograd and the American Embassy in Constantinople and transfers which the embassy at Constantinople undertook to make by cable communications to the Secretary of State between December 23, 1915, and April 21, 1917, in connection with the representation by the embassy of the interests of certain foreign governments and their nationals.

HERBERT HOOVER.

THE WHITE HOUSE, *June 9, 1930.*

VOLLBEHR COLLECTION OF INCUNABULA

Mr. TILSON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12696) authorizing an appropriation for the purchase of the Vollbehr collection of incunabula.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of acquiring for the Library of Congress the collection of fifteenth century books known as the Vollbehr collection of incunabula and comprising 3,000 items, together with the copy on vellum of the Gutenberg 42-line Bible known as the St. Blasius-St. Paul copy, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,500,000, or so much thereof as may be recommended by the Librarian of Congress in an estimate submitted for the purpose.

The SPEAKER. Is a second demanded?

Mr. LUCE. Mr. Speaker, I demand a second.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TILSON. Mr. Speaker, the passage of this bill gives the privilege of purchasing the rare collection of incunabula, known as the Vollbehr collection. It must be enacted into law before the end of the present session or the offer will be withdrawn.

The bill was introduced by the gentleman from Mississippi [Mr. COLLINS] who on February 7 last made an address to the House which fully described the collection and which, together with some further study of the matter, proved to my satisfaction that this is an opportunity that should not be allowed to pass unimproved.

Mr. SCHAFER of Wisconsin. Will the gentleman yield for a brief question?

Mr. TILSON. Yes.

Mr. SCHAFER of Wisconsin. Has the Director of the Budget approved of this expenditure running way beyond the $1,000,000 point?

Mr. TILSON. It may be presented to the Director of the Budget after it has been authorized. I think the Director of the Budget would certainly approve any such an expenditure.

Mr. CRAMTON. If the gentleman will yield, the Library of Congress is an agency of the Congress itself, and the Congress has not as yet adopted the practice of submitting its own estimate to the Budget. This is within the control of the legislative branch purely.

Mr. TILSON. And even if it were not, I have no doubt that the Director of the Budget would promptly approve it.

Mr. MOORE of Virginia. I will say to the gentleman that the Budget law expressly excludes legislative matters from the jurisdiction of the Bureau of the Budget.

Mr. TILSON. Mr. Speaker, I reserve the balance of my time.

Mr. LUCE. Mr. Speaker, it is the unanimous hope of the Committee on the Library that this collection may become its property. It is the unanimous belief of the Committee on the Library that the House should take no action of this magnitude without having heard the opposing considerations.

Here is a case where widespread interest has been aroused, where an extraordinary number of letters have been sent to Members and where a surprising number of editorials have been printed. They have all been in favor of this measure, and this is the first time that on any floor has there been any opportunity to call the attention to those who are to make the decision, to all the facts.

I followed this rare practice of asking a second for a report that had been submitted without recommendation in order that the House itself may take the full responsibility.

It happens only once or twice in a Congress that a new policy is begun. Nearly all our work consists in developing old policies, but here is a new policy, in substance, that bids fair, in the end, to involve the expenditure of many millions of dollars. This has been set forth in the report accompanying the bill, which was prepared with some care, and which I would ask unanimous consent to insert in my remarks at this point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

[H. Rept. No. 1769, 71st Cong., 2d sess.]

VOLLBEHR COLLECTION OF INCUNABULA

Mr. LUCE, from the Committee on the Library, submitted the following report (to accompany H. R. 12696):

Dr. Otto Vollbehr, of Berlin, Germany, now in this country, will sell to the Library of Congress his collection of 3,000 incunabula, including a Gutenberg Bible, for $1,500,000. It is understood that if his offer is not accepted before the adjournment of this session of Congress, the collection will be dispersed by sale at auction. Widespread interest has been aroused by this opportunity to secure for the Library a noteworthy collection, and there is genuine apprehension lest we let it slip through our fingers. The considerations should be weighed and decision promptly reached.

Between 1450 and 1455 Johann Gutenberg produced what is held to be the first book printed from movable metal type—a Bible in Latin. Only three perfect copies of it, printed on vellum, are known to have survived. The British Museum and the Bibliothèque Nationale in Paris each has a copy in two volumes. The third, in three volumes, is offered by Doctor Vollbehr.

"Incunabula" are books or other printed things that were produced before 1500. More than nine-tenths of those here in question are bound volumes. Typographically and taken as a whole the books of the first half century of printing have never been surpassed. They had to compete with the illuminated manuscripts of the period that brought forth the great artists of the Renaissance. This gives them value of no small importance to the students who would improve the printing art of to-day, the art that more than any other affects our daily lives. Also of practical consideration is the wide range of subjects. As was to be expected, those religious in nature prevail, but there are also the first printed copies of the classics and many volumes treating of the sciences, the professions, the occupations, even the amusements of the time, thus insuring broad historical worth.

It is, however, not to be questioned that the chief element in the value that is measured by dollars, is the element of rarity. This is the element that by itself determines the price of such things at the auction sales. In this respect the collection is well worth the price asked. Expert opinion places the value of the Gutenberg Bible alone at $600,000. A conservative estimate of the value of the incunabula places it at $1,000,000. This would make the market figure of the total at least $1,600,000. By reason of the competition of wealthy collectors the prices for such rarities, already astonishingly high, are steadily rising. If having acquired this collection we should ever have occasion to sell it, which is of course now inconceivable, it would probably bring several times the price paid. Purely as an investment it would be above question.

The bargain feature of the opportunity, however, would be justly held by many as not to be worthily taken into account. They would rather stress in general the cultural value of this collection and in particular the benefit to American scholarship by such a contribution to facilities for study. Development in this direction bids fair within no long time to make Washington the center of national culture, perhaps even of world culture. In and around our Library are gathering forces both individual and organized, that foretell the leadership of trained thought. Whatever will help is worth any cost within reason.

Then, too, something is to be said for the influence of what we here do, upon the hundreds of thousands of our people who every year come to observe, to admire, to learn. The Gutenberg Bible would take its place alongside the originals of the Declaration of Independence and the Constitution, to arouse that patriotism which springs from pride in community of ownership, as well as to inspire greater respect for the things of the spirit. No visitor having a scintilla of sympathy with the ties that bind us to the past or of interests in the proofs of

human progress could, for example, fail to be moved by the sight of the only copy that has come down to us of a little thing printed by William Caxton, the first English printer.

That memorabilia should now be more highly esteemed than ever before is gratifying. Their preservation adds to culture and, if collections of them are made easy of access and exposed to public view, so much the better. The sense of possession can delight a nation as well as an individual.

It is argued, also, that this acquisition would bring gifts of perhaps equal value. To encourage such recognition of the possibilities the Library presents for broader usefulness is an end that may well be taken into account.

These are the reasons that prompt every member of your committee to hope that this collection will become the property of the Nation. Yet they conceive it to be their duty to lay before you the considerations that militate against its purchase with public funds. No matter how widespread and enthusiastic the approval, we must remember that it comes from those who have given thought only to the advantages. If not a dissenting voice has been raised, it is more than ever our obligation to bear in mind that there are two sides to every question, and that it is the duty of a legislative body to develop both for the sake of wise decision.

The Library of Congress was created and has grown as an instrument of service, primarily service to Congress itself, secondarily service to the executive and judicial departments. Incidentally has come service to scholarship, service in the way of diffusion of knowledge throughout the land. To these ends we are this year appropriating $130,000 for the general purpose of buying books. Should that figure be repeated annually, it would be nearly a dozen years before we had bought books with a total value equal to the amount it is proposed to spend for the Vollbehr collection alone.

The Library is well equipped in certain fields, but in others it is palpably lacking. The expert consultants who have been gathered here with the help of the Library of Congress Trust Fund Board, report, for instance, that there is particular need of more technical and professional books in foreign languages. The question rises whether if $1,500,000 additional is to be spent for purchases, it could with greater benefit be spent on material of wider scholarly interest and greater practical helpfulness. For example, there is almost limitless opportunity to apply further the photostatic process in getting copies of rare manuscripts and books jealously preserved in libraries scattered over the world and now with difficulty reached by students. For working purposes the copy is just as good as the original, and the cost is far less than what the original would bring were it put up for sale.

When literary or otherwise cultural treasures come into the market, it is a question whether the Government should be a customer. So far it has not to any material extent made purchases where rarity has been the chief element of value. The deposit of such things in our library or in our museums has ordinarily resulted from private munificence, the benefactions of public-spirited citizens. We have not to any significant degree engaged in aiding the arts from the Public Treasury, in other words, subsidizing culture. We do not, as in France, secure for public museums the best productions of painters and sculptors. We do not as a Nation give subventions to music or the drama. Possibly we might well do these things, but when we begin we should know what we are doing.

It is the first step that costs. Purchase of this collection will bring us appeals that if heeded, offers that if accepted, will in the end mean many millions of expenditure. We shall have put ourselves in the market to compete with the collectors of all sorts of rarities, books, manuscripts, pictures, furniture, all sorts of things believed by their possessors to have historical or cultural value in one way or another, selling at artificial prices swollen by the rivalry of buyers possessed of great wealth. When private buyers will not pay the prices demanded, the resort will be to Congress. Unless Congress should delegate decision, its Members will find added to their perplexities just such pressure as that which has accompanied this proposal, and it will not always be so meritorious as in this instance.

In view, then, of the fact that this purchase, by reason of its magnitude, would embark us on an essentially new policy, with limitless possibilities, your committee feels the full responsibility should be that of the House itself. So it follows the course, rare but not lacking parliamentary precedent, of reporting the accompanying bill to the House without recommendation.

Mr. LUCE. If the gentlemen will read this report, they will find that there are the negative considerations. In the first place, that ours has always been a library of service, and that now for the first time are we to engage in the purchase of things where rarity is the chief factor. We join the army of collectors of rarities.

Mr. CRAMTON. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. CRAMTON. Of course, it is not easy to draw the line. The notable Chinese collection that was recently secured seemed to me to come very close to being valuable from the collector's standpoint rather than from the standpoint of use.

Mr. LUCE. It has value from the collector's standpoint, but already the study of it has disclosed important information bearing upon agriculture, and likely to be of benefit to those who follow that pursuit in this country. In other words, it combines the element of rarity and the element of information.

In the particular instance now under consideration you are asked to spend $1,500,000 for material that derives a very large part of its value from rarity.

Now, I say this in no hostility to the idea of buying things of cultural value. I am ready to join in buying, as they do in France, the best pictures that are produced every year, to display in museums. I am ready to join with all of the countries of the Old World that foster art, literature, culture. I think it is fair to the House to point out that we have not hitherto done this thing. If we to-day vote to buy this collection, I shall be glad if it is so voted, but the House should fully realize that in so doing it will have entered on a policy of limitless extent.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. JOHNSON of Washington. I think it is fortunate that we have this great opportunity to get this splendid collection. The Gutenberg Bible, if it comes into possession of the United States, means a great deal. This is an opportunity that should not be lost. If I may say so, together with the Smithsonian Institution and the Carnegie Institute, the Rockefeller Foundation and other great organizations who are doing so much for the people, this Government can well afford to do its part. It is all for the United States of America which is going to live we hope for thousands of years. Even if times are hard we must remember "man can not live by bread alone."

Mr. LUCE. To make myself more familiar with what is going on in the Smithsonian Institution, I asked whether it spent any considerable amount of money, public money, in purchases, and they replied no. None of our various museums or institutions can be said to spend a substantial amount of the public money for the purchases of rarity.

Mr. JOHNSON of Washington. The Smithsonian Institution has very little of the public money.

Mr. LUCE. No; it is private money and the Smithsonian has a right to spend it as it sees fit. It does not come to Congress and ask us to buy a thing where rarity is the chief element of value.

Mr. STAFFORD. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. STAFFORD. Can the gentleman inform the committee as to the amount Congress appropriates for the Library for the purchase of volumes? I know several years back, when I was serving as a member of the Committee on Appropriations, we appropriated $100,000 for that purpose.

Mr. LUCE. Of late we have authorized the expenditure of $100,000 a year for the purchase of books. This year the Appropriation Committee has been good enough to make it $130,000, aside from a special appropriation of $50,000 for the purchase of law books.

To-day we are asked to appropriate, for this single collection, more than ten times what we are going to put at the command of the Library the coming year, for the general purchase of books.

Mr. CRAMTON. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. CRAMTON. The gentleman brings vividly before the House the fact that this great and cultured Nation should consider the possession of such a collection unless we are going to leave it to private collectors or to the municipal or State libraries, and that there can be no better place to inaugurate the policy than in the National Library. So it seems to me that, even though it might be admitted that it is a new policy, it is an enlightening and progressive policy.

Mr. LUCE. I absolutely, completely, and fully agree with the gentleman. But I had no right to submit this to the House without pointing out that this thing was being done and that you should realize that you are starting on an expenditure of money that will reach in the aggregate formidable proportions. I am ready to do it——

Mr. CHINDBLOM. We are all ready to do it.

Mr. LUCE. But I wanted you to do it with your eyes open.

The SPEAKER. The question is on the motion of the gentleman from Connecticut to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that to-morrow the Consent Calendar shall be in order, beginning at where we left off to-day, without suspensions.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that to-morrow the Consent Calendar may be called, beginning where we left off to-day, without suspensions. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CHRISTGAU, indefinitely, on account of important business.

SIXTH PAN AMERICAN CHILD CONGRESS

Mr. TEMPLE. Mr. Speaker, I present a conference report upon 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, for printing under the rule.

EXTENSION OF REMARKS

CONTROL OF THE BANK FOR INTERNATIONAL SETTLEMENTS

Mr. McFADDEN. Mr. Speaker, under authority granted me I insert in the RECORD an address that I delivered on Control of the Bank for International Settlements, before the people's lobby, in the auditorium of the Nurses' Settlement, New York City, on June 7, 1930, at 10 a. m., as follows:

The history of banking as we know it covers scarcely more than two centuries. Introduced as an experiment near the end of the seventeenth century, it met with rapid success and has proved to be one of the great motive forces of modern society. This period is replete with new and successful extensions of banking practice. Progress was logical and consistent and presented nothing which at any moment might have been considered revolutionary or extraordinary. Handling other people's money is a matter of caution and confidence. Banks have always been domestic institutions, created and controlled by the sovereign power of the state.

But we are confronted to-day with the sudden emergence of a world bank, the Bank for International Settlements, at Basel, Switzerland, coming from we scarcely know where, the creature of no sovereign power, superior to the political control of any state, and offering to become the depository of the funds of all the world. Thirty days ago it did not exist, but to-day its doors are open for business, and a $50,000-a-year American president presides over its board meetings. So sudden, and indeed miraculous, has its birth been that we can only liken it to Minerva who sprang, full-armed, from the brow of Jove.

Inasmuch as it never occurred to any of us except our international financiers that a world bank was necessary, and as the Bank for International Settlements is already inviting us to deposit our gold in its secure, if remote, vaults, it might be well for us to inquire into its origin and purposes.

It has been created, we are told, to liquidate the World War, which task the politicians have been unable to accomplish in 12 years. Its primary function is to collect German war reparations annually—$500,000,000 a year for from 37 to 59 years, to compute the sum on which these annual payments over that period would constitute 6 per cent, and to sell bonds for that amount to private holders throughout the world; or, if the bonds are not commercialized in this way, then to pay the reparations annuities direct to the allied governments, as has been done in the past.

If the bank succeeds in disposing of the bonds to private investors, the proceeds go from the bank into the allied treasuries, and those treasuries, having thus been paid war reparations in full, have no further claim on Germany, and give her full quittance and a clean certificate of character. The private purchasers of the bonds thereafter become the collector of the German reparations.

Being engaged in such large money transactions on behalf of governments and individuals, the bank will have facilities to transact practically all the world's business, and it is prepared to do so. It will look to the League of Nations for protection, and to the World Court to adjudicate its contractual relationships.

The principle underlying the bank seems to be that all the world agrees that $500,000,000 a year are to be collected from Germany in war reparations for from 40 to 60 years, and that all the world desires to share in the annual receipts. Those people who are not yet, like the allied governments, beneficiaries of German reparations under the treaty of Versailles are expected to qualify by purchasing some of the bonds from one or another of the allied governments who now own them all, in order to participate in the enterprise.

It will be recalled that the United States did not become a party to the treaty of Versailles and refused to participate in the imposition or collection of reparations under that treaty. This fixed policy of 12 years we are now invited to abandon. The relatively small debt which Germany owes the United States is for the cost of our army of occupation after the armistice and for claims of private citizens, which have been adjudicated in a mixed court, and has nothing to do with the war reparations claimed by the allied governments.

So we have never had any connection with the war penalty imposed upon Germany by the allied nations, and the war reparations are owed to them alone. Inasmuch as Germany has ceaselessly protested the illegality and injustice of these penalties and made continuous protest to her creditors, and as we did not know much about it, we had rather congratulated ourselves that we were not a party to the controversy.

But the European statesmen evidently feel that we are wrong in this attitude and that we must now recognize the fact, because they have arranged under the Young plan to have us pay them possibly more than $3,000,000,000 for the right to collect a large part of the reparation annuities.

If this is so, we might as well have ratified the Treaty of Versailles in 1919 and have avoided criticism for these 12 years of isolation from Europe's political controversies.

The European statesmen, however, feel that it is better that we should come in now, contribute two or three billion dollars in gold to allied treasuries, and help fix the reparations obligation upon Germany irrevocably, than not to come in at all, especially as they fear that Germany may be strong enough to force a reduction of payments unless American power reinforces allied demands.

The total amount that Germany was to pay in reparations was first fixed by the London ultimatum in 1921, at $33,000,000,000. Of this sum, $12,000,000,000 were to be commercialized. So, if we had ratified the Treaty of Versailles as was expected of us in 1919 or 1920, our investors could have participated at once in this large offering. If they had so desired, they would probably have been allowed to absorb all of the $12,000,000,000, as everybody in Europe, due to the war, was very poor and hardly could have found the money to compete vigorously with American bidders.

It was perhaps as well that we did not do so, for the great revelation of the post-war period is the fact that Germany could not possibly pay the coupons on $33,000,000,000 of bonds, or even of $12,000,000,000. Indeed, they are protesting to-day that they can not pay the coupons on the $3,000,000,000 block of bonds imposed upon them by the Young plan, and available economic data indicates that this may be so.

In recognition of the fact that the demands of the London ultimatum were too high, the Dawes commission was called into being in 1923 to ascertain Germany's capacity to pay, and it fixed the total of the bonds which might be commercialized at between four and five billion dollars.

During all this time, we Americans were looking on, thinking ourselves disinterested observers as the European reparation question did not concern us. We did not even know what "commercialization" meant. It was not explained to us at the time the Dawes plan was adopted in 1924. But the allied governments and our international bankers had in mind all the time that the Dawes plan bonds might be commercialized at once in the United States.

Through diplomatic channels, which are soundproof so far as the public are concerned, the allied governments besought Washington to permit the bankers to put the bonds on sale in Wall Street in the same manner in which ordinary industrial or governmental bonds are offered. But President Coolidge was opposed to the principle of the thing, and this prevented the commercialization of any Dawes plan bonds whatever. As they could not be sold in the United States, no effort was made to sell them elsewhere.

So when it was known that President Coolidge would not succeed himself in 1929, and never having been able to obtain his cooperation, the allied governments, to lose no time, met at Geneva in September, 1928, and arranged for the appointment of the committee of experts, afterwards known as the Young committee, to revise the Dawes plan, fix the number of years over which the annuities should be paid, and name a definite sum to be commercialized as reparation bonds. Having confidence in the future, the allied statesmen hoped that the fate of the new venture might be more happy than that of the Dawes plan.

At the time of the Dawes plan Germany had no equal part in the decisions and was to receive none of the proceeds from commercialization of the bonds. But in 1926 Germany, quite secretly, was taken in as a sort of partner of the allied governments and given the promise of a substantial share in the proceeds that might be realized from any commercialization of the bonds. Not liking the idea of commercialization, Germany was an unwilling partner, but it was the lesser of two evils and better than getting no benefit at all. Germany was, in fact, not an independent state but an insolvent state in the hands of receivers and therefore obedient to their wishes.

Nevertheless, when the Young committee sat, its demands were so much higher than the Germans were willing to accept that they refused to assume the obligation, and the Young committee, in order to compel the Germans to agree, was obliged to threaten the stability of the entire German currency system, by rapidly withdrawing gold loans. As all the gold in Germany was borrowed from the Allies and the international bankers, she was at the mercy of the Young committee and had to sign. The Young committee fixed the total of the bonds that might be commercialized at $3,250,000,000 and created as an agency for selling them the Bank for International Settlements, which we are now considering.

Thus we see before us a bank so vastly greater than any bank heretofore known that it begins its operations by administering the entire

business affairs of a nation of 60,000,000 people as an ordinary bank might administer the affairs of an insolvent industrial company.

Banking power is now a phenomenon of modern civilization, the scope and magnitude of which was undreamed of 50 years ago. It registers the rapid rise and fall of civilizations and determines the energy or stagnation of society within a state. It was the magnitude of the stored-up wealth of the states of Europe that made the stage upon which the World War was waged so vast. The banking power of a state is measured by the amount of the precious metals which it possesses as a reserve for its currency. The quantity of sound currency which through its banking system the state can furnish to its people determines the business resources at the command of the people. It releases or restricts industrial and commercial energy according to its amount, and social and industrial life is energetic and prosperous or stagnant and languishing in proportion to the amount of good currency in circulation. It is, in a word, the difference between national wealth and national poverty.

Now, in order that we may view the new Bank for International Settlements against its proper background it is necessary to observe the results of the European war upon the European civilization. Everywhere as the war progressed private wealth was sucked into governmental treasuries and replaced in the hands of the holder by governmental securities. This monetary wealth was steadily drained to countries outside of Europe in payment for supplies and munitions. When the stored-up wealth of the warring states became exhausted, while the fury of war was yet unabated, they borrowed vast sums from sources outside of Europe, and especially from the United States. When the armistice came, the need for loans remained unabated in order to enable Europe to buy what it was too exhausted to produce. The great flow of gold into the United States after 1920 marked the completion of Europe's financial exhaustion and the final loss of its monetary wealth.

The great influx of gold into the United States which resulted from the war in like manner explains the new era of teeming industrial energy and financial power which has opened in the United States. A sound and abundant currency has released the native energy of its citizens and enabled them to exploit and develop the vast natural resources of the country. An enfeebled Europe can not compete successfully in trade and commerce, and under the operation of untrammeled economic law the seat of world power has shifted across the Atlantic and established itself in the Western Hemisphere. So great is the power of modern banking.

Now, suppose that the people of the United States, among whom the national wealth is broadly distributed (as it should be in a Republic), became inclined generally to invest their capital in long-term foreign bonds and securities rather than in business enterprises at home. Then many of them could live at ease by clipping their coupons; and because most of the liquid funds had gone out of the country into these foreign investments there would not be much capital for business enterprise to borrow and industry and commerce would slow down.

If most of this money were invested in long-term European bonds, then there would be a return to Europe on a vast scale of the monetary wealth that had been lost to it after the war. Paying 5 or 6 per cent for its use, it could be put to work to energize industry and commerce and perhaps earn 10 per cent for its users. At no distant date Europe could pay off its debt to America and regain the position of political, financial, and economic dominance which had been its own before the war.

The seat of power would have returned again to Europe, teeming with energy, and the United States after its brief burst of dazzling leadership would have subsided into a relative position indistinguishable from that which it occupied before the war. Its monetary wealth would be in large measure in the hands of foreigners, and its ownership would become precarious if unfriendly relations should supervene. Foreign investments are safe only if they are placed where they can be protected by military power.

The rise and fall of nations through the instrumentality of banking power is a phenomenon of our own time. It could not have taken place in earlier centuries. The banking system of a state, and the possession of the precious metals which measures the state's banking power, is an element of strength which determines the standard of living of its people, measures its military and naval resources, and determines its power of endurance in war. President Coolidge knew this, and in clear language set it forth in his Gettysburg address in 1928:

"Good credit, which is derived from sound financial conditions, is the principal foundation of national defense. That country which has so ordered its finances as to be in a position to furnish the largest amount of money will always be in the best position to protect itself."

The European war has made it evident, then, that the status of nations to-day is measured by their economic and financial conditions and by their banking power. That the statesmen of Europe were keenly alive to this fact is now apparent from a study of the treaty of Versailles. They, unlike the American negotiators at the Peace Conference were aware of the general European bankruptcy, and that the gold stocks still in their possession must be relinquished shortly in payment of trade debts. They saw that it was only by finding something to sell at an enormous price to Europe's creditors that Europe's solvency could be preserved, and they knew also that they had nothing of value to sell.

Faced with a future of utter gloom, the allied statesmen saw one ray of hope for quick restoration. It involved the casting aside of moral principle, but it afforded the means of possible rehabilitation.

This means, although it involved repudiation of the peace agreement which had brought hostilities to an end, was the imposition upon Germany of a war indemnity of such magnitude that if paid in a lump sum would rehabilitate the allied treasuries. Of course, Germany could not pay it in a lump sum, but Germany could pay annuities, and bonds might be issued for the lump sum, the coupons of which could be taken care of by the German annuities. If the allied states could dispose of these bonds promptly to purchasers outside of Europe, Europe's solvency would be preserved. There was the inevitable discovery that would be made later that Germany could not earn enough to pay the annuities, but that would be a problem for the foreigners who had bought the bonds, and in the meantime Europe would have been restored and capable of facing any new difficulties.

This conception of how the war should be liquidated was, in fact, adopted and put into treaty form after the armistice. The text of the treaty of Versailles itself discloses the precise method:

"In the event of bonds, obligations, or other evidence of indebtedness issued by Germany by way of security for or acknowledgment of her reparation debt being disposed of outright, not by way of pledge, to persons other than the several Governments in whose favor Germany's original indebtedness was created, an amount of such reparation indebtedness shall be deemed to be extinguished, corresponding to the nominal value of the bonds, etc., so disposed of outright, and the obligation of Germany in respect of such bonds shall be confined to her liability to the holders of the bonds."

If the bonds provided for, in pursuance of this provision, by the London ultimatum, $12,000,000,000 in amount, could have been commercialized, chiefly in the United States in 1921, much of Europe's gold could have been retained, and with this gold as a basis a substantial rehabilitation might have been hoped for. But the Senate did not ratify the treaty and the United States did not come within the operation of the clause of the treaty quoted above.

The subsequent steps, the Dawes plan of 1924 and the Young plan of 1929, for making commercialization effective in the United States are consistent efforts to do at a later date what could not be done in 1921.

The question of how much financial assistance the United States should give to Europe is one thing. The question whether assistance should be given by permitting allied states to collect the German war indemnity from American citizens, leaving American bondholders the sole collectors of the European reparation annuities is another. This latter question is a political one, notwithstanding the efforts of the international bankers and foreign propagandists to make it appear as an innocent economic transaction. To deny its political character and its grave political implications is an insult to the American intelligence.

It is high time, now that the flotation in America of these Young plan reparation bonds is imminent, for the American people to review the conditions under which the treaty of Versailles was imposed, and to realize the character of that treaty.

The agreement which President Wilson negotiated with the Germans and which brought hostilities to an end was an agreement which did not permit the imposition of punitive damages, or reparations, as they are called. It was binding in law upon the United States and upon the Allies. Germany had a right to rely upon its terms. Germany was not, at the time of the armistice, a conquered state wholly at the mercy of her enemies.

But after Germany disarmed as an evidence of good faith, the supreme war council repudiated the preliminary agreement, asserted conquest, and in order to attain conquest, blockaded Germany by land and sea for a period of six months, excluding all food supplies. Starvation ultimately compelled the Germans to sign the treaty of Versailles in exchange for the promise of food.

Under international law the treaty of Versailles is therefore void for fraud and duress, and Germany is not obligated to pay the penalties demanded by it.

I have repeatedly declared this in speeches which I have recently made in the House of Representatives and elsewhere. In these facts lie a fatal illegality in the Young plan bonds which are about to be offered to the American investor. No critic of what I have said has yet challenged the accuracy of this statement or of its significance although there has been much adverse comment of a trivial nature upon what I have said.

One of the American bankers who has been most active ever since the armistice in the effort to effect commercialization of these bonds in the United States, and in the present effort to sell the Young plan bonds here, made an address only the other day in which he charged me with unfounded and unjust accusations against the good faith of Germany. I made no unfounded or unjust accusations against the good faith of Germany. I said that the German people and Government know that the treaty of Versailles was illegally imposed, that

the London ultimatum, the Dawes plan and the Young plan were equally illegal, and that they will assert that illegality at the first opportunity.

I have seen nothing in the conduct of the German Republic since the war that was not characterized by good faith. But good faith as between Germany and the Allied Governments is a subject which the international bankers should approach with caution. The good faith of the Allies who signed the peace agreement of November 4, 1918, and then repudiated their obligation in order to attain a conquest after armistice needs more defense by the bankers than any alleged criticism which I have made of Germany.

So much for the legality of the reparation bonds.

I have pointed out above how, by investing most of their liquid wealth in long-term foreign securities, the people of a wealthy nation might live largely in idleness on the income, so long as their investments were productive, and how that condition would tend to slow down industry and enterprise for lack of the liquid capital that had gone into the foreign investments; and how, if the borrowers abroad used those funds in vigorous industry, commerce, and financial enterprise, the borrowing nations would rise in power and accumulate stored-up wealth. It would seem to be the part of patriotic statesmanship, therefore, to so direct the banking policy of the Nation that its funds be retained in domestic industry to the fullest possible extent, in order that healthy and profitable occupation be afforded the people, and thrift and integrity rewarded. So is a great and self-sustaining civilization constructed and maintained. The investment of surplus wealth abroad is not to be decried, but surplus wealth is only a minor proportion of the Nation's wealth; and its amount is determined by the domestic needs and not by the desire of foreigners to borrow or the lure of large commissions for international bankers.

Loans to Europe should be curtailed. These loans are in a different category from our other foreign loans. In other parts of the world nations are not striving to attain world power or to assert their rule over other peoples. But the shadow of European armaments lies across the world, and the spirit of aggression is not absent from European counsels.

Under the conception of the world bank, the interests of the United States and the interests of Europe would have to be regarded as one, and we would have to pool our wealth with theirs. To this end we would entrust the world bank with our gold, and permit it to dispense credit to us in accordance with our needs, which would be determined by the bank with reference also to the needs of the respective states of Europe. This would also involve the necessity of our becoming a member of the League of Nations and the World Court.

The conception of German reparations and their commercialization outside of Europe, their origin in a treaty of conquest, attained only by the exercise of bad faith, and the disingenuous method by which America was to be made to liquidate the war, by purchasing from the Allies the right to collect them from Germany, is an object lesson in European statesmanship would should give us pause.

So long as the people of the United States desire to remain sovereign and independent, so long must they maintain their own untrammeled banking power, subordinate to and controlled by the political Government at Washington, and dedicated to the principle of conserving the liquid wealth of the people for the use of the people themselves.

It is necessary that these questions be scrutinized closely at this time, for during this first postwar decade, powerful influences committed to other purposes have permeated our Government. Their energies have been directed primarily to the commercialization of the German reparation bonds in the United States, and in proof of this, it is only necessary to point to the imminent Young plan loan, which is only a forerunner of others, and of which the State and Treasury Departments have now publicly expressed approval.

The State Department from 1921 to 1925 and again since 1928, and the Treasury Department from 1921 to the present time, have been so administered that the Allied Governments were confident that they had the support of Washington in their plans for commercialization of the reparations here. The Secretaries of State and Treasury personally encouraged the Allies in the imposition of the London ultimatum of 1921 and the Dawes plan of 1924, while at the same time giving official assurances to the American people that the United States had nothing to do with German reparations.

They were willing to see the Dawes plan bonds commercialized in the United States, and it was only President Coolidge's firm refusal that prevented their sale here. The American people have been systematically deceived by assurances that the United States had, and would have, nothing to do with German reparations.

The Treasury Department has permitted the Federal Reserve Board to become dominated by the Federal Reserve Bank of New York, which through an official open purchase committee has acquired dominance over all the banks of the Federal reserve system. The Federal Reserve Bank of New York is eager to enter into close relationships with the Bank for International Settlements, and on its own initiative has already established the precedent of permitting European banks of issue to draw upon it for loans. All this has been done with the permission of the Secretary of the Treasury. The conclusion is impossible to escape that the State and Treasury Departments are willing to pool the banking systems of Europe and America, setting up a world financial power independent of and above the Government of the United States. The commercialization of the Young plan bonds in the United States, to which they have given their approval, is corroborating evidence of this purpose.

The international bankers, with the connivance of the State and Treasury Departments, courted the speculation in stocks with its inevitable collapse of the market in 1929, in order that industrial recession might take place here making room for the investment of the Nation's idle money in the reparation bonds which the Young committee had just created, primarily for sale in the United States.

By the sale of these bonds here in their billions, superimposed upon the other vast loans to Europe, the United States under present conditions could be transformed from the most active of manufacturing nations into a consuming and importing nation with a balance of trade against it.

Little by little since the war the Federal Reserve Bank of New York has encroached upon the powers of the Federal Reserve Board at Washington. More and more it has created for itself a place above and apart from the other Federal reserve banks whose policies it seeks to coordinate with its own. Through dominance over them, it is able to avail itself of the entire credit resources of the Federal reserve system, and it has used these resources, without seeking the approval of the Federal Reserve Board at Washington, to pour American money into the banks of Europe.

Thus it has been permitted, in the exercise of its own untrammeled will, to initiate a national financial policy for the United States.

What has the Secretary of the Treasury, who has held that office continuously for nearly 10 years, been doing about this? It has been in his power all the time to control and direct Federal reserve policy, for he is chairman of the Federal Reserve Board, and the Federal Reserve Board is a creature of the Congress and amenable to its will.

Why has he permitted the Federal Reserve Bank of New York to assume autocratic financial powers, to grant credits of hundreds of millions to European banks, to buy bills abroad, and to ship a thousand tons of gold metal to foreign countries at a time when the balance of payments was against them?

This growth of power in the Federal Reserve Bank of New York apparently meets with the Secretary's approval, for if he did not approve it he, as chairman of the Federal Reserve Board, could have checked its growth, or, if it might be argued that the laws permit the present development, then he could have asked the Congress for remedial legislation.

What has been done since the war to permit the creation in New York City of a colossal autocratic financial power, dominating the entire Federal reserve system of the United States, and indifferent to, if not contemptuous of, political control from Washington, has been done with the full knowledge, consent, and approval of the Secretary of the Treasury.

What has been done in the field of foreign political relations, secretly and under the guise of economics and private finance, to permit the allied states to collect the German war indemnity from American citizens through a peculiarly subtle and disingenuous economic device, has also been done with his approval and consent. Ten years of shrewdly concealed negotiations in which the Treasury Department, the State Department, and the international bankers on this side of the Atlantic have worked hand and glove with the European statesmen and financiers, have led us to the present situation—a virtual demand that the United States ratify the financial clauses of the treaty of Versailles.

In a few days, so we are informed by the international bankers, the Young plan reparation bonds, a hundred millions in amount, will be offered in Wall Street. This is the first slice only from a bond issue from which 30 more slices like this one may be cut and likewise offered in Wall Street—$3,250,000,000 in all.

So the sudden rise to dominance of the Federal Reserve Bank of New York, its new powers to draw at will upon the resources of the Federal reserve system and to pour American money into Europe with facility, is evidently not without a purpose. The bank feels itself quite able to shift successfully $3,000,000,000 of American wealth to Europe in exchange for the Young plan reparation bonds.

The Secretary of the Treasury has just said:

"The United States has at all times maintained a detached position with respect to the European reparation question, and the claims of the United States have been determined independently by an international judicial commission upon which Germany was equally represented."

And this:

"Both the Secretary of State and I have felt that the position so steadfastly adhered to by our Government was a sound one, and that there was no justification at this late date for involving our country in the responsibilities of collecting and distributing reparation payments, which adoption of the Young plan would necessitate.

"Obviously we could not avail ourselves of the machinery provided by the Young plan and at the same time refuse to accept any of its responsibilities."

That the United States has not maintained a detached position with respect to the European reparations question is proved by the Young

plan developments; and it is hard to believe that the Secretaries of State and Treasury honestly think a detached position for the United States to be a sound one. There is indeed no justification at this late date for involving our country in the responsibilities of collecting and distributing the reparation payments; but when these words are uttered by the Secretary of the Treasury one can only listen with amazement. He has striven for 10 years with unflagging persistence, infinite patience, and sleuth-like secrecy to market the reparation bonds in the United States, and his labors are now approaching fruition in the Young plan He knows that we are, in fact, availing ourselves of the machinery of the Young plan and must inevitably accept its responsibilities.

The present Secretary of State is new to the reparations game, but he is a quick student and a docile pupil. It was easy for him to fall in step with the procession. Only a few months after taking office he administered to us his reparations sedative or opiate of May 16, 1929, which assured us that our Federal reserve system would have nothing to do with the Bank for International Settlements. He is content to have the reparations developments go forward under the able and experienced leadership of the Secretary of the Treasury.

Let us review the brief but spectacular history of the Bank for International Settlements. Its creation was provided for by the Young plan in the spring of 1929, and at that time it was thought that the bank would be in operation by November 1 when it was also expected the Young plan reparation bonds would be put on sale. What a happy consummation this would have been for the Versailles conception, for it will be recalled October witnessed the end of the boom in Wall Street and the deflation of the market—an ideal moment for a colossal offering of bonds.

But there have been interminable delays. Six precious months of low prices, low money rates, and idle funds have passed, and the bonds are not yet on sale; and there is as yet no work for the Bank for International Settlements to do. All the advertising of the reparation loan that could be done has been done. The market for securities is held stagnant waiting for the reparations loan. Idle brokers in the Wall Street offices are playing checkers to pass the time. The international bankers say the loan will go over "with bells on," but a leading expert on bonds says that the enthusiasm for the loan is "artificial."

With a market in America so perfectly adjusted to take the Young plan bonds, one wonders what may be the cause of the delay in Europe in releasing the bonds for commercialization. The Bank for International Settlements opened its doors at Basel on May 12 ready to declare the Young plan in operation. But the necessary guaranty bond had not yet been received from Germany, and Britain, it appears, did not want many of the bonds, no more, in fact, than those covering the annuities allotted to her. The neutral European countries too, looked askance at the bonds. Only France was anxious for them, and there appeared to be general discord rather than general peace. It was uncertain whether the coupons were to be payable in gold or in currency of the country where the bonds were issued. Bankers, treaty experts, and jurists struggled manfully over many knotty questions. The road was a hard one and much ground was yet to be covered.

Under these circumstances, our Government at Washington decided that some encouragement was needed in Europe, so on May 30 the Treasury Department made an announcement. Treasury officials announced that the end of the irregular condition in the bond market had been reached—that condition has now been reached which, during the stock speculation of 1929, the Secretary of the Treasury evidently had in mind when he said humorously that the speculation would continue "until gentlemen prefer bonds."

"The Treasury," the announcement said, "believes there will be no difficulty at all in the flotation of the German reparation bonds soon to be offered." This message, carried to the European treasury experts and bankers sitting at Paris, ought to have infused light and joy into the prevailing gloom. It was a powerful encouragement to them to hope that they might dispose of the Young plan bonds in America and likewise a warning to the German Minister of Finance that there would be no Executive approval in Washington of a refusal to forward the guaranty. The Treasury announcement also informed us that the strength in bonds lies among the big holders of capital, and that if they turn to bonds it will be a spearhead of a revival movement, as these large investors lead the way, and small investors follow. The House of Morgan, it says, has sole permission to sell them, and it is expected that the bonds will be taken up without hesitation. Finally, the Treasury advises banks to encourage their depositors to employ their funds in bond buying rather than in stocks, saying that this advice would be "exceedingly wise under present conditions."

Faithful to the European cause, the Secretary of the Treasury, in this announcement, brings powerful and sorely needed aid to the European governments and the Bank for International Settlements.

Furthermore, the State Department has officially inquired of France why the flotation of the bonds is desired at this time, and France has replied that it is to establish a precedent. It wants the terms of the Young plan made permanent by passing German reparation bonds out of the hands of allied governments into the hands of individual Frenchmen, Englishmen, and Americans, with whom it will be impossible for Germany to deal as a unit and who will never consent to any further scaling down of German war payments. The larger the amount floated in the United States, says the French note, the greater the extent to which the American public becomes interested in perpetuating German reparation payments. The political nature of the bond issue is thus obvious.

This is satisfactory to our State Department, as it has accepted this explanation and given its consent to the sale of the Young plan bonds here. By this action it fixes a foreign policy for the United States of far-reaching consequences and one which reverses Government policy definitely followed since the war. It injects the United States into the midst of the most bitter and permanent intra-European feud that has ever torn that continent, and it does it through a long course of devious and secret diplomacy, foreign heretofore to the counsels of a republic, and abhorrent to the long-tried principles of republicanism.

It is a sinister fact that secret diplomacy has thus been at work in Washington since the war, for until now we have been free from this plague upon the peoples of the world. The treaty of Versailles was to effect a vast financial settlement based upon the principle of commercializing an enormous German indemnity chiefly in the United States, and to this principle the international bankers of the United States were committed. The billions collected from the sale of the bonds in America would go at once into allied treasuries and rehabilitate the allied nations financially. Nothing else in the treaty was of importance to the European statesmen compared with this.

Upon the refusal of the Senate to ratify the treaty in 1920, the European statesmen and the financiers did not abandon their purpose but were thereby forced to resort to a long course of cautious but persistent pressure.

In the United States the international bankers succeeded in 1921 in filling the offices of Secretary of State and Treasury with their agents. Through a cycle of 10 years the London ultimatum, the Dawes, and the Young plans have brought us in a circle back to the settlements of the Versailles treaty. Perfect coordination between the State Department, the Treasury Department, the international bankers, and the European governments have at last effected this result, and at no time have the suspicions or apprehensions of the American public been awakened. The exotic excellencies of Old World diplomacy have been imported into Washington and practiced with a master hand.

Although powerful forces are behind the sale of the Young plan bonds in America, and the plans have been arranged to the last detail, it is not too late to arrest action, and to bring about adequate inquiry into the consequences and effects of commercialization of the bonds here; and of the connection which it has with the erection of the Bank for International Settlements at Basel and the influence of this bank upon our Federal reserve system. But in order that this may be done, public interest which is already awakened, must manifest itself in inquiry and in protests against precipitate action.

The question is primarily political, as the French Government itself has just confessed in its reply to Washington, and it is a question of European politics. The question is whether, after 10 years of neutrality on the controversy in Europe over the German war indemnity, the United States shall unite with the allied States in their demands, and by its superior power fix the amount irrevocably which Germany is to pay. Furthermore, whether the United States shall itself pay the amount in full for Germany, and then look to Germany for repayment in annual installments?

For us the war is over. We have no desire to reopen it. Nor do we wish to merge and pool our resources under the administration of alien minds and for alien purposes. To this end it were wise that we take steps to bring our banking system again within the control of our Government, leaving to the Bank for International Settlements the whole European field over which to roam.

THE TOBACCO-GRADING SERVICE

Mr. LANKFORD of Georgia. Mr. Speaker, I wish to say a few words about the tobacco-grading service.

NEW IN GEORGIA

The extensive production of tobacco in Georgia has developed during the last 10 or 12 years. In my district there is now probably more money made out of tobacco than from any other one crop.

PEOPLE WANT TO LEARN

The farmers are anxious to learn everything possible about the production, grading, and sale of tobacco. The Government can render a real service to the farmers of the tobacco-producing sections by helping the farmers know how to produce good grades and by seeing they get a good price for the good grades when offered for sale.

GRADING SERVICE

I have watched the tobacco sales for years and I can not for the life of me tell whether the farmer is getting a square deal or not, and I find the farmers feel the same way about the matter. I am convinced that there should be an impartial grading by an expert tobacco man who is friendly to the grower.

FREE GRADING

On January 31 of this year Senator GEORGE and I introduced companion bills to provide free Government grading of tobacco wherever and whenever requested by the tobacco farmer. It now is apparent that in spite of our best efforts these bills may not pass in time to secure free grading service this season.

PROFITABLE TO GOVERNMENT

I have repeatedly pointed out that the Government gets nearly twice as much out of a crop of tobacco as goes to the producers. This does not take into consideration the labor and other expenses of the farmer. Some time the farmer gets very little or no net profit. The Government gets many times as much net cash as all the tobacco growers.

TOBACCO TAXES

The tobacco taxes in the United States last year was nearly $500,000,000.

UNFAIR TAXATION

The Government should not collect this enormous tax, to the loss of the total amount to the farmers. At least a part should be returned to the farmers in furnishing free Government grading service of leaf tobacco before it is offered for sale.

STATES SHOULD GET PART

We have an inheritance tax law, allowing a man who pays an inheritance tax to his State to receive a certain credit on the amount he would be due the Federal Government. Why not a similar system as to the tobacco tax?

REDUCTION OF STATE TAXES

It has been said that Congress can not bring about the reduction of State, county, and city taxes. This is all wrong. The Government can return a large part of the tobacco tax to the local communities or the Government can quit taxing the manufactured tobacco, in whole or in part, and leave this source of revenue to the State and its subdivisions. This should be done.

HELP NEEDED NOW

Such reliefs and many others have been denied the farmers in spite of the pleas of the friends of the farmers here, and we must now cast about for such emergency relief as can be secured at this time.

FEE SYSTEM AVAILABLE

Since we can not get free grading service just now it becomes necessary for us to use that which is available and pay the fee that is required under the law.

GRADING IS OPTIONAL

The farmer can decide for himself whether he will have his tobacco graded or not. If it proves profitable, as I hope it will, all the farmers will demand it.

GRADING IS SUCCESS

The service has proven itself to be highly satisfactory wherever it has been tried.

BEFORE SALE

The grading takes places before the tobacco is sold on the warehouse floors. This gives the farmer the benefit of the service.

FARMER GETS BENEFIT

This enables the farmer to know the grade of his tobacco before it is sold and to estimate what it should bring.

GRADE ANNOUNCED

When a basket of inspected tobacco is offered for sale the United States grade is announced and the sale proceeds.

NOT IN DARK

Everybody knows what the Government inspectors say is the proper grade and about what should be paid for the tobacco.

ALL BENEFITED

The warehouseman, the buyer, and the seller are on the same level. All have the benefit of the Government inspection. The warehouseman knows better where to start the bidding. The buyer has the benefit of two inspections, one of which is careful and not in a rush instead of only one hurried inspection under unfavorable conditions. The seller knows what he is doing in so far as a careful grader can advise him.

FRIENDLY TO SELLER

The farmer soon finds that the grader is his friend and is trying to help him get a better price. He feels that the grader is impartial. The grader tells the farmer about the different grades, and soon the farmer finds he is learning the different grades and how to produce them.

DONE CAREFULLY

The grading is done carefully. The grader takes his time; often goes to a window where there is more light and takes such other steps as are necessary to make a fair, honest inspection.

SORTING IS STUDIED

During all this time the grader is teaching the farmer how to grow good grades, how to cure his tobacco, and how to sort and grade his tobacco.

IMPROVEMENT SEEN

The Government graders declare that when a load of tobacco is graded and defective sorting or other objections are pointed out, invariably the farmer's very next load is in much better shape and the farmer gets a much better price.

UNIT OF MEASUREMENT

In the second place, an official grading system gives the growers a common language for discussing their tobacco, such as "How did you make out in your crop?" "Well, I had some A2F that brought 40 cents. My B's averaged about 22." In other words, the Federal grading system furnishes a common unit of measurement for quality, and that in itself is a matter of no small consequence, for once that is supplied and the farmer is stimulated to see how far up on the scale of quality he can reach, the beneficial effects become apparent. Furthermore, the utility of such a means for denoting quality will be of utmost value in a market news service on tobacco.

CAUSES UNIFORMITY

It is true in tobacco, as in every other commodity, that better prices will be paid for even-running grades than for mixed lots. Uniform tobacco not only pleases the eye, and thus appeals to the buyer, but has a more practical value. The purchaser of the tobacco, be he a dealer or a manufacturer, has to sort out the mixed grades. Therefore the price he is willing to pay must allow for the cost of sorting. Also, it must allow for his uncertainty as to how much good and how much poor tobacco there is in the pile. Naturally, his price on a mixed lot will lean toward the low grades. It follows, then, that in sorting out the tobacco for himself the farmer will get the benefit of what it would cost the purchaser to sort it, plus the allowance he would make for uncertainty. This is more important than it sounds.

INTELLIGENT BASIS

Another advantage to the grower whose tobacco has been graded is that he has an intelligent basis for deciding whether he has received a fair price. Each week's sales are, or should be, summarized to show by grades the average price paid.

PRICE CHART

Charts showing the average price by grades for sales to date are posted in the warehouse during the selling season. By referring to the chart of prices the farmers can ascertain the average selling price of tobacco of the same grade as his own. If his basket sells materially lower than that average, he has reasonable grounds for rejecting the sale.

LESS "TURNED TICKETS"

It has been found that where tobacco is graded there are not so many "turned tickets" showing rejections of bids. This alone means a great saving to the farmers. They are advised as to whether or not they are getting a fair price and only reject bids when they know they should get a higher price.

STABILIZATION OF PRICES

Prices become more uniform. There is less possibility of a basket of tobacco in one row selling for $10 and the sale then being rejected and the same tobacco moved to another row and later sold for $25. The farmer would probably get the right price by the first sale.

PREVENTS SNAP JUDGMENT

In place of the snap judgment of a buyer, who relies on the protection of average for errors in judgment, we have the judgment of licensed graders, who are on hand in sufficient numbers to keep ahead of sales and yet take time for a careful inspection of the tobacco. As a result the variations in price for tobacco of the same general grade are smaller and there is less cause for dissatisfaction.

HELPS BUYER

From the standpoint of the floor buyer, inspection has several advantages. The presence of a Federal grade mark enables him to bid with more assurance. It is not that he is not a competent judge of tobacco, but two men's judgment is always better than one. Furthermore, the grade mark often calls a buyer's attention to the presence of specific grades of tobacco which he wants and which he might otherwise overlook.

GREAT SPEED

Sales of tobacco are made at great speed. Three hundred piles an hour is probably the most common rule, in markets of any size, though at some the rate is speeded up to 340 or 350 an hour, sold one pile at a time.

To the uninitiated the proceedings are unintelligible. The auctioneer uses a rapid singsong, and a mere word seems to

stand as a bid. The group proceeds down the line, the buyers pulling out hands of tobacco, inspecting them, and tossing them back into the pile—a sale completed every 8 or 10 seconds.

FARMER FEELS HELPLESS

We may sympathize with the grower if he feels helpless in the presence of a tobacco sale. Big business is there, pausing to name a price on his crop, and moving on. Who is there to tell him why, if the price is lower than he expected? The man who bought it puts his company's private grade mark on the ticket, but that means nothing to the farmer. The warehouseman, anxious to retain customers, does the best he can to propitiate him, but, lacking a universal system of grades and an authentic determination of grade, there is little he can do.

ACCIDENTAL DEPRESSION OF PRICES

Among the factors present which may unjustly though accidentally depress the price for this or that pile of tobacco may be mentioned the following: Light conditions vary, and the light conditions have an important effect on color. Color is a prime consideration in buying tobacco. Under the pressure of rapid sales, time is not available to the buyers either for a careful examination down through a pile of tobacco or for carrying samples a few feet so that all piles may be judged under approximately similar light conditions.

AUTHENTIC DETERMINATION OF QUALITY

Most of the defects inherent in this system of marketing lie in the lack of an impartial, disinterested, and authentic determination of quality, and it is this deficiency that the Federal grading service seeks to correct.

NET RESULTS

The net results of the tobacco-grading service may be stated thus: The service is educational in that it promotes more intelligent handling of the tobacco previous to sale; improved handling works to the advantage to those who buy the tobacco, thus enhancing prices paid to growers; the Federal grade marks reduce the wide fluctuations in price, which is another way of saying that prices tend to become stabilized, and that, in turn, means fewer unjustly low prices and fewer dissatisfied growers.

Above all, the grading service supplies a universal language for quality and, practically speaking, places the grower on even terms with the buyer, in so far as a knowledge of quality is concerned. In all these respects the tobacco-grading service represents a distinct advance in the technic of tobacco marketing.

CAUTION AND NOT SPEED

No effort is being made to build with undue haste. Rather it is desired that progress be made conservatively. It is anticipated that new problems will arise, and no doubt mistakes will be made. There is every indication that the demand for the service will grow as rapidly as a well-trained personnel can be developed to handle it. The watchword will, therefore, be caution and not speed. But of this we are convinced that the Federal tobacco grading represents an important advance in tobacco marketing and that it has come to stay. We believe it is destined to grow in importance and become an established feature in the marketing of tobacco wherever the auction warehouse system prevails.

FEE

At present a fee of 10 cents per hundred pounds is charged. I feel that there should be no fee and hope to secure legislation providing for free Government inspection.

STEP IN RIGHT DIRECTION

The grading service is a step in the right direction. I very much favor the Government going still further and not only stabilize and elevate the farmers' prices by the grading service but also by the use of our warehouses enable the farmers to control the placing of their tobacco on the market so as to only offer for sale what is needed at a profitable price to the producer.

LANKFORD FARM RELIEF PLAN

My ideas in this respect are embodied in a bill I introduced at the beginning of the present Congress and in several speeches I have made here from time to time in support of my bill.

ENTHUSIASTIC HONEST OFFICIALS

I have had several conferences with the officials of the Bureau of Agricultural Economics of the Department of Agriculture and find them courteous and anxious to be helpful in the tobacco-grading service. Some of my information concerning the benefits of the service was obtained from some leaflets prepared by Mr. Charles E. Gage, tobacco statistician in charge of the tobacco section of the bureau. I thank him for his many courtesies to me.

GRADING IN GEORGIA

I was truly delighted last Saturday when I was informed that the grading service is to be extended to Georgia this season. I hope the department will be able to furnish the service to all markets where it is desired.

SERVICE IS OPTIONAL

The department does not wish to go on a market unless the service is desired by all the warehousemen and satisfactory to the farmers, and no farmer's tobacco is graded unless he wants the Government service.

CONCLUSION

I have been so disappointed when the farmers of my district failed to get what they thought they should receive for their tobacco. I am so anxious to help them get more for their tobacco, and sincerely hope the grading service may be the beginning of a better day for the tobacco farmers of south Georgia and the Nation.

RESULTS OF PRIMARY ELECTION IN THIRD NORTH CAROLINA CONGRESSIONAL DISTRICT

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, under the privilege granted me to extend my remarks in the RECORD, I wish to take this opportunity to publicly express my appreciation to the people of the district I have the honor to represent for their loyal support of me in the Democratic primary which was held on June 7.

In the closing hours of that campaign my opponent saw fit to inaugurate against me a campaign of personalities by circulating false and derogatory statements in a last-minute effort to win votes.

The people of the third North Carolina district answered such a campaign by going to the polls and giving me one of the largest majorities ever received by a Representative in Congress in a primary in North Carolina.

I swept every county in my district by overwhelming majorities, including my opponent's home county and home precinct. I carried every precinct in my district with the exception of two small precincts in my opponent's county.

I herewith give the tabulation of my official vote, as follows:

County	Abernethy	Opponent
Carteret	2,470	102
Craven	3,842	902
Duplin	2,533	568
Jones	869	286
Onslow	1,820	298
Pamlico	1,081	166
Pender	1,371	195
Sampson	1,334	701
Wayne	4,583	682
Total	19,903	3,900
Majority	16,003	

There is no way that I can fully express the deep gratitude in my heart toward the people of my district for this high tribute and vote of confidence. I only hope that I shall always continue to merit such approval at their hands. I shall hold no duty higher than that of service to the people of my district and my State.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 654. An act for the relief of certain persons formerly having interests in Baltimore and Harford Counties, Md.; to the Committee on War Claims.

S. 1042. An act for the relief of Mary Altieri; to the Committee on Claims.

S. 1458. An act for the relief of the State of Florida; to the Committee on Claims.

S. 2035. An act for the relief of the Public Service Coordinated Transport, of Newark, N. J.; to the Committee on War Claims.

S. 2887. An act for the relief of N. D'A. Drake; to the Committee on Claims.

S. 4070. An act for the relief of Patrick J. Mulkaren; to the Committee on Claims.

S. 4193. An act for the relief of the State of Florida for damage to and destruction of roads and bridges by floods in 1928 and 1929; to the Committee on Roads.

S. 4247. An act to provide for the improvement of the approach to the Confederate Cemetery, Fayetteville, Ark.; to the Committee on Military Affairs.

S. 4287. An act to amend section 202 of Title II of the Federal farm loan act by providing for loans by Federal intermediate credit banks to financing institutions on bills payable

and by eliminating the requirement that loans, advances, or discounts shall have a minimum maturity of six months; to the Committee on Banking and Currency.

S. 4293. An act authorizing Ralph F. Wood, lieutenant commander, United States Navy, to accept the decoration of an Italian brevet of military pilot honoris causa tendered to him by the Italian Government; to the Committee on Foreign Affairs.

S. 4338. An act for the relief of Roscoe McKinley Meadows; to the Committee on Naval Affairs.

S. 4345. An act for the relief of Lillian G. Frost; to the Committee on Claims.

S. 4478. An act to authorize the Commissioners of the District of Columbia to close certain alleys and to set aside land owned by the District of Columbia for alley purposes; to the Committee on the District of Columbia.

S. 4576. An act to provide for an investigation as to the location and probable cost of a southern approach road to the Arlington Memorial Bridge, and for other purposes; to the Committee on Roads.

S. J. Res. 184. Joint resolution to declare July 5, 1930, a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 11143. An act to create in the Treasury Department a bureau of narcotics, and for other purposes;

H. R. 12205. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 12236. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 517. An act for the relief of Arch L. Gregg; and

S. 3054. An act to increase the salaries of certain postmasters of the first class.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On June 7, 1930:

H. R. 1053. An act for the relief of Jacob Scott;

H. R. 1194. An act to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks;

H. R. 1601. An act to authorize the Department of Agriculture to issue two duplicate checks in favor of Utah State treasurer where the originals have been lost;

H. R. 1840. An act for the relief of Gertrude Lustig;

H. R. 2011. An act to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7*;

H. R. 2587. An act for the relief of James P. Sloan;

H. R. 2626. An act for the relief of George Joseph Boydell;

H. R. 2951. An act granting six months' pay to Frank J. Hale;

H. R. 3118. An act for the relief of the Marshall State Bank;

H. R. 3200. An act for the relief of Bessie Blaker;

H. R. 5611. An act for the relief of William H. Behling;

H. R. 6071. An act for the relief of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States;

H. R. 6591. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over such land of the Fort Banks Military Reservation as is necessary for the purpose of widening Revere Street to a width of 50 feet;

H. R. 8589. An act for the relief of Charles J. Ferris, major, United States Army, retired;

H. R. 9109. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Jefferson Memorial Association, of St. Louis, Mo., the ship's bell, builder's label plate, a record of war services, letters forming ship's name, and silver service of the cruiser *St. Louis* that is now or may be in his custody;

H. R. 9370. An act to provide for the modernization of the United States Naval Observatory at Washington, D. C., and for other purposes;

H. R. 9975. An act for the relief of John C. Warren, alias John Stevens;

H. R. 10662. An act providing for hospitalization and medical treatment of transferred members of the Fleet Naval Reserve and the Fleet Marine Corps Reserve in Government hospitals without expense to the reservist;

On June 9, 1930:

H. R. 6348. An act donating trophy guns to Varina Davis Chapter, No. 1980, United Daughters of the Confederacy, Macclenny, Fla.;

H. R. 977. An act establishing under the jurisdiction of the Department of Justice a division of the Bureau of Investigation to be known as the division of identification and information;

H. R. 11143. An act to create in the Treasury Department a bureau of narcotics, and for other purposes;

H. R. 12205. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 12236. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 19 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, June 10, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, June 10, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To amend the act entitled "An act to adjust the compensation of certain employees in the Customs Service," approved May 29, 1928 (H. R. 12742).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To authorize the Committee on Banking and Currency to investigate chain and branch banking (H. Res. 141).

COMMITTEE ON FLOOD CONTROL

(10.30 a. m.)

To amend an act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes," approved May 15, 1928 (H. R. 12101).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base near Sunnyvale, in the county of Santa Clara, State of California, and construct necessary improvements thereon (H. R. 6810).

Authorizing the Secretary of the Navy to accept a free site for a lighter-than-air base at Camp Kearney, near San Diego, Calif, and construct necessary improvements thereon (H. R. 6808).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

534. A communication from the President of the United States, transmitting supplemental estimate of appropriation in the sum of $2,500 for the War Department, for the fiscal year ending June 30, 1930, to remain available until June 30, 1931, for the erection of a marker or tablet at Roberta, Ga. (H. Doc. No. 456); to the Committee on Appropriations and ordered to be printed.

535. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Agriculture, amounting to $25,000 for the fiscal year 1931, for a memorial to Theodore Roosevelt (H. Doc.

No. 457); to the Committee on Appropriations and ordered to be printed.

536. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the National Capital Park and Planning Commission, in the sum of $1,000,000 (H. Doc. No. 458); to the Committee on Appropriations and ordered to be printed.

537. A communication from the President of the United States, transmitting draft of a proposed provision pertaining to an existing appropriation for the Treasury Department (H. Doc. No. 459); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 12232. A bill 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; without amendment (Rept. No. 1822). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 12616. A bill granting the consent of Congress to the State of Georgia and the counties of Wilkinson, Washington, and Johnson to construct, maintain, and operate a free highway bridge across the Oconee River at or near Balls Ferry, Ga.; without amendment (Rept. No. 1823). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 12617. A bill granting the consent of Congress to the State of Florida, through its highway department, to construct a bridge across the Choctawhatchee River east of Freeport, Fla.; with amendment (Rept. No. 1824). Referred to the House Calendar.

Mr. LEHLBACH: Committee on the Civil Service. S. 215. An act to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928; with amendment (Rept. No. 1825). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 11204. A bill to regulate the entry of persons into the United States, to establish a border patrol in the Coast Guard, and for other purposes; with amendment (Rept. No. 1828). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of Labor (Rept No. 1832). Ordered to be printed.

Mr. SMITH of Idaho: Committee on the Civil Service. H. R. 10675. A bill relating to examination of applicants for positions under the apportionment provisions of the act of July 16, 1883, commonly known as the civil service act; with amendment (Rept. No. 1833). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. S. 308. An act for the relief of August Mohr; without amendment (Rept. No. 1815). Referred to the Committee of the Whole House.

Mr. SIMMS: Committee on Claims. S. 1696. An act for the relief of Thomas L. Lindley, minor son of Frank B. Lindley; with amendment (Rept. No. 1816). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 5384. A bill for the relief of Same Giacalone and Same Ingrande; with amendment (Rept. No. 1817). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 10052. A bill for the relief of A. J. Bell; with amendment (Rept. No. 1818). Referred to the Committee of the Whole House.

Mr. SIMMS: Committee on Claims. H. R. 10719. A bill for the relief of Capt. V. V. de Sveshnikoff; without amendment (Rept. No. 1819). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 12149. A bill for the relief of Ralph E. Williamson for loss suffered on account of the Lawton (Okla.) fire, 1917; without amendment (Rept. No. 1820). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 12476. A bill for the relief of B. T. Williamson; without amendment (Rept. No. 1821). Referred to the Committee of the Whole House.

Mrs. KAHN: Committee on Military Affairs. H. R. 3117. A bill for the relief of George W. Edgerly; without amendment (Rept. No. 1826). Referred to the Committee of the Whole House.

Mrs. KAHN: Committee on Military Affairs. H. R. 9709. A bill for the relief of George Walters; without amendment (Rept. No. 1827). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs (H. R. 10536. A bill for the relief of Ira L. Reeves; without amendment (Rept. No. 1829). Referred to the Committee of the Whole House.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 7524. A bill authorizing the President to order Clive A. Wray before a retiring board for a hearing of his case, and upon the findings of such board to determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his discharge; without amendment (Rept. No. 1830). Referred to the Committee of the Whole House.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 9416. A bill authorizing the President to order Ellis S. Hopewell before a retiring board for a hearing of his case, and upon the findings of such board to determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his discharge; without amendment (Rept. No. 1831). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12828) granting an increase of pension to Anna E. Church, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 12835) authorizing the use of tribal funds of Indians belonging on the Klamath Reservation, Oreg., to pay expenses connected with suits pending in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. HUDSPETH: A bill (H. R. 12836) providing for the issuance of patents upon certain conditions to lands and accretions thereto determined to be within the State of New Mexico in accordance with the decree of the Supreme Court of the United States entered April 9, 1928; to the Committee on the Public Lands.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 12837) to provide for the reimbursement of the Pawnee Tribe of Indians for certain of their tribal lands ceded by the United States Government without their consent and without consideration paid therefor to said tribe of Indians; to the Committee on Indian Affairs.

By Mr. WELCH of California: A bill (H. R. 12838) to authorize the conveyance by the United States to the State of California of the naval and military reservations on Yerba Buena Island in San Francisco Harbor, Calif.; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 12839) to authorize the Secretary of War to permit the withdrawal of water from the Government conduit between Great Falls, Md., and the District of Columbia, for fire-fighting purposes; to the Committee on Military Affairs.

By Mr. CRAMTON: A bill (H. R. 12840) to amend section 3 of the act entitled "An act to enable the trustees of Howard University to develop an athletic field and gymnasium project, and for other purposes," approved June 7, 1924, as amended by the act of January 14, 1927; to the Committee on the District of Columbia.

By Mr. DAVILA: A bill (H. R. 12841) to extend to Porto Rico the benefits of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916; to the Committee on Roads.

By Mr. DRANE: A bill (H. R. 12842) to create an additional judge for the southern district of Florida; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: A bill (H. R. 12843) granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough to Lady Island on the Columbia River in the State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: A bill (H. R. 12844) granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Ohio: A bill (H. R. 12845) to provide that the United States shall cooperate with the States in promoting the general health of the rural population of the United States, and the welfare and hygiene of mothers and children; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNOR of Louisiana: Joint resolution (H. J. Res. 358) authorizing the Secretary of War to lease to New Orleans Association of Commerce, New Orleans Quartermaster Intermediate Depot Unit No. 2; to the Committee on Military Affairs.

By Mr. STONE: Joint resolution (H. J. Res. 359) providing for a commission to be known as the mob law commission; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 12846) granting an increase of pension to Frances C. Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12847) granting an increase of pension to Mary E. Tally; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 12848) granting an increase of pension to Delilah Boucher; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 12849) granting a pension to Mary F. White; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 12850) granting a pension to Sarah H. McCreery; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 12851) granting an increase of pension to Susanna List; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 12852) granting a pension to Frances E. Pike; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12853) granting an increase of pension to Bertha Ann Gay; to the Committee on Invalid Pensions.

By Mr. KIEFNER: A bill (H. R. 12854) for the relief of Katie Chelf; to the Committee on Invalid Pensions.

By Mr. KINZER: A bill (H. R. 12855) granting an increase of pension to Kate Walter; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 12856) authorizing the President to appoint Stephen V. Luddy a first lieutenant, Dental Corps, in the United States Regular Army; to the Committee on Military Affairs.

Also, a bill (H. R. 12857) granting an increase of pension to Miriam E. Hogue; to the Committee on Pensions.

Also, a bill (H. R. 12858) granting a pension to Anna Mary Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12859) granting an increase of pension to Mary Ann Blake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12860) granting an increase of pension to Sarah Jane Davis; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 12861) granting a pension to James Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12862) granting an increase of pension to Frank Miller; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 12863) granting an increase of pension to Edith Stevens; to the Committee on Pensions.

By Mr. MOUSER: A bill (H. R. 12864) granting an increase of pension to Sarah C. Miller; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 12865) for the relief of Joseph Dumas; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 12866) granting an increase of pension to Nancy Blake; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas (by request of the Comptroller General): A bill (H. R. 12867) to authorize and adjust the claim of the estate of Thomas Bird; to the Committee on War Claims.

By Mr. THOMPSON: A bill (H. R. 12868) granting an increase of pension to Augusta Webb Orcutt; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 12869) granting an increase of pension to Mary E. Mencer; 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:

7506. By Mr. BLACKBURN: Memorial of the Centenary Methodist Episcopal Church, of Lexington, Ky., signed by Ivor C. Hyndeman, president, and Mrs. L. J. Godbey, secretary, urging Congress to enact a law for the supervision of the distribution and production of motion pictures; to the Committee on Interstate and Foreign Commerce.

7507. By Mr. CARTER of California: Petition signed by Ruth M. Burr, Betty Fraser, Patricia Dunlap, and 43 other students of the current history class of Oakland Technical High School, Oakland, Calif., urging the passage of Senator McMASTER's bill providing for the purchase of wheat for the starving Chinese; to the Committee on Agriculture.

7508. By Mr. FITZGERALD: Petition signed by 34 residents of Montgomery County, Ohio, asking for repeal of Volstead Act; to the Committee on the Judiciary.

7509. Also, petition signed by 47 residents of Montgomery County, Ohio, asking support of the Saturday half holiday bill for Federal employees; to the Committee on the Civil Service.

7510. By Mr. GARBER of Oklahoma: Petition of Order of Railway Conductors and the Railway Telegraphers, Springfield, Mo., in support of Couzens resolution, S. J. Res. 161; to the Committee on Interstate and Foreign Commerce.

7511. Also, petition of Canisteo Chamber of Commerce, Canisteo, N. Y., in re Senate Joint Resolution 161; to the Committee on Interstate and Foreign Commerce.

7512. Also, petition of Southern California Retail Druggists Association, Los Angeles, Calif., in opposition to House bill 11; to the Committee on Interstate and Foreign Commerce.

7513. Also, petition of Brotherhood of Railroad Trainmen, Oklahoma City Lodge, No. 725, Oklahoma City, Okla., in support of Senate Joint Resolution 161; to the Committee on Interstate and Foreign Commerce.

7514. By Mr. KIEFNER: Letters from Hon. Charles M. Hay, St. Louis, Mo., general chairman of the Frisco Lines at Springfield, Mo.; D. W. Gramling, chairman the Missouri State Legislative Board of the Brotherhood of Locomotive Engineers, Fornfelt, Mo.; and the general chairman of the organizations—the Order of Railway Conductors and the Order of Railroad Telegraphers—all urging the passage of the Couzens joint resolution proposing to suspend the powers of the Interstate Commerce Commission to authorize consolidations and unifications of railroads until such time as proper legislation for the protection of employees and public in general can be passed by Congress; to the Committee on Interstate and Foreign Commerce.

7515. By Mr. PATMAN: Petition of H. G. Hemby and 54 other citizens of Texas favoring Senate bill 1468, to amend the food and drugs act of June 30, 1906; to the Committee on Agriculture.

7516. By Mr. HARCOURT J. PRATT: Petition of Kate A. Covert and Irene Sickler, of Highland and Clintondale, N. Y., for Clintondale (N. Y.) Woman's Christian Temperance Union, urging enactment of law for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

7517. Also, petition of Emma Y. Carpenter and Lizzie Dransfield, of Wallkill, Ulster County, N. Y., for Plattekill Woman's Christian Temperance Union, urging enactment of laws for the Federal supervision of motion-picture production; to the Committee on Interstate and Foreign Commerce.

SENATE

TUESDAY, *June 10, 1930*

(Legislative day of Monday, June 9, 1930)

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

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2836. An act to admit to the United States Chinese wives of certain American citizens;

S. 4085. An act to authorize the use of a right of way by the United States Indian Service through the Casa Grande Ruins National Monument in connection with the San Carlos irrigation project;

S. 4169. An act to add certain lands to the Zion National Park in the State of Utah, and for other purposes;

S. 4170. An act to provide for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes; and